

*** Proposed New Rule – June 2, 2011 ***

5123:2-9-26 **Home and community-based services waivers - personal emergency response systems under the level one waiver.** [This rule will replace existing rule 5123:2-8-09.]

(A) Purpose

The purpose of this rule is to define personal 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) "Environmental accessibility adaptations" has the same meaning as in rule 5123:2-9-23 of the Administrative Code.
- (5) "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.
- (6) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "Personal emergency response systems" means an electronic device which enables an individual at high risk of institutionalization to secure help in an emergency and may include a wearable "help" button to allow for mobility. The system is connected to the individual's phone and programmed to signal a response center once a "help" button is activated. Personal emergency response systems are available only to individuals who live alone, or who are alone for significant parts of the day, and have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

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- (9) "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)(2) of this rule to validate payment for medicaid services.
- (10) "Specialized medical equipment and supplies" has the same meaning as in rule 5123:2-9-25 of the Administrative Code.
- (11) "Three-year period" means the three-year period beginning with the individual's initial enrollment date and ending three years later. Subsequent three-year periods begin with the ending date of the previous three-year period and end three years later.
- (12) "Waiver eligibility span" means the twelve-month period following either an individual's initial enrollment date or a subsequent eligibility re-determination date.

(C) Provider qualifications

- (1) Personal 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) Personal emergency response systems shall not be provided by an independent provider, a county board, or a 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 personal 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 of the Administrative Code.
- (4) An applicant seeking approval to provide emergency response systems shall submit to the department documentation verifying the applicant's experience in providing emergency response systems.
- (5) Failure to comply with this rule or rule 5123:2-2-01 of the Administrative Code may result in the denial, suspension, or revocation of the provider's certification.

(D) Requirements for service delivery

- (1) Personal emergency response systems shall be provided pursuant to an individual service plan that conforms to the requirements of paragraph (H) of rule 5101:3-42-01 of the Administrative Code.

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- (2) The provider of personal emergency response systems shall comply with all federal, state, and local regulations that apply to the operation of the provider's business or trade.
- (3) The provider of personal emergency response systems shall provide response center coverage twenty-four hours per day, seven days per week.
- (4) The provider of personal emergency response systems shall ensure that its equipment is in operating order, conduct preventative maintenance to ensure the operational integrity of the equipment, and test equipment on a quarterly basis.
- (5) The provider of personal emergency response systems shall have an effective system for notifying emergency personnel such as police, fire, emergency medical services, and psychiatric crises response entities.
- (6) The provider of emergency response systems shall provide an individual who receives personal emergency response systems with initial and ongoing training on how to use the personal emergency response systems as specified in the individual service plan.

(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 personal emergency response systems.
- (2) Service documentation for personal emergency response systems shall include each of the following to validate payment for medicaid services:
 - (a) Type of service.
 - (b) Date of service.
 - (c) Place of service.
 - (d) Name of individual receiving service.
 - (e) Medicaid identification number of individual receiving service.
 - (f) Name of provider.
 - (g) Provider identifier/contract number.
 - (h) 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.

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- (i) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.
- (j) A record of quarterly testing of personal emergency response systems as required by paragraph (D)(4) of this rule.
- (k) A record of initial and ongoing training of the individual who receives personal emergency response systems as required by paragraph (D)(6) of this rule.

(F) Payment standards

- (1) The billing units, service codes, and payment rates for personal emergency response systems are contained in the appendix to this rule.
- (2) Claims for payment for installation of personal emergency response systems shall be submitted to the department with verification from the county board that the project meets the requirements specified in the approved individual service plan, the project is satisfactorily completed, and the project is in compliance with applicable state and local requirements, including building codes. The verification shall be submitted in the format prescribed by the department.
- (3) Payment for environmental accessibility adaptations, personal emergency response systems, and specialized medical equipment and supplies, alone or in combination, shall not exceed six thousand dollars within a three-year period.

Replaces:	5123:2-8-09
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APPENDIX

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

Installation

Billing Unit: Per item

Service Code: FPI

Maximum Payment Rate: Payment for environmental accessibility adaptations, personal emergency response systems, and specialized medical equipment and supplies, alone or in combination, shall not exceed six thousand dollars within a three-year period.

Maintenance

Billing Unit: Per month

Service Code: FPM

Maximum Payment Rate: \$50.00
Payment for environmental accessibility adaptations, personal emergency response systems, and specialized medical equipment and supplies, alone or in combination, shall not exceed six thousand dollars within a three-year period.