

8.488 ELECTRONIC MONITORING

8.488.10 DEFINITIONS

- .11 BACKUP SUPPORT PERSON means the person who is responsible for responding in the event of an emergency or when a Client receiving Remote Supports otherwise needs assistance or the equipment used for delivery of Remote Supports stops working for any reason. Backup support may be provided on an unpaid basis by a family member, friend, or other person selected by the Client or on a paid basis by an agency provider.
- .12 ELECTRIC MONITORING SERVICES means the installation, purchase or rental of electronic monitoring devices which:
- A. Enable the individual Client to secure help in the event of an emergency;
 - B. May be used to provide reminders to the individual Client of medical appointments, treatments, or medication schedules;
 - C. Are required because of the individual Client's illness, impairment or disability, as documented on in the department prescribed LOC Screen, e-ULTC-100 form and the Assessment, and Service Plan;
 - D. Are essential to prevent institutionalization of the individual Client; and,
 - E. May allow an off-site direct service provider to monitor and respond to a Client's health, safety, and other needs using live communication.
- .132 ~~Electronic monitoring provider~~ ELECTRONIC MONITORING PROVIDER means a provider agency as defined at 10 CCR 2505-10 section ~~8.484.50-Q-8.487~~ which has met all the certification standards for electronic monitoring services specified below.
- .14 MONITORING BASE means the off-site location from which the Remote Supports Provider monitors the Client.
- .15 REMOTE SUPPORTS mean the provision of support by staff at a Monitoring Base who are engaged with a Client to monitor and respond to the Client's health, safety, and other needs through technology/devices with the capability of live two-way communication.
- .16 REMOTE SUPPORTS PROVIDER means the agency provider selected by the Client as the provider of Remote Supports.
- .17 SENSOR means equipment used to notify the Remote Supports Provider of a situation that requires attention or activity which may indicate deviations from routine activity and/or future needs. Examples include, but are not limited to, seizure mats, door sensors, floor sensors, motion detectors, heat detectors, and smoke detectors.

8.488.20 INCLUSIONS

- .21 Electronic Monitoring Services shall include personal emergency response systems, medication reminder systems, Remote Supports, or other devices which comply with the

definition above and are not included in the non-benefit items below at 10 CCR 2505-10 section 8.488.30⁴.

A. Remote Support services shall include but are not limited to the following technology options:

1. Motion sensing system;
2. Radio frequency identification;
3. Live audio feed;
4. Web-based monitoring system; or,
5. Another device that facilitates two-way communication.

B. Remote Supports includes the following general provisions:

1. Remote Supports is intended to address the Client's assessed need(s) in a manner that promotes autonomy and minimizes dependence on in-person support staff and should be explored based on the Client's preference and desire to do so.
2. A Client, their case manager, and the selected Remote Supports provider shall determine whether Remote Supports is sufficient to ensure the Client's health and welfare.
3. Remote Supports shall be provided in real time, not via a recording, by awake staff at a Monitoring Base using the appropriate technology. While Remote Support is being provided, the Remote Support staff shall not have duties other than Remote Supports provision.

8.488.30 EXCLUSIONS, RESTRICTIONS AND NON-BENEFIT ITEMS

- .31 Electronic ~~M~~onitoring ~~S~~ervices shall be authorized only for ~~individual~~Client~~s~~ who live alone, or who are alone for significant parts of the day, or whose only companion for significant parts of the day is too impaired to assist in an emergency, and who would otherwise require extensive supervision.
- A. ~~Remote Supports shall not be utilized for Clients who reside in any congregate or HCBS provider owned setting.~~
- .32 Electronic ~~M~~onitoring ~~S~~ervices shall be authorized only for ~~individual~~Client~~s~~ who have the physical and mental capacity to utilize the particular system requested for that ~~individual~~Client~~.~~
- .33 Electronic ~~M~~onitoring ~~S~~ervices shall not be authorized under HCBS if the service or device is available as a state plan Medicaid benefit.
- .34 The following are not benefits of electronic monitoring services:
- A. Augmentative communication devices and communication boards;
 - B. Hearing aids and accessories;

- C. Phonic ears;
- D. Environmental control units, unless required for the medical safety of a client living alone unattended; or as part of Remote Supports;
- E. Computers and computer software when not related to the provision of Remote Supports;
- F. Wheelchair lifts for automobiles or vans;
- G. Exercise equipment, such as exercise cycles;
- H. Hot tubs, Jacuzzis, or similar items.

