
DRC Position on Electronic Visit Verification (EVV)

February 2, 2018

What is it?

Electronic Visit Verification (EVV) is a technology system used to verify electronically that a caregiver provides services for a client.

Why am I hearing about it now?

The 21st Century CURES Act, federal legislation signed into law in December 2016, includes a provision that requires that all states implement EVV for Medicaid-funded personal care services. This law, set forth in Subsection I of Section 1903 of the Social Security Act (42 U.S.C. 1396b), outlines the requirements that states must meet, but offers little guidance on the method for doing so.

When will it take effect?

For Medicaid-funded personal care services, including In-Home Supportive Services (IHSS), the requirement takes effect January 2019. For home health services, the requirement takes effect January 2023.

What services will be impacted?

According to the California Department of Social Services (CDSS), the following programs will be impacted:

Four programs collectively known as the In-Home Supportive Services (IHSS) Program:

- a. Personal Care Services Program (PCSP)
- b. IHSS Plus Option (IPO)
- c. Community First Choice Option (CFCO)

d. IHSS Residual (IHSS-R)

Impacted Home and Community Based Services programs include:

- a. Home and Community-Based Alternatives (HCBA) Waiver
- b. In-Home Operation (IHO)
- c. Assisted Living Waiver (ALW)
- d. Pediatric Palliative Care Waiver (PPCW)
- e. HIV/AIDS Waiver
- f. HCBS Waiver for Californians with Developmental Disabilities
- g. 1915(i) State Plan Amendment for Californians with Developmental Disabilities
- h. Multipurpose Senior Services Program (MSSP)

The State of California is still evaluating the impact of the EVV requirement to managed care plans like Senior Care Action Network (SCAN) and the Program of All-Inclusive Care for the Elderly (PACE).

How will EVV be implemented in California?

To date, we have little information about how, and exactly when, EVV will be implemented in California. The State is in the process of gathering information from potential vendors regarding available technology and the State is waiting on guidance from the federal Centers for Medicare and Medicaid Services (CMS) regarding prescribed solutions.

The law outlines what the EVV systems must be able to verify, but provides little guidance on the level of specificity or detail required, leaving states with a great deal of freedom to implement their own design. EVV systems must verify:

- a. Type of service performed;
- b. Individual receiving the service;
- c. Date of the service;
- d. Location of service delivery;
- e. Individual providing the services; and
- f. Time the service begins and ends.

What is DRC's position on EVV and how are we involved in the process?

DRC believes that people with disabilities have the right to receive services in the most integrated setting possible, in a manner that maximizes their personal autonomy and independence. We are mindful of the potential for

EVV to infringe on that principle and our legal advocacy and legislative units are prepared to engage our efforts to protect the rights of our clients. DRC is actively involved in the State's ongoing stakeholder engagement process and will work to ensure that when implemented, EVV is minimally burdensome on IHSS recipients and does not violate the legal rights of Californians with disabilities.

DRC also believes that personal assistance programs should insure the involvement of people with disabilities and their family members in deciding program policy and should have a mechanism for effective communication. To that end, we encourage you to share your thoughts and concerns about EVV through participation in the State's stakeholder engagement process.