

TO BE RESCINDED

173-39-02.6 ODA provider certification: personal emergency response system.

(A) Definitions for this rule:

- (1) "Personal emergency response system" ("PERS") means a personal emergency intervention service comprised of telecommunications equipment ("PERS equipment"), a station, and a medium for two-way, hands-free communication between the individual and the station. PERS does not include the following:
 - (a) Remote video monitoring.
 - (b) Equipment such as a boundary alarm, medication dispenser, medication reminder, or any other equipment or home medical equipment, regardless of whether the equipment is connected to PERS equipment.
- (2) "Responder" means a person or organization identified in an individual's response plan as the person or organization the station shall contact if the individual signals an alarm and requires assistance from the responder.
- (3) "Station" means "central monitoring station."

(B) Every ODA-certified provider of PERS shall comply with the following requirements:

- (1) General requirements: The provider shall comply with the requirements for every ODA-certified agency provider in rule 173-39-02 of the Administrative Code.
- (2) Set-up:
 - (a) PERS equipment:
 - (i) The provider shall assure each individual is able to choose the equipment meeting the individual's specific needs and preferences, as authorized in his or her person-centered services plan.
 - (ii) The provider shall offer each individual a variety of remote activation devices from which the individual may choose according to the individual's specific needs and preferences, so long as each remote activation device meets the following characteristics:
 - (a) Wearable, unless the individual requires a non-wearable device to accommodate his or her specific needs and preferences.

- (iv) If an individual's responder stops participating, the provider shall work with the individual and ODA's designee to replace the responder and update the written response plan as follows:
 - (a) If the individual designated only one person or organization to be a responder, the provider shall replace the responder in fewer than four days after it is aware the responder stopped participating.
 - (b) If the individual designated two or more persons or organizations to be responders, the provider shall replace the responder in fewer than seven days after it is aware the responder stopped participating.
 - (c) If the provider, individual, and ODA's designee are unable to secure a replacement responder, the provider shall immediately designate emergency service personnel as the responder.
 - (d) Anytime the provider, individual, and ODA's designee designate a replacement responder, the provider shall immediately update the individual's response plan with the name and contact information of the replacement responder.
- (d) Training responders: At a minimum, the training shall include written instructions for responding to the individual's alarm signals.
 - (i) Initial training: Before activating PERS for an individual, the provider shall provide initial training on responding to the individual's alarm signals to every responder, other than emergency service personnel. This training is part of a unit of PERS installation.
 - (ii) Additional training: After activating PERS for an individual, the provider shall offer additional training on responding to the individual's alarm signals to every responder, other than emergency service personnel, at least annually and any time requested by the responder, individual, ODA, or ODA's designee. This training is part of a unit of monthly PERS.
- (3) Central monitoring station (station):
 - (a) The provider shall employ staff to comprise a station located in the United States, or may sub-contract with another company located in the United States to provide the station component of the service.

- (b) The provider shall train each staff member in the station whose job duties include responding to alarm signals on responding to alarm signals and retain a record of each staff member's successful completion of the training. If a provider sub-contracts with another business to perform the station's duties, the provider shall obtain a record from the sub-contracted business to verify that each staff member of the sub-contracted business's station whose job duties include responding to alarm signals has successfully completed training on responding to alarm signals.
- (c) The station shall receive and respond to alarm signals from individuals twenty-four hours per day, three hundred sixty-five days per year.
- (d) The station shall maintain the ability to respond to all alarm signals.
- (e) The station shall maintain a secondary station to respond to all incoming alarm signals in case the primary system is unable to respond to alarm signals.
- (f) The station shall respond to each alarm signal no more than sixty seconds after it receives the signal.
- (g) The station shall notify ODA's designee of any emergency involving an individual no more than twenty four hours after the individual sends the alarm signal.
- (h) The station shall conduct monthly testing of each individual's PERS equipment to ensure proper operation. The provider shall retain a record of the date, time, and results of the each test.
- (i) If an individual sends an alarm signal but the station cannot reach a designated responder, the station shall contact emergency service personnel.
- (j) If an individual sends an alarm signal, the station shall remain in communication with the individual through the two-way communications feature of the PERS equipment until a designated responder arrives in the individual's home, until the emergency service personnel arrives in the individual's home, until the emergency subsides, or after it determines that there is no emergency (e.g., a false alarm).
- (k) The provider shall not charge the individual for using lines of communication or transmission. These expenses are part of the unit of monthly PERS..

- (4) Replacement equipment: At no additional cost to the individual, ODA, or ODA's designee, the provider shall replace any malfunctioning PERS 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 the individual's confirmed misuse, abuse, or negligence of the equipment.
- (5) Service verification:
- (a) The provider shall retain a record of ODA's designee's service order for PERS.
 - (b) For PERS installation, the provider shall verify whether the installation was successful, initial training was provided to the individual on using PERS equipment, initial response plan made, initial training was provided for responders, and the individual made a return demonstration of using PERS equipment to the provider by documenting and retaining all of the following:
 - (i) Individual's name and contact information.
 - (ii) Date of installation initial training of the individual, initial response plan made, initial training of responders, and return demonstration by the individual.
 - (iii) Individual's signature. The ODA's designee shall record the individual's signature of choice in the individual's person-centered services plan. The signature of choice may include a handwritten signature; initials; stamp or mark; or electronic signature.
 - (c) As part of monthly PERS, the provider shall verify each episode of service-related contact with the individual by documenting and retaining all of the following:
 - (i) Individual's name.
 - (ii) Date and time of contact.
 - (iii) Summary of the occasion (e.g. an incident, needs additional training).
 - (iv) Service provided (e.g. responding to an alarm signal, notifying a responder, responding to a false alarm, additional training, updating response plan, replacing equipment or batteries).

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

(vi) If the contact was in person, the provider shall also collect the individual's signature to verify the services were provided.

(d) The provider may use an electronic system to collect or retain the records required under this rule.

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

(C) Units and rates:

(1) Two types of PERS units:

(a) Monthly PERS: One unit of monthly PERS is sixteen or more days of PERS in a month. One-half unit is fifteen services days or less of PERS in a month. Monthly PERS includes response plan updating, operating the station, PERS equipment testing, additional training of individuals, additional training of responders, repairing equipment, replacing batteries, and replacing equipment.

(b) Unit of PERS installation: The one-time cost for installing PERS equipment, the initial training of the individual on how to use the PERS equipment, the initial response plan, the initial training of responders, and verifying the success of the individual's return demonstration.

(2) The maximum rates allowable for PERS installation and monthly PERS are listed in appendix A to rule 5160-1-06.1 of the Administrative Code.

(3) The payment rates are subject to the rate-setting methodology in rule 5160-31-07 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 10/15/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.522, 173.52, 173.391, 173.02, 173.01
Rule Amplifies: 173.391, 173.39, 173.522; 42 CFR 441.352, 173.52
Prior Effective Dates: 03/31/2006, 07/01/2007, 01/01/2011, 07/01/2017