

173-39-02.6

Emergency response service.

(A) "Emergency response service" ("ERS") means an emergency intervention service comprised of telecommunications equipment ("ERS equipment"), an emergency response center, and a medium for two-way, hands-free communication between the consumer and the emergency response center. Personnel at the emergency response center intervene in an emergency when the center receives an alarm signal from the ERS equipment. ERS does not include:

(1) Remote monitoring (e.g., granny cam, closed-circuit television); or,

(2) Equipment such as a boundary alarm, a medication dispenser, a medication reminder, or any other equipment or home medical equipment, regardless of whether the equipment is connected to ERS equipment.

(B) Minimum requirement for ERS in addition to the conditions of participation under rule 173-39-02 of the Administrative Code:

(1) Set-up:

(a) ERS equipment:

(i) The provider shall assure that each consumer is able to choose the equipment that meets his or her specific needs, as authorized on his or her service plan.

(ii) The provider shall only offer a consumer equipment that provides voice-to-voice communication, unless the consumer is hearing impaired. The provider shall offer a consumer who is hearing impaired equipment with a visual signal.

(iii) If a consumer is visually impaired, the provider shall only offer the consumer equipment with an audible signal.

(iv) The provider shall offer each consumer a variety of remote activation devices from which the consumer may choose according to his or her specific needs, so long as each remote activation device is wearable and waterproof, unless the consumer requires a specialty activation device that is not wearable and waterproof to accommodate his or her specific need.

(v) For any equipment the provider installs on or after January 1, 2011, the shall only install equipment that has an internal battery that provides at least twenty-four hours of power without recharging and that sends notification to the emergency response center if the battery's level is low.

(b) Training:

- (i) The provider shall furnish each ERS consumer with an initial face-to-face demonstration and training on how to use the ERS equipment.
- (ii) As part of the monthly service, the provider shall provide additional training to the consumer, caregiver, ODA, or PAA upon request.

(c) Response plan:

- (i) The provider shall work with the consumer and the consumer's case manager to develop a written response plan regarding how to proceed if the consumer signals an alarm. The plan shall include a summary of the consumer's health history, the consumer's functioning level, and the name of, and contact information for, individuals the consumer chooses as his or her designated responders. If the consumer designates only one individual, then the provider shall also designate emergency service personnel as a back-up responder.
- (ii) The provider shall update the written response plan no less often than every six months.
- (iii) The provider shall retain a record of the response plan, and all subsequent response plans.
- (iv) The provider shall train every designated responder before activating the ERS equipment, on an annual basis, and upon request. This training is part of the monthly service. At a minimum, the training shall include:
 - (a) Instructions for responding to an emergency, including instructions for contacting emergency service personnel; and,
 - (b) Written instructions for responding to the consumer's alarm signals.
- (v) If a consumer's designated responder ceases to participate, the provider shall work with the consumer and the consumer's case manager to replace the responder and revise the written response plan as follows:
 - (a) If the consumer had only one designated responder, the provider shall replace that responder in fewer than four days after it receives notice that the responder ceases to participate.

(b) If the consumer had two or more designated responders, the provider shall replace the responder in fewer than seven days after it receives notice that the responder ceases to participate.

(c) If the provider is unable to replace a responder, it shall notify the case manager and designate emergency service personnel as the responder.

(d) The provider shall record the name and contact information for any replacement responder in the response plan.

(2) Emergency response center:

(a) The provider shall employ staff to comprise an emergency response center.

(b) The center shall receive and respond to alarm signals from consumers twenty-four hours per day, three hundred sixty-five days per year.

(c) The center shall maintain the capacity to respond to all alarm signals.

(d) The center shall maintain a secondary capacity to respond to all incoming alarm signals in case the primary system is unable to respond to alarm signals.

(e) The center shall respond to each alarm signal no more than sixty seconds after it receives the signal.

(f) The center shall notify the PAA of any emergency involving a consumer no more than twenty four hours after the consumer sends the alarm signal.

(g) The center shall conduct monthly testing of each consumer's ERS equipment to ensure proper operation. The provider shall retain a record of the monthly testing that includes the date, time, and results of the test.

(h) If a consumer sends an alarm signal but the center cannot reach a designated responder, the center shall contact emergency service personnel.

(i) If a consumer sends an alarm signal, the center shall remain in communication with the consumer through the two-way communications feature of the ERS equipment until a designated responder arrives in the consumer's home, until the emergency service

personnel arrives in the consumer's home, or until the emergency subsides.

(j) The provider shall operate all ERS lines free of charge.

(3) Replacement equipment: At no additional cost to the consumer, ODA, or the PAA, the provider shall replace any malfunctioning ERS equipment in fewer than twenty-four hours after it is notified of the malfunction or in fewer than twenty-four hours after the malfunction is detected through the monthly testing of equipment, unless the malfunction is due to confirmed misuse, abuse, or negligence.

(4) Provider qualifications:

(a) Only an agency that ODA certifies as an agency provider may provide the service.

(b) The provider shall train each staff member of its emergency response center and retain a record that each staff member has successfully completed the training.

(5) Limitations:

(a) The provider shall only bill the PAA for the service provided under the PASSPORT program if the case manager identifies the provider in the service order for the consumer.

(b) The provider shall provide the service only to a consumer whose case manager identifies the provider in the consumer's service plan.

(c) The provider shall not provide the service to a consumer if the consumer is receiving a similar service under Chapter 173-39 of the Administrative Code.

(6) Service verification:

(a) The provider shall retain a record of the case manager's service order.

(b) For the initial face-to-face demonstration and training on how to use the ERS equipment, the provider shall retain records that include the:

(i) Consumer's name and contact information;

(ii) Date of delivery, installation, demonstration, and training;

(iii) Consumer's signature. The case manager shall record the consumer's signature of choice in the consumer's service plan.

The signature of choice may include a handwritten signature; initials; stamp or mark; or electronic signature.

(c) For each episode of service-related contact with the consumer, the provider shall retain a record that includes the:

(i) Consumer's name;

(ii) Date and time of contact;

(iii) Summary of the incident;

(iv) Service delivered (including the service of responding to a false alarm); and,

(v) Name of each staff person having contact with the consumer.

(d) The provider may use a technology-based system to collect or retain the records required under this rule.

(e) The provider shall retain records required under this rule and provide access to those records for monitoring according to paragraph (B)(5) of rule 173-39-02 of the Administrative Code.

(C) Units and rates:

(1) Two types of ERS units:

(a) Unit of ERS service: One unit is sixteen or more days of ERS in a month. One-half unit is fifteen services days or less of ERS in a month. This unit includes training each emergency responder and providing follow-up training to a consumer, caregiver, ODA, or the PAA.

(b) Unit of ERS installation: The one-time cost for delivery and installation of the ERS equipment into the home of the consumer and the initial face-to-face demonstration and training on how to use the ERS equipment that the provider furnishes to a consumer.

(2) The maximum rates allowable for ERS are listed in rule 5101:3-1-06.1 of the Administrative Code.

(D) Definition for this rule: "Designated responder" means an individual the emergency response center contacts if the consumer signals an alarm.

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