

*** DRAFT – December 13, 2010 ***

5123:2-9-36

Home and community-based services waivers - emergency response systems under the individual options waiver.

(A) Purpose

The purpose of this rule is to define emergency response systems and set forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

(B) Definitions

- (1) "Agency provider" means an entity that employs persons for the purpose of providing services for which the entity must be certified under rules adopted by the department.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Designated responder" means a person or persons whom the individual chooses to be contacted by the emergency response systems provider in the event the emergency response system signals an alarm. If fewer than two persons are designated as responders, the emergency service personnel shall be designated as responders in the written response plan.
- (5) "Emergency response center" means the location from which the emergency response systems staff monitor an individual.
- (6) "Emergency response systems" means emergency intervention services comprised of telecommunications equipment ("emergency response systems equipment"), an emergency response center, and a medium for two-way, hands-free communication between an individual and the emergency response center. Personnel at the emergency response center intervene in an emergency when the center receives an alarm signal from the emergency response systems equipment.
- (7) "Emergency response systems equipment" means a variety of remote or other specialty activation devices from which an individual can choose in accordance with the individual's specific needs. All emergency response systems equipment shall have an internal battery that provides at least twenty-four hours of power without recharging and sends notification to the emergency response center when the battery's level is low. Emergency response systems equipment includes, but is not limited to, wearable waterproof activation devices and devices that offer voice-to-voice communication capability, visual indication of a signal that may be appropriate if the individual is hearing impaired, or audible

*** DRAFT – December 13, 2010 ***

indication of a signal that may be appropriate if the individual is visually impaired. Emergency response systems equipment does not include:

- (a) Equipment such as a boundary alarm, a medication dispenser, a medication reminder, or any other equipment or home medical equipment or supplies, regardless of whether such equipment is connected to the emergency response systems equipment;
 - (b) In-home communication connection systems used to supplant routine supervision of individuals under the age of eighteen;
 - (c) Remote monitoring or remote monitoring equipment as those services are defined in rule 5123:2-9-35 of the Administrative Code;
 - (d) Services performed in excess of what is approved pursuant to an individual service plan; or
 - (e) New equipment or repair of previously-approved equipment that has been damaged as a result of confirmed misuse, abuse, or negligence.
- (8) "Independent provider" means a self-employed person who provides services for which he or she must be certified under rule 5123:2-2-01 of the Administrative Code and does not employ, either directly or through contract, anyone else to provide the services.
- (9) "Individual" means a person with a developmental disability. A guardian may take any action on behalf of the individual, may make choices for the individual, or may receive notice on behalf of the individual to the extent permitted by applicable law.
- (10) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (11) "Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support administration who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.
- (12) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and extent of services delivered that shall include the items delineated in paragraph (E) of this rule to validate payment for medicaid services.

(C) Provider qualifications

*** DRAFT – December 13, 2010 ***

- (1) Emergency response systems shall be provided by an agency provider that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of job and family services.
- (2) Emergency response systems shall not be provided by an independent provider, a county board, or a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards.
- (3) An applicant seeking approval to provide emergency response systems shall meet the requirements of this rule and complete and submit an application and adhere to the requirements of rule 5123:2-2-01 or 5123:2-3-19 of the Administrative Code, as applicable.
- (4) The requirements of paragraphs (C)(3) and (K) of rule 5123:2-2-01 of the Administrative Code do not apply to an applicant for certification to provide emergency response systems.
- (5) Failure to comply with the requirements of this rule and rule 5123:2-2-01 of the Administrative Code or standards and assurances established under Chapter 5123:2-3 of the Administrative Code, as applicable, may result in denial, suspension, or revocation of the provider's certification or licensure.

(D) Requirements for service delivery

- (1) Emergency response systems shall be provided pursuant to an individual service plan that conforms to the requirements of rule 5101:3-40-01 of the Administrative Code.
- (2) A provider of emergency response systems shall coordinate with the individual/guardian, family members, and designated persons, as applicable, to assist in the coordination of services.
- (3) The provider shall ensure that an individual is able to choose emergency response systems equipment that meets the individual's specific needs as set forth in the individual service plan.
- (4) The provider shall furnish each individual with an initial face-to-face demonstration and training on how to use the emergency response systems equipment. Additional training shall be provided to the designated responders as part of the monthly service, and to the individual/guardian, caregiver, and the department or its designee upon request.
- (5) Prior to activation of the individual's emergency response systems equipment, the provider shall work with the individual and the individual's service and support administrator to develop, as a component of the individual service plan, a

*** DRAFT – December 13, 2010 ***

written response plan regarding how to proceed in the event the emergency response system signals an alarm. The written response plan shall be updated upon request by the individual, but shall be reviewed no less than every twelve months.

