

REMOTE MONITORING TECHNOLOGY

VARIANCE REQUEST PROPOSAL

A COLLABORATIVE EFFORT



Background

The use of remote monitoring technology as a means to support the independence of persons with disabilities and seniors has been growing in the United States. Wisconsin has experienced a growing use of remote monitoring technology in unlicensed residences, especially in Dane County in the Community Supported Living program. In Minnesota, remote monitoring technology is increasingly being used in adult family homes.

The Wisconsin Long-Term Care Workforce Alliance became aware of the developing approaches used in off site electronic monitoring. After gaining more information about this technology, the alliance invited stakeholders including providers, advocacy groups, associations, managed care organizations and DHS to participate in a discussion about the use of monitoring technology in adult family homes. Current rule language requires staff to be on-site.

Given the widespread support, a subcommittee was developed to determine ways to allow this to occur in licensed adult family homes. The subcommittee used Minnesota statute language as the base for development of the request. Significant attention was given to key aspects including safety and informed consent.

The Alliance views this as an opportunity to respectfully serve persons with disabilities and respond to workforce challenges.

Availability of quality workers is a growing issue. Unemployment rates in Wisconsin have dropped below five percent in some areas. Job seekers have greater employment opportunities and are less likely to seek low paying employment that requires them to be awake throughout the night. Remote monitoring technology could allow providers to offer more attractive compensation thereby strengthening sustainability of adult family home services.

Since the adult family home rules require staff to be present when residents are present, the sub-committee concentrated on developing the criteria that the state Division of Quality Assurance could use to grant a variance to this rule. DQA agreed to the committee's developing the criteria, and once completed, submitting it to DQA for their review, approval, and implementation. Only then could this technology be used in a licensed adult family home and likely it would also be acceptable for use in certified adult family homes. CBRFs were not included in the sub-committees activities.

Program Description

The Remote Monitoring Technology Statewide Variance would apply to adult family homes; defined in DHS 88.02 as a place where 3 or 4 adults, not related to the licensee reside.

DHS may grant a variance to DHS 88.04 if the licensee requests the exception in writing. The request must present a convincing argument that the proposed exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents.

The licensee would be required to have policies and procedures in place that address participant characteristics, the discharge process, events triggering a physical presence, documentation and practice drills. In addition, critical incident reporting response alternatives and response to situations that do not present a serious risk.

All applicable placement agreements and individual services agreements would clearly state that remote monitoring technology is being used and describe response protocols. Informed consent is required.

Systems would be tailored to assist residents to be in the least restrictive environment through the use of integrated, tailored systems. An individual assessment and monitoring plan would guide the implementation of equipment and monitoring schedule. The hours of service would be defined by the needs of the residents. Equipment provided may include such things as personal pagers, door/window sensors, bed pressure detectors, flood sensors, motion sensors, stove sensors, incontinent detectors, and others available upon request. Equipment may include cell based technology or traditional land line telephone depending on the individual and the location of their residence.

Sub-committee's Work on the Variance

The sub-committee developed the Remote Monitoring Technology Variance Request through a series of meetings. Committee members represented a wide range of constituents including providers, advocacy organizations, membership organizations, DHS, vendors and managed care organizations. The request contains language that emphasizes informed consent, safety, rural and urban accessibility and viability.

Upon approval of the statewide variance, work would begin on a best practices guide, modeled after the guide developed in Minnesota.



