

TO BE RESCINDED

173-39-02.6 **Emergency response system service.**

(A) As used in this rule,

(1)

(a) "Emergency response system" ("ERS") means an emergency intervention service comprised of telecommunications equipment ("ERS equipment"), an emergency response center, and a medium for two-way communication between the consumer and the emergency response center. Personnel at the emergency response center intervene in an emergency once the center receives an alarm signal from the ERS equipment.

(b) "Emergency response system" ("ERS") does not mean equipment such as a boundary alarm, a medication dispenser, a medication reminder, or any other equipment or home medical equipment, regardless of whether such equipment is approved under rule 173-39-02.7 of the Administrative Code and regardless of whether such equipment is connected to ERS equipment.

(2) "Alarm signal" means a signal transmitted from the ERS equipment to the emergency response center indicating that a consumer is facing imminent danger.

(3)

(a) "Alternative ERS device" means equipment that is used in conjunction with ERS equipment to facilitate the provision of the ERS service described in paragraph (A)(1)(a) of this rule.

(b) "Alternative ERS device" does not mean equipment such as a boundary alarm, a medication dispenser, a medication reminder, or any other equipment or home medical equipment, regardless of whether such equipment is approved under rule 173-39-02.7 of the Administrative Code and regardless of whether such equipment is connected to ERS equipment.

(4) "Center staff member" means an employee of a provider or an employee of a subcontractor of a provider who responds to each alarm signal appropriately and immediately.

- (5) "ERS equipment" means in-home two-way communications equipment that sends an alarm signal to the emergency response center. ERS equipment includes a portable device activated by the consumer that either sends an alarm signal to a console device that, in turn, provides the services described in paragraph (A)(1)(a) of this rule, or this device provides the service described in paragraph (A)(1)(a) of this rule with no need to relay the signal through a console device.
- (6) "Imminent danger" means an immediate, real threat to a person's safety.
- (7) "Public service personnel" means a staff member of a sheriff's department, police department, emergency medical service, or a fire department.
- (8) "Responder" means a person designated by a consumer to respond to an alarm signal by going to the consumer's home after an alarm signal has been sent to the emergency response center. The responder responds to the emergency with appropriate action, which sometimes includes contacting public service personnel. A responder may be a relative, a neighbor, or a volunteer.

(B) There are three types of units of ERS:

- (1) Unit of ERS service: One unit is sixteen or more days in a month of the service described in paragraph (A)(1)(a) of this rule. One-half unit is fifteen services days or less in a month of the service described in paragraph (A)(1)(a) of this rule.
- (2) 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 education to the consumer on the operation of the equipment. No additional installation fee shall be charged for installation of additional devices mentioned in paragraph (B)(3) of this rule unless authorized in writing by ODA.
- (3) Unit of ERS device: The negotiated cost of an alternative ERS device that is approved by ODA.
 - (a) This does not include a smoke detector or any other device that is not integrated into the ERS described in paragraph (A)(1)(a) of this rule.
 - (b) This does not include any device described by paragraph (A)(1)(b) of this rule.

(C) Only an ODA-certified long-term care agency provider shall provide an ERS service.

(D) General requirements:

- (1) Each ERS service shall include a way for the consumer to activate an alarm signal by activating a device that is wearable by the consumer. This device shall either act as a remote activation device that sends a signal to a console device that shall, in turn, provide the services described in paragraph (A)(1)(a) of this rule, or this device shall provide the service described in paragraph (A)(1)(a) of this rule with no need to relay the signal through a console device.
- (2) Whenever ERS equipment malfunctions, the provider shall replace it at no additional cost to the consumer, ODA, or ODA's designee within twenty-four hours of notification.
- (3) Except for an alternative ERS device, all ERS equipment shall be tested to meet the published underwriters laboratories (UL) standard for home health care signaling equipment. Providers shall provide evidence of compliance with this paragraph upon request by ODA or ODA's designee.
- (4) Every alternative ERS device shall be tested to meet applicable published industry standards for quality assurance and quality control. Providers shall provide evidence of compliance with this paragraph upon request by ODA or ODA's designee.
- (5) Except for consumers who are unable to hear or speak, all ERS equipment shall provide effective, two-way, hands-free voice-to-voice communication with an emergency response center.
- (6) In the event that the two-way, hands-free voice-to-voice communication provided by standard ERS equipment is not appropriate for a consumer with a particular disability or disabilities, ERS equipment that is more appropriate shall be offered to that consumer at no additional cost.
 - (a) For a consumer who cannot hear, the ERS equipment shall give a visual indication of alarm activation at no additional cost.
 - (b) For a consumer who cannot see, the ERS equipment shall give an audible indication of alarm activation at no additional cost.