- (a) The written response plan shall include a summary of the individual's health history and functioning level, as well as the name of and contact information for at least one person who will serve as the individual's designated responder. If the individual identifies more than one designated responder, the individual shall indicate the order in which the responders shall be contacted.
- (b) The provider shall work with the individual and the service and support administrator to revise the written response plan when there is a change in designated responders.
 - (i) If the individual has only one designated responder, the provider shall secure a replacement within four days after notification of the change and document this change in the plan.
 - (ii) If the individual has two or more designated responders, the provider shall secure a replacement responder within seven days after notification of the change and document this change in the plan.
 - (iii) If the provider is unable to secure a replacement designated responder within the specified time period, the provider shall notify the service and support administrator and emergency service personnel shall be designated as the responder in the plan.
- (6) The provider shall furnish initial and ongoing training to all designated responders prior to activation of the individual's emergency response systems equipment and on an annual basis. At a minimum, the training shall include:
 - (a) Instruction regarding how to respond to an emergency, including how to contact emergency service personnel.
 - (b) Distribution of written materials regarding how to respond to an emergency response systems signal.
- (7) In the event an individual sends a signal but a designated responder cannot be reached, the provider shall contact emergency service personnel and shall remain on the line until emergency service personnel arrive on the scene of the emergency.
- (8) The provider shall ensure that the emergency response center:

*** DRAFT – December 13, 2010 ***

- (a) Employs and trains staff to receive and respond to alarm signals from individuals twenty-four hours per day, three hundred and sixty-five days per year.
- (b) Maintains the capacity to respond to all alarm signals.
- (c) Maintains a secondary capacity to respond to all incoming signals in case the primary system is unable to respond to alarm signals.
- (d) Responds to each alarm signal within sixty seconds of receipt.
- (e) Notifies the county board within twenty-four hours of all emergencies involving an individual.
- (f) Conducts monthly testing of emergency response systems equipment to ensure proper operation.
- (g) Replaces, within twenty-four hours of notification and at no cost to the individual or the department, malfunctioning emergency response systems equipment that has not been damaged as a result of confirmed misuse, abuse, or negligence.
- (h) Replaces, at no cost to the individual or the department, no more than one emergency response systems pendant per year.
- (i) Operates all emergency response systems communications lines free of charge.

(E) Documentation of services

- (1) The requirements of paragraph (B) of rule 5123:2-9-05 of the Administrative Code do not apply to service documentation for emergency response systems.
- (2) The provider shall create and maintain service documentation for emergency response systems that shall include, at a minimum, each of the following to validate payment for medicaid services:
 - (a) A log containing the name and contact information for each individual.
 - (b) A copy of each individual service plan.
 - (c) Documentation of all individual, designated responder, and emergency response systems provider training that is required pursuant to this rule.
 - (d) A written record of the date and location of delivery and installation of emergency response systems equipment, with the individual's name and

*** DRAFT – December 13, 2010 ***

medicaid identification number, and the individual's signature verifying delivery and installation. The individual's signature shall be documented on the individual service plan and shall include, but not be limited to, a handwritten signature, initials, a stamp or a mark, or an electronic signature.

(e) A written record of the monthly testing conducted on each individual's emergency response systems equipment, including date, time, and results of the test.

(f) A record of each service-related contact with the individual which includes, but is not limited to, the individual's name and medicaid identification number, the date and time of contact, the location of contact, a summary of the incident, the service delivered (including the service of responding to a false alarm), and the name of each person having contact with the individual.

(g) A copy of the individual's written response plan as set forth in paragraph (D)(5) of this rule.

(h) Name of provider.

(i) Provider identifier/contract number.

(j) Written or electronic signature of the person delivering the service or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.

(k) Type of emergency response systems service (i.e., initial cost and installation of emergency response systems equipment or monthly provision of emergency response systems service including maintenance of emergency response systems equipment).

(F) Payment standards

(1) Billing units, service codes, and payment rates for emergency response systems are contained in the appendix to this rule.

(2) There are two payment rates for emergency response systems, one rate for the initial cost and installation of emergency response systems equipment and one rate for the monthly provision of the emergency response systems service including maintenance of the emergency response systems equipment.

(3) Paragraphs (F), (G), and (H) of rule 5123:2-9-06 of the Administrative Code do not apply to payment for emergency response systems.

*** DRAFT – December 13, 2010 ***

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*** DRAFT – December 13, 2010 ***

APPENDIX

BILLING UNITS, SERVICE CODES, AND PAYMENT RATES FOR EMERGENCY RESPONSE SYSTEMS

Emergency Response Systems (Initial Cost and Installation of Emergency Response Systems Equipment)

Billing Unit: Per item

Service Code: API

Maximum Payment Rate: \$2,000.00

Emergency Response Systems (Monthly Provision of Service Including Maintenance of Emergency Response Systems Equipment)

Billing Unit: Per month

Service Code: APM

Maximum Payment Rate: \$50.00