MONITORING TECHNOLOGY LEGISLATION STATEWIDE VARIANCE REQUEST

REFERENCE SECTION	VARIANCE REQUEST
WI DHS 88.02 – Definitions (5).	<ul style="list-style-type: none"> • This statewide variance requests applies "Adult family home" or "home" as defined in DHS 88.02 as a place where 3 or 4 adults not related to the licensee reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the home as a primary function of the place. • Monitoring technology for purposes of this variance request is defined as the use of technology to monitor, to supervise, or to provide oversight or supports to ensure the health and safety of individuals served and support their independence.
WI DHS 88.01 Authority, purpose and scope. (2) (b) <i>Exception to a requirement.</i>	<ul style="list-style-type: none"> • DHS may grant a variance to DHS 88.04 if the licensee requests the exception in writing. <ul style="list-style-type: none"> ○ The variance request shall include: <ul style="list-style-type: none"> ▪ the name and contact information of the licensee, ▪ address of the adult family home, ▪ reason for the request, ▪ effective date of request ○ The request shall present a convincing argument that the proposed exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents. ○ The applicant or license holder must have policies and procedures that: <ul style="list-style-type: none"> ▪ Establish characteristics of target populations that will be admitted into the home, and characteristics of populations that will not be accepted into the home; ▪ Explain the discharge process when an adult family home service recipient requires supervision outside of that provided at the AFH or other services that cannot be provided by the license holder due to the limited hours that the license holder is on site; ▪ Describe the types of events to which the program will respond with a physical presence when those events occur in the home during time when staff are not on site, and how the license holder's response plan meets the requirements for health, safety and welfare of the residents; ▪ Establish a process for documenting a review of the implementation and effectiveness of the response protocol. The documentation must include: <ul style="list-style-type: none"> ○ A description of the triggering incident; ○ The date and time of the triggering incident; ○ The time of the response or responses ○ Whether the response met the resident's needs; ○ Whether the existing policies and response protocols were followed; and ○ Whether the existing policies and protocols are adequate or need modification.
WI DHS 88.01 Authority, purpose and scope. (2) (b) <i>Exception to a requirement.</i>	<ul style="list-style-type: none"> ○ The request shall present a convincing argument that the proposed exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents. ○ The applicant or license holder must have policies and procedures that: <ul style="list-style-type: none"> ▪ Establish characteristics of target populations that will be admitted into the home, and characteristics of populations that will not be accepted into the home; ▪ Explain the discharge process when an adult family home service recipient requires supervision outside of that provided at the AFH or other services that cannot be provided by the license holder due to the limited hours that the license holder is on site; ▪ Describe the types of events to which the program will respond with a physical presence when those events occur in the home during time when staff are not on site, and how the license holder's response plan meets the requirements for health, safety and welfare of the residents; ▪ Establish a process for documenting a review of the implementation and effectiveness of the response protocol. The documentation must include: <ul style="list-style-type: none"> ○ A description of the triggering incident; ○ The date and time of the triggering incident; ○ The time of the response or responses ○ Whether the response met the resident's needs; ○ Whether the existing policies and response protocols were followed; and ○ Whether the existing policies and protocols are adequate or need modification.
MN Subd. 7a. Alternate overnight supervision technology: adult foster care license. (d).	<ul style="list-style-type: none"> ○ The applicant or license holder must have policies and procedures that: <ul style="list-style-type: none"> ▪ Establish characteristics of target populations that will be admitted into the home, and characteristics of populations that will not be accepted into the home; ▪ Explain the discharge process when an adult family home service recipient requires supervision outside of that provided at the AFH or other services that cannot be provided by the license holder due to the limited hours that the license holder is on site; ▪ Describe the types of events to which the program will respond with a physical presence when those events occur in the home during time when staff are not on site, and how the license holder's response plan meets the requirements for health, safety and welfare of the residents; ▪ Establish a process for documenting a review of the implementation and effectiveness of the response protocol. The documentation must include: <ul style="list-style-type: none"> ○ A description of the triggering incident; ○ The date and time of the triggering incident; ○ The time of the response or responses ○ Whether the response met the resident's needs; ○ Whether the existing policies and response protocols were followed; and ○ Whether the existing policies and protocols are adequate or need modification.
MN Subd. 7a. Alternate overnight supervision technology: adult foster care license. (d) (3).	<ul style="list-style-type: none"> ▪ Establish a process for documenting a review of the implementation and effectiveness of the response protocol. The documentation must include: <ul style="list-style-type: none"> ○ A description of the triggering incident; ○ The date and time of the triggering incident; ○ The time of the response or responses ○ Whether the response met the resident's needs; ○ Whether the existing policies and response protocols were followed; and ○ Whether the existing policies and protocols are adequate or need modification.
MN Subd. 7a. Alternate overnight supervision technology: adult foster care license. (d) (4).	<ul style="list-style-type: none"> • When no physical presence response is completed for a four-month period, the license holder's written policies and procedures must require a physical presence response drill to be conducted for which the effectiveness of the
MN Subd. 7a. Alternate overnight supervision technology: adult foster care license. (d) (4).	<ul style="list-style-type: none"> • When no physical presence response is completed for a four-month period, the license holder's written policies and procedures must require a physical presence response drill to be conducted for which the effectiveness of the

MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5).	<ul style="list-style-type: none"> response protocol will be reviewed and documented
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (e).	<ul style="list-style-type: none"> Establish that emergency and nonemergency phone numbers are posted in a prominent location in a common area of the home The license holder must document and include in the variance request which response alternative is in place for responding to situations that meet WI DHS critical incident reporting criteria and present an immediate and serious risk to the health, safety, or rights of people receiving adult family home care in the home: <ul style="list-style-type: none"> Under this alternative, no more than the minimum minutes allowed in the most conservative time allotment of a current resident's individual plan will pass before the license holder will be physically present on site to respond to the situation; or
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (e) (1).	<ul style="list-style-type: none"> The license holder must document and include in the variance request which response alternative is in place for responding to situations that do not present a serious risk to the health, safety, or rights of people receiving adult family home care services in the home. Under this alternative all of the following conditions are met: <ul style="list-style-type: none"> The license holder has a written description of the interactive technological applications that will assist the license holder in communicating with and assessing the needs related to the care, health, and safety of the adult family home care recipients. This interactive technology must permit the license holder to remotely assess the well-being of the adult family home care recipient without requiring initiation by the adult family home care recipient. The license holder documents how the remote license holder is qualified and capable of meeting the needs of the adult family home recipients and assessing adult family home recipients' needs during the absence of the license holder on site; <ul style="list-style-type: none"> Each adult family home recipient's individual service plan identifies the maximum response time for the license holder to be on site for that adult family home care recipient, when the situation dictates a need for on-site response.
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (e) (2) (iv).	<ul style="list-style-type: none"> All applicable placement agreements and individual service agreements must clearly state the adult family home program uses remote monitoring technology via live monitoring and / or notification alerts; the protocols in place for responding to situations that present a serious risk to the health, safety, or rights of the adult family home service recipient, protocols specific to the resident and a signed informed consent from each adult family home recipient or the person's legal representative documenting the person's or legal representative's agreement with placement in the program. If electronic monitoring technology is used in the home, the informed consent form must also explain the following: <ul style="list-style-type: none"> How any electronic monitoring is incorporated into the alternative supervision system; The backup system for any electronic monitoring in times of electrical outages or other equipment malfunctions; The event types and license holder response times established; <ul style="list-style-type: none"> How the license holder protects the adult family home recipient's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and The risks and benefits of the alternative supervision system.
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (f) (1).	<ul style="list-style-type: none"> How any electronic monitoring is incorporated into the alternative supervision system;
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (f) (2).	<ul style="list-style-type: none"> The backup system for any electronic monitoring in times of electrical outages or other equipment malfunctions; The event types and license holder response times established;
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (f) (4).	<ul style="list-style-type: none"> How the license holder protects the adult family home recipient's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and The risks and benefits of the alternative supervision system.
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (f) (5).	<ul style="list-style-type: none"> How the license holder protects the adult family home recipient's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and The risks and benefits of the alternative supervision system.
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (f) (6).	<ul style="list-style-type: none"> How the license holder protects the adult family home recipient's privacy related to electronic monitoring and related to any electronically recorded data generated by the monitoring system. The consent form must explain where and how the electronically recorded data is stored, with whom it will be shared, and how long it is retained; and The risks and benefits of the alternative supervision system.
MN Subd. 7a. Alternate overnight supervision technology; adult foster care license. (d) (5) (m). WI. DHS 88.01 Authority, purpose and scope. (2) (b) <i>Exception to a requirement.</i>	<ul style="list-style-type: none"> DHS shall evaluate variance applications and approve or deny an application for an alternative overnight supervision within 45 days of receipt of the application. If no notification is issued, the application shall be considered approved until written notification to the applicant is issued by the licensing entity. If the application is denied, the licensing entity shall provide a written explanation to the applicant listing the criteria that were not satisfied and describe how

	the applicant may meet the criteria in order to be issued a license. The licensing entity shall allow the applicant to modify and update the application to correct deficiencies. The licensing entity shall respond to the updated application within 14 days of receipt of the updated application.
No reference	<ul style="list-style-type: none"> • The provider may not be required or coerced to request a variance.
W1. DHS 88.01 Authority, purpose and scope. (2) (b) <i>Exception to a requirement.</i>	<ul style="list-style-type: none"> • A variance may be granted only when it would not adversely affect the ability of the licensee to meet the residents' needs and if the exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents.
No reference.	<ul style="list-style-type: none"> • Applications for a variance under this section must be submitted directly to DHS licensing division. The licensing division must notify the host licensing entity upon receipt of the application. <ul style="list-style-type: none"> ○ Electronic monitoring variances granting notification shall be available for review by residents or resident's legal representatives.
No reference.	