



## Ohio Administrative Code

### Rule 5160-44-16 Nursing facility-based level of care home and community-based services programs: personal emergency response systems.

Effective: December 10, 2020

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(A) Personal emergency response systems (PERS) is a service with a monitoring, reminder and/or reporting component available to support individuals' independence in the community. PERS include telecommunications equipment, a central monitoring station (station), and a medium for two-way, hands-free communication between the individual and the station. Personnel at the station respond to an individual's alarm signal via the individual's PERS equipment.

(B) PERS equipment shall be appropriate to meet the assessed needs of the individual as authorized on the individual's person-centered services plan and shall include:

(1) Activation devices that are wearable and water-resistant. Water resistance shall meet a generally-accepted industry standard for water resistance to a level matching the individual's assessed needs and preferences.

(2) An internal battery providing at least twenty-four hours of power without recharging. Notification shall be sent to the station if the battery level is low.

(3) Devices to accommodate varying needs and preferences of the individual.

(C) PERS does not include:

(1) Remote video monitoring of the individual in his or her home.

(2) Systems that only connect to emergency service personnel.

(D) PERS provider requirements. The provider shall:

(1) Ensure and maintain a record of the successful completion of training on how to respond to alarm signals by each staff member whose job duties include responding to alarm signals at the station.



- (2) Ensure each individual is able to choose the PERS device that meets his or her assessed needs and preferences as authorized by the individual's person-centered services plan.
- (3) Install and activate the individual's PERS equipment no later than seven days after the date PERS has been authorized on the individual's person-centered services plan by the Ohio department of medicaid (ODM), the Ohio department of aging (ODA) or their designee.
- (4) Furnish each individual receiving PERS with training including:
  - (a) An initial demonstration on how to use their PERS equipment. The demonstration can be conducted by telephone or electronically, unless the individual's needs necessitate a face-to-face visit.
  - (b) A successful return demonstration by the individual of all components of the PERS equipment and monthly testing.
- (5) Ensure the availability of language assistance in the event the individual has limited English language proficiency.
- (6) Prior to activating PERS equipment, the provider shall work with the individual and case manager to develop an initial written response plan regarding how to proceed when an alarm is signaled. The plan shall be updated upon the individual's request.
  - (a) The written response plan shall include a summary of the individual's information regarding medical diagnosis, treatment and preferences, as well as the contact information for the individual's designated responder.
    - (i) For the purpose of this rule, a designated responder is a person or organization identified in an individual's written response plan who the station contacts if the individual signals an alarm and requires assistance from the designated responder.
    - (ii) The provider shall identify emergency service personnel on the written response plan when the individual does not otherwise provide a designated responder or when only one designated



responder is provided.

(b) The provider shall notify the designated responder when activating the individual's PERS equipment and on an annual basis thereafter as part of the monthly service. At a minimum, notification shall include directions on how to respond when an alarm is signaled.

(c) Upon notification that an individual's designated responder stops participating, the provider shall work with the individual and ODM, ODA or their designee to identify a new designated responder in the written response plan.

(7) At no additional cost to the individual, ODM, ODA, or their designee, replace any malfunctioning PERS equipment no later than twenty-four hours after it is notified of the malfunction, or no later than twenty-four hours after the malfunction is detected through the monthly testing of equipment, unless the malfunction is due to the individual's apparent misuse, abuse, or negligence of the equipment.

(8) As part of its monthly service, provide ongoing customer support to the individual, designated responder, ODM, ODA and its designee upon request of one or more of those parties.

(9) If the provider cannot assist an individual with an assessed need, the provider shall notify ODM, ODA or their designee, in writing of the service limitations before the provider is included in the individual's person-centered services plan.

(10) Employ staff to comprise a central monitoring station located in the United States or may subcontract with another company to use a station located in the United States to provide the station component of the PERS.

(11) Maintain a primary system to receive and respond to alarm signals from individuals twenty-four hours a day, every day of the year;

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



- (13) Respond to each alarm signal no more than sixty seconds after it receives the alarm signal;
  - (14) Notify ODM, ODA or their designee of any emergency involving an individual no more than twenty-four hours after the individual sends the alarm signal;
  - (15) Notify ODM, ODA or their designee when a pattern of frequent false alarms has been established for an individual;
  - (16) Contact emergency service personnel in the event a provider receives an alarm signal, but the station cannot reach a designated responder; and
  - (17) In the event of an emergency, remain in communication with the individual through the two-way communication feature of the PERS equipment until a designated responder or emergency service personnel arrives in the individual's home, the emergency subsides, or after it is determined there is no emergency (e.g. false alarm).
- (E) PERS providers shall maintain the following documentation for each individual receiving PERS:
- (1) Date and time of equipment delivery and installation;
  - (2) A copy of the individual's initial and all subsequent written response plans;
  - (3) Date the individual and designated responder received initial and annual notification from the PERS provider as required by paragraph (D)(6)(b) of this rule;
  - (4) Date, time and results of monthly testing; and
  - (5) Date, time and summary of actions taken regarding service-related contacts.
- (F) ODM and ODA are authorized to deem any provider approved by ODM or certified by ODA or the Ohio department of developmental disabilities (DODD) to provide waiver services as having satisfied the requirements for approval by ODM or certification by ODA for the same or similar services.