8.488.40 CERTIFICATION STANDARDS FOR ELECTRONIC MONITORING SERVICES

.41 Electronic monitoring providers shall conform to all general certification standards and procedures at 10 CCR 2505-10 section 8.487, HCBS-EBD PROVIDER AGENCIES.

.42 In addition, electronic monitoring providers shall conform to the following standards for electronic monitoring services:

- A. All equipment, materials or appliances used as part of the electronic monitoring service shall carry a UL (Underwriter's Laboratory) number or an equivalent standard. All telecommunications equipment shall be FCC registered.
- B. All equipment, materials or appliances shall be installed by properly trained individuals individuals, and the installer and/or provider of electronic monitoring shall train the Client in the use of the device.
- C. All equipment, materials or appliances shall be tested for proper ~~for~~ functioning at the time of installation, and at periodic intervals thereafter, and be maintained based on the manufacturer's recommendations. ~~Any malfunction shall be promptly repaired repaired,~~ and equipment shall be replaced when necessary, including buttons and batteries.
- D. All telephone calls generated by electronic monitoring equipment shall be toll-free and all Clients shall be allowed to run unrestricted tests on their equipment.
- E. Electronic monitoring providers shall send written information to each Client's case manager about the system, how it works, and how it will be maintained.

.43 In addition, Remote Supports Providers shall conform to the following additional standards for provision of Remote Supports services:

A. When Remote Supports includes the use of audio and/or video equipment that permits a Remote Supports Provider to view activities and/or listen to conversations in the residence, the Client who receives the service and each person who lives with the Client shall consent in writing after being fully informed of what Remote Support entails including, but not limited to:

1. The Remote Supports Provider will observe their activities and/or listen to their conversations in the residence;
2. Where in the residence the Remote Supports service will take place; and,
3. Whether or not recordings will be made.

4. If the Client or a person who lives with the Client has a guardian, the guardian shall consent in writing. The Client's Case Manager and Remote Supports Provider shall keep a copy of each signed consent form.
- B. The Remote Support Provider shall provide a Client who receives Remote Supports with initial and ongoing training on how to use the Remote Supports system(s).
- C. The Remote Supports Provider shall provide initial and ongoing training to its staff to ensure they know how to use the Monitoring Base System.
- D. The Remote Supports provider shall have a backup power system (such as battery power and/or generator) in place at the Monitoring Base in the event of electrical outages. The Remote Supports Provider shall have other backup systems and additional safeguards in place which shall include, but are not limited to, contacting the Backup Support Person in the event the Monitoring Base System stops working for any reason.
- E. The Remote Support Provider shall have an effective system for notifying emergency personnel in the event of an emergency.
- F. If a known or reported emergency involving a Client arises, the Remote Supports Provider shall immediately assess the situation and call emergency personnel first, if that is deemed necessary, and then contact the Backup Support Person. The Remote Supports Provider shall stay engaged with the Client during an emergency until emergency personnel or the Backup Support Person arrives.
- G. The Backup Support Person shall verbally acknowledge receipt of a request for assistance from the Remote Supports Provider. Text messages, email, or voicemail messages will not be accepted as verbal acknowledgment.
- H. The Backup Support Person shall arrive at the Client's location within a reasonable amount of time (to be specified in documentation maintained by the Remote Support Provider-) when a request for in-person assistance is made.
- I. When a Client needs assistance, but the situation is not an emergency, the Remote Supports provider shall:
1. Address the situation- from the Monitoring Base, or, ,
 2. Contact the Backup Support Person for a Client if necessary.
- J. The Remote Support Provider shall maintain detailed and current written protocols for responding to a Client's needs, including contact information for the Backup Support Person to provide assistance when necessary.
- K. The Remote Support Provider shall maintain documentation of the protocol to be followed should the Client request that the equipment used for delivery of Remote Supports be turned off.
- L. The Remote Supports Provider shall maintain daily service provision documentation that shall include the following:
1. Type of Service,
 2. Date of Service,