- (7) The provider shall provide each ERS service without interruption.
- (8) All ERS equipment that is wearable by the consumer shall be waterproof.
- (9) Because many consumers use ERS equipment that communicates with an emergency response center over telephone lines, the provider shall operate all of its emergency response telephone lines as toll-free telephone lines.
- (10) In the event that ERS equipment does not successfully transmit an alarm signal to the emergency response center during the first attempt to do so, it shall continuously attempt to transmit an alarm signal until communication is established.
- (11) Whenever a remote activation device is lost, the provider shall replace it within twenty-four hours of notification of the loss. Additionally, the provider shall notify ODA's designee of the loss thereby giving the case manager the opportunity to help the consumer find the lost device. If the lost device is found, then, it may be returned to the provider for reimbursement. Any request for a replacement occurring less than one year from the time of the initial delivery or the most recent replacement of the remote activation device, whichever is more recent, shall receive the authorization of ODA's designee before such a replacement is made.
- (12) In accordance with Chapter 1301:7-7 of the Administrative Code, a smoke detector or a heat detector that is part of an ERS shall only be installed by an individual who is certified by the state fire marshal.

(E) Responder requirements:

- (1) The provider shall attempt to secure the names of at least two responders from each consumer on or before the date that ERS is initiated.
 - (a) If the provider is able to secure the name of only one responder from a consumer, the provider shall:
 - (i) Designate public service personnel in place of the consumer's second responder; and,
 - (ii) Document the reason the provider could secure the name of only one responder.

- (b) If the provider is unable to secure the names of any responders from a consumer, the provider shall:
 - (i) Designate public service personnel in place of the individual's responders; and,
 - (ii) Send written notification to the case manager of the inability to secure the names of any responders within fourteen days after initiating services.
- (2) Before a responder is asked to respond to an alarm signal, the provider shall provide an orientation for that responder. The orientation shall:
 - (a) Be performed in-person, by telephone, or in writing;
 - (b) Educate the responder about the responsibility of a responder to respond to an alarm signal by going to the consumer's home after an alarm signal has been sent to the emergency response center and how to respond to the emergency with appropriate action, which sometimes includes contacting public service personnel;
 - (c) Include leaving written educational materials with the responder that outline the procedures on how to respond to an alarm signal. If the orientation is performed by telephone or in writing, these materials may be mailed to the responder; and,
 - (d) Be documented by the provider; including documentation of the following:
 - (i) Name of the consumer;
 - (ii) Name of the responder;
 - (iii) Telephone number of the responder;
 - (iv) Date the responder was secured;
 - (v) Date of the orientation;
 - (vi) Method of the orientation (in person, by telephone, or in writing);

- (vii) Topics covered in the orientation; and,
 - (viii) Date that written educational materials were given to the responder or mailed to the responder.
- (3) The provider shall secure a replacement responder when a consumer's responder ceases to participate.
- (a) If a consumer has two responders, the provider shall secure a second responder within seven days after becoming aware that the consumer will no longer have two responders.
 - (b) If a consumer has one responder, a provider shall secure a replacement responder within four days after becoming aware that the individual's sole responder will no longer participate.
 - (c) If a provider is unable to secure any replacement responders, the provider shall:
 - (i) Designate public service personnel in place of the replacement responders; and,
 - (ii) Provide the case manager with written notification within fourteen days after the provider determines it cannot secure a replacement responder.
 - (d) The provider shall document the following:
 - (i) The date the provider becomes aware that a responder will no longer participate; and,
 - (ii) The date the provider secured a replacement responder.
- (4) In the event that a consumer sends an alarm signal but a listed responder cannot be reached, the provider shall contact public service personnel.
- (F) Emergency response center requirements:
- (1) Each center shall be staffed and ready to receive and to respond to alarm signals from consumers twenty-four hours per day, three hundred sixty-five days per

year.

- (2) Each center shall maintain the capacity to respond to all alarm signals.
- (3) In case the primary system cannot respond to alarm signals, each center shall maintain a secondary capacity to respond to all incoming alarm signals.
- (4) Each center shall respond to each alarm signal within sixty seconds.
- (5) A center staff member shall notify ODA's designee of all emergencies of each consumer within twenty four hours of receiving the alarm signal.
- (6) Each center shall perform a monthly check of the ERS equipment of each consumer;
- (7) Before a center staff member responds to an alarm signal, the provider shall have assurance that the member can perform the following:
 - (a) Communicate with the consumer and the responder;
 - (b) Respond to an alarm signal as described in paragraphs (F)(1) to (F)(5) of this rule;
 - (c) Monitor and document the alarm signal from the time it was received to the time the individual receives assistance;
 - (d) Conduct and document a monthly check of the ERS equipment; and,
 - (e) Identify a consumer's health history and functioning levels.

(G) Documentation requirements:

- (1) The provider shall document each service-related consumer contact, including the date and time of contact, the service delivered (including the service of responding to a false alarm), and the name of each person having contact with the consumer.
- (2) The provider shall maintain records concerning the installation and maintenance of ERS equipment that includes the following:

- (a) The delivery date and installation of ERS equipment;
- (b) The signature of the consumer or caregiver verifying receipt of ERS equipment;
- (c) Testing of the ERS equipment at least monthly; and,
- (d) Updating responder contact information at least every six months.

(H) Education requirements:

- (1) The provider shall furnish each ERS consumer with an initial face-to-face demonstration to educate the consumer about the ERS and the proper use of the ERS equipment.
- (2) The provider shall provide any consumer, caregiver, or responder with further education about the ERS and the proper use of the ERS equipment whenever requested by the consumer, caregiver, responder, or ODA's designee.

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Certification

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