

5123:2-9-52

**Home and community-based services waivers - emergency response services under the transitions developmental disabilities waiver.**

(A) Purpose

The purpose of this rule is to define emergency response services under the transitions developmental disabilities waiver 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 approved by the Ohio office of medical assistance.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Emergency response services" means emergency intervention comprised of telecommunications equipment (i.e., emergency response services equipment), an emergency response center, and a medium for two-way, hands-free communication between the individual being served 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 services equipment. Emergency response services shall 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 services equipment;
  - (b) In-home communication connection systems used to supplant routine supervision of individuals under the age of eighteen;
  - (c) Remote monitoring services;
  - (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.
- (5) "Emergency response services equipment" means a variety of remote or other specialty activation devices from which an individual can choose in

accordance with his or her specific needs. All emergency response services 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 services equipment includes, but is not limited to:

(a) Wearable, waterproof activation devices; and

(b) Devices that offer voice-to-voice communication capability, visual indication of a signal that may be appropriate for an individual who is hearing impaired, or audible indication of a signal that may be appropriate for an individual who is visually impaired.

(6) "Independent provider" means a non-agency, self-employed person approved by the Ohio office of medical assistance to provide services who does not employ, either directly or through contract, anyone else to provide the services.

(7) "Individual" means a person with a developmental disability or for the 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 or other person authorized to give consent.

(8) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.

(9) "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 and who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.

(10) "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

(1) Emergency response services shall be provided by an agency provider that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio office of medical assistance.

(2) Emergency response services 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) No later than thirty days after the effective date of this rule, and at least annually thereafter, each employee of a provider of emergency response services who is engaged in the direct provision of emergency response services shall complete training, in accordance with standards established by the department, in:

(a) The provisions governing rights of individuals as set forth in sections 5123.62 to 5123.64 of the Revised Code; and

(b) The requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety including a review of health and safety alerts issued by the department.

(4) A provider of emergency response services shall ensure that each employee hired on or after the effective date of this rule who is engaged in the direct provision of emergency response services completes training, in accordance with standards established by the department, prior to initially providing emergency response services and at least annually thereafter, in:

(a) The provisions governing rights of individuals as set forth in sections 5123.62 to 5123.64 of the Revised Code; and

(b) The requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety including a review of health and safety alerts issued by the department.

(5) A provider of emergency response services shall be identified in the individual service plan as the provider and have specified the number of hours for which the provider is authorized to furnish emergency response services to the individual.

(D) Requirements for service delivery

(1) Emergency response services shall be provided pursuant to an individual service plan that conforms to the requirements of paragraph (F) of rule 5123:2-9-50 of the Administrative Code.

(2) Providers of emergency response services shall comply with applicable rules set forth in Chapters 5101:3-45 and 5123:2-9 of the Administrative Code.

(3) Providers of emergency response services shall ensure that each individual is able to choose the emergency response services equipment that meets the individual's specific needs as set forth in the individual service plan.

(4) Providers of emergency response services shall furnish each individual with an initial face-to-face demonstration and training on using the emergency

response services equipment selected by the individual. Additional training shall be provided to designated responders as part of the monthly service in accordance with paragraph (D)(5)(b) of this rule, and to the individual, caregivers, and other members of the individual's team upon request.

(5) Prior to, or during the delivery of emergency response services equipment, a provider of emergency response services shall work with the individual and the individual's service and support administrator to develop a written response plan regarding how to proceed in the event the emergency response services equipment signals an alarm. The provider shall ensure that the written response plan is reviewed and updated as often as requested by the individual, but no less than once every six 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. For the purposes of this rule, "designated responder" means a person or persons identified by the individual and/or the individual's authorized representative to be contacted by the emergency response center in the event the emergency response services equipment signals an alarm. If the individual identifies more than one designated responder, the individual shall also indicate the order in which the designated responders shall be contacted. If fewer than two persons are identified as designated responders, emergency personnel (such as police, fire, emergency medical services, and psychiatric crisis response entities) shall be identified as designated responders in the plan.

(b) Providers of emergency response services shall furnish initial training to all designated responders prior to activation of the individual's emergency response services equipment, and on an annual basis. At a minimum, the training shall include:

(i) Instruction regarding how to respond to an emergency response services equipment signal, including how to contact emergency services personnel; and

(ii) Distribution of written materials regarding how to respond to an emergency response services equipment signal.

(c) A provider of emergency response services shall work with the individual and the individual's service and support administrator to revise the written response plan when there is a change in designated responder.

(i) If the individual has only one designated responder, the provider shall secure a replacement responder within four days after

notification of the change and document this change in the written response 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 written response plan.

(iii) If the provider is unable to secure a replacement responder within the required time period, the provider shall notify the individual's service and support administrator. Emergency personnel (such as police, fire, emergency medical services, and psychiatric crisis response entities) shall be identified as designated responders in the written response plan.

(d) In the event an individual's emergency response services equipment sends a signal and a designated responder cannot be reached, the provider shall contact emergency personnel (such as police, fire, emergency medical services, and psychiatric crisis response entities) and shall remain on the line until emergency personnel arrive on the scene of the emergency.

(6) Providers of emergency response services shall:

(a) Employ and train staff to receive and respond to emergency response services equipment signals from individuals twenty-four hours per day, three hundred and sixty-five days per year;

(b) Maintain the capacity to respond to all alarm signals;

(c) Maintain a secondary capacity to respond to all incoming signals in case the primary system is unable to respond to alarm signals;

(d) Respond to each alarm signal within sixty seconds of receipt;

(e) Notify the county board of all emergencies involving an individual in accordance with rule 5123:2-17-02 of the Administrative Code;

(f) Conduct monthly testing of emergency response services equipment to ensure its proper operation;

(g) Replace, within twenty-four hours of notification and at no cost to the individual, the county board, the department, or the Ohio office of medical assistance, malfunctioning emergency response services equipment that has not been damaged as a result of confirmed misuse, abuse, or negligence;

- (h) Replace, at no cost to the individual, the county board, the department, or the Ohio office of medical assistance, no more than one emergency response services pendant per year; and
- (i) Operate all emergency response services communication lines free of charge.

(E) Documentation of services

Service documentation for emergency response services shall include each of the following to validate payment for medicaid services:

- (1) A log containing the name and contact information for each individual served.
- (2) A copy of the individual service plan of each individual served.
- (3) All records necessary and in such form so as to fully disclose the extent of emergency response services provided and significant business transactions pursuant to rule 5101:3-1-17.2 of the Administrative Code.
- (4) Documentation of all training provided to each individual and his or her designated responders as required by paragraph (D)(4) of this rule.
- (5) A written record of the date of delivery and installation of the emergency response services equipment, with the individual's signature verifying delivery and installation. The individual's signature of choice shall be documented in the individual service plan and may include, but is not limited to, a handwritten signature, initials, a stamp or mark, or an electronic signature.
- (6) A written record of the monthly testing conducted on each individual's emergency response services equipment including date, time, and results of the test.
- (7) A record of each service-related contact with the individual including, but not limited to:
  - (a) The date and time of the contact;
  - (b) A summary of the contact;
  - (c) The service delivered (including the service of responding to a false alarm); and
  - (d) The names of each person having contact with the individual.

(8) A copy of the individual's written response plan developed in accordance with paragraph (D)(5) of this rule.

(F) Payment standards

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

(2) Providers shall submit claims for payment for emergency response services to the Ohio office of medical assistance in accordance with rule 5101:3-41-22 of the Administrative Code.

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