3. Place of Service,
4. Name of Client receiving service,
5. Medicaid identification number of Client receiving service,
6. Name of Remote Supports Provider,
7. Identify the Backup Support Person and their contact information, if/when utilized.
8. -Begin and end time of the Remote Supports service,
9. Begin and end time of the Remote Supports service when a Backup Support Person is needed on site,
10. Begin and end time of the Backup Support Person when on site, whether paid or unpaid,
11. Number of units of the delivered Remote Supports service per calendar day,
- 12.-Description and details of the outcome of providing Remote Supports, and any new or identified needs that are outside of the individual's current Service PlanSupport Plan, to be communicated to the individual's case manager.

8.488.50 REIMBURSEMENT METHOD FOR ELECTRONIC MONITORING

- .51 Payment for Electronic Monitoring Services shall be the lower of the billed charges or the prior authorized amount.
- .52 For Electronic Monitoring, excluding Remote Supports, the unit of reimbursement shall be one unit per service for non-recurring services, or one unit per month for services recurring monthly.
- .53 For Remote Supports, the unit of reimbursement shall be one unit per installation/equipment purchase and/or units as designated on the Department's fee schedule and/or billing manuals for ongoing Remote Supports service.
- .52 Effective 2/1/99, there shall be no reimbursement under this section for Electronic Monitoring Services provided in uncertified congregate facilities.

8.500.94 HCBS-SLS WAIVER SERVICES

8.500.94.A. SERVICES PROVIDED

1. Assistive Technology
2. Behavioral Services
3. Day Habilitation services and supports
4. Dental Services
5. Health Maintenance
6. Home Accessibility Adaptations
7. Home Delivered Meals
8. Homemaker Services
9. Life Skills Training (LST)
10. Mentorship
11. Non-Medical Transportation
12. Peer Mentorship
13. Personal Care
14. Personal Emergency Response System (PERS)
15. Professional Services, defined below in 8.500.94.B.14
16. Respite
17. Remote Supports
- ~~4718.~~ Specialized Medical Equipment and Supplies
- ~~4819.~~ Supported Employment
- ~~4920.~~ Transition Setup
- ~~2021.~~ Vehicle Modifications
- ~~2422.~~ Vision Services

8.500.94.B The following services are available through the HCBS-SLS waiver within the specific limitations as set forth in the federally approved HCBS-SLS waiver.

17. Remote Supports means services as defined at Section 8.488 within Electronic Monitoring.

18. Specialized Medical Equipment and Supplies include: devices, controls, or appliances that are required due to the Client's disability and that enable the Client to increase the Client's ability to perform activities of daily living or to safely remain in the home and community. Specialized medical equipment and supplies include:
- a. Kitchen equipment required for the preparation of special diets if this results in a cost savings over prepared foods;
 - b. Specially designed clothing for a Client if the cost is over and above the costs generally incurred for a Client's clothing;
 - c. Maintenance and upkeep of specialized medical equipment purchased through the HCBS-SLS waiver.
 - d. The following items are specifically excluded under the HCBS-SLS waiver and not eligible for reimbursement:
 - i) Items that are not of direct medical or remedial benefit to the Client are specifically excluded under the HCBS-SLS waiver and not eligible for reimbursement. These include but are not limited to; vitamins, food supplements, any food items, prescription or over the counter medications, topical ointments, exercise equipment, hot tubs, water walkers, resistance water therapy pools, experimental items or wipes for any purpose other incontinence.

