**A** **JOINT RESOLUTION**

TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, PURSUANT TO THE DEPARTMENT’S MEDICAID HOME AND COMMUNITY‑BASED WAIVER, SHALL ISSUE PERSONAL EMERGENCY RESPONSE SYSTEM (PERS) DEVICES TO MEDICAID RECIPIENTS THAT INCLUDE A NURSE TRIAGE COMPONENT AND TO FURTHER SPECIFY REQUIREMENTS FOR A PERS DEVICE CONTAINING THE NURSE TRIAGE COMPONENT.

Whereas, the Department of Health and Human Services issues personal emergency response system (PERS) devices to select Medicaid recipients pursuant to a Medicaid Home and Community‑based waiver; and

Whereas, the current PERS device the department issues provides recipients with twenty‑four hour monitoring and live phone contact for emergencies; and

Whereas, although PERS emergency response services are intended to respond to true emergency situations, it is not uncommon for a recipient to be transported by ambulance to a hospital emergency room for a nonemergency condition when an emergency response is the only available PERS option; and

Whereas, at many times in our communities there are outbreaks of dangerous and highly contagious diseases and conditions and sending a Medicaid recipient to the emergency room for a nonemergency condition can potentially expose the recipient, who likely is a high health risk, to potentially life threatening conditions and diseases. Having the ability to assess nonemergency situations by having access to a nurse triage service is an invaluable health consideration for Medicaid recipients as well as for the State; and

Whereas, it has been demonstrated that if a person is able to speak with a health care professional who can medically assess the person’s situation and provide assistance, the person is less likely to utilize emergency room care and more likely to be able to manage a nonemergency situation in the home; and

Whereas, some PERS devices provide twenty‑four hour live phone access to experienced nursing personnel, comparable in cost to emergency response PERS devices, which allows a person to consult with a nurse about the person’s medical concerns, possible solutions, and available options, including in‑home management of the situation, if appropriate, likely producing a more efficient and effective result; and

Whereas, in these difficult economic times, reducing costs and maximizing each dollar spent is not only prudent, but necessary; and

Whereas, requiring the Department of Health and Human Services, through its Medicaid Home and Community‑based waiver, to issue PERS devices that have the additional twenty‑four hour nurse triage component would not increase the cost of issuing a PERS device to Medicaid recipients, but could, in many instances, reduce costs by eliminating unnecessary and expensive ambulance transportation and emergency room care. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A)(1) The Department of Health and Human Services shall issue, pursuant to its Medicaid Home and Community‑based waiver, Personal Emergency Response Systems (PERS) devices to Medicaid recipients that include, in addition to emergency response services, unlimited twenty‑four hour, seven‑day a week live phone contact with experienced registered nurses for triage services.

(2) A PERS nurse triage call center must be accredited and must be separate from the PERS emergency response call center.

(B) A PERS device, as provided for in subsection (A), must have a wireless radio transmitter and a console. The transmitter, which can be worn or carried by the recipient, must have two buttons, distinguished by size and color; one button for emergencies to contact the emergency response call center and one button to contact the nurse triage call center for nonemergencies.

(C) A PERS device that includes nurse triage services also must:

(1) comply with the requirements of Federal Communications Commission rules, 47 C.F.R. Part 68;

(2) be Underwriters Laboratory or Equipment Testing Laboratories‑approved as a health care signaling product;

(3) be registered with the Federal Drug Administration as a medical device under the classification of a powered environment control signaling product.

SECTION 2. The Department of Health and Human Services shall apply for a waiver under the department’s Medicaid Home and Community-based waiver so as to be able to implement the provisions of this joint resolution before July 1, 2016. Until personal emergency response (PERS) devices, as provided for in Section 1, are issued to Medicaid recipients in accordance with this section and Section 3, other devices in use as of July 1, 2015, must have wireless capability.

SECTION 3. This joint resolution applies to Personal Emergency Response System (PERS) devices initially issued by the Department of Health and Human Services to Medicaid recipients, pursuant to the department’s Medicaid Home and Community‑based waiver, on or after the waiver’s effective date and to Medicaid recipients for whom it is necessary to replace their previously issued PERS devices on or after the waiver’s effective date.

SECTION 4. This joint resolution takes effect upon approval by the Governor.

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