4819. Supported Employment services includes intensive, ongoing supports that enable a Client, for whom competitive employment at or above the minimum wage is unlikely absent the provision of supports, and who because of the Client's disabilities needs supports to perform in a regular work setting.
- a. Supported employment may include assessment and identification of vocational interests and capabilities in preparation for job development and assisting the Client to locate a job or job development on behalf of the Client.
 - b. Supported employment may be delivered in a variety of settings in which Clients interact with individuals without disabilities, other than those individuals who are providing services to the Client, to the same extent that individuals without disabilities employed in comparable positions would interact.
 - c. Supported employment is work outside of a facility-based site, that is owned or operated by an agency whose primary focus is service provision to persons with developmental disabilities,
 - d. Supported employment is provided in community jobs, enclaves or mobile crews.
 - e. Group employment including mobile crews or enclaves shall not exceed eight Clients.
 - f. Supported employment includes activities needed to sustain paid work by Clients including supervision and training.
 - g. When supported employment services are provided at a work site where individuals without disabilities are employed, service is available only for the adaptations, supervision and training required by a Client as a result of the Client's disabilities.

- h. Documentation of the Client's application for services through the Colorado Department of Labor and Employment Division for Vocational Rehabilitation shall be maintained in the file of each Client receiving this service. Supported employment is not available under a program funded under Section 110 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (20 U.S.C. Section 1400, et seq.).
- i. Supported employment does not include reimbursement for the supervisory activities rendered as a normal part of the business setting.
- j. Supported employment shall not take the place of nor shall it duplicate services received through the Division for Vocational Rehabilitation.
- k. The limitation for supported employment services is seven thousand one hundred and twelve (7,112) units per service plan year. One (1) unit equals fifteen (15) minutes of service.
- l. The following are not a benefit of supported employment and shall not be reimbursed:
 - i) Incentive payments, subsidies or unrelated vocational training expenses, such as incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment,
 - ii) Payments that are distributed to users of supported employment, and
 - iii) Payments for training that are not directly related to a Client's supported employment.

~~4920.~~ Transition Setup as defined at Section 8.553.1.

~~2021.~~ Vehicle modifications are adaptations or alterations to an automobile or van that is the Client's primary means of transportation; to accommodate the special needs of the Client; are necessary to enable the Client to integrate more fully into the community; and to ensure the health and safety of the Client.

- a. Upkeep and maintenance of the modifications are allowable services.
- b. Items and services specifically excluded from reimbursement under the HCBS Waiver include:
 - i) Adaptations or improvements to the vehicle that are not of direct medical or remedial benefit to the Client,
 - ii) Purchase or lease of a vehicle, and
 - iii) Typical and regularly scheduled upkeep and maintenance of a vehicle.
- c. The total cost of home accessibility adaptations, vehicle modifications, and assistive technology shall not exceed \$10,000 over the five (5) year life of the HCBS Waiver except that on a case by case basis the Operating Agency may approve a higher amount. Such requests shall ensure the health and safety of the Client, enable the Client to function with greater independence in the home, or decrease the need for paid assistance in another HCBS-SLS Waiver service on a long-term basis. Approval for a higher amount will include a thorough review

of the current request as well as past expenditures to ensure cost-efficiency, prudent purchases and no duplication.

2422. Vision services include eye exams or diagnosis, glasses, contacts or other medically necessary methods used to improve specific dysfunctions of the vision system when delivered by a licensed optometrist or physician for a Client who is at least 21 years of age

- a. Lasik and other similar types of procedures are only allowable when:
- b. The procedure is necessary due to the Client's documented specific behavioral complexities that result in other more traditional remedies being impractical or not cost effective, and
- c. Prior authorized in accordance with Operating Agency procedures.

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