



Global Commitment Register

August 7, 2018

GCR 18-007
CLARIFICATION

Personal Care Electronic Visit Verification

Policy Summary:

UPDATE:** On Monday, July 30, 2018, H.R. 6042 was signed into law. This provides a one-year extension for states to comply with the federal requirement that Medicaid personal care visits be validated through an electronic visit verification (EVV) system without penalty of a reduction to the Federal Medical Assistance Percentage (FMAP). This extension affords additional time for planning and stakeholder engagement. **The effective date for the EVV system in Vermont has been changed from January 1, 2019 to January 1, 2020.

Sec. 12006 of the 21st Century CURES Act requires states to implement an electronic visit verification (EVV) system for all Medicaid personal care services by January 1, 2019. The requirement will apply to home health services by January 1, 2023.

The Agency of Human Services received comments from the public on the new federal requirement for an EVV system for Medicaid personal care services. Links to comments received can be found below. The State will continue to engage stakeholders throughout the year as work continues to implement this requirement. This will include additional opportunity for public comment.

Required Personal Care Services:

The EVV requirement applies to all Medicaid State Plan and 1115 Waiver authorized services that provide in-home assistance with activities of daily living and instrumental activities of daily living. This includes personal care, personal assistance, or attendant care, as defined in 42 CFR §440.167ⁱ.

The personal care services requirement applies to all programs and services that include support for activities of daily living, such as movement, bathing, dressing, toileting, transferring, and personal hygiene, or instrumental activities of daily living such as meal preparation, money management, shopping, and telephone use.

EVV System Requirements:

EVV systems must verify:

- Type of service performed

- Date of service
- Time the service starts and ends
- Location of service delivery (typically using caller-ID or Global Positioning System (GPS))
- Individual providing the service
- Individual receiving the service

EVV System Options:

The federal regulations allow states to select the EVV design according to the following system options:

- Provider Choice - allows service providers to procure and use their own systems.
- State Choice - the State contracts with a single EVV vendor or creates an in-house system. If state choice is selected all covered entities/providers must use this system.
- Open Vender - the State choice and provider choice options are made available. Covered entities/providers can choose between creating/using their own system or using the State system.

Vermont Medicaid intends to use an open vender system to allow flexibility and assure compliance with the federal regulation.

Effective Date: January 1, 2020

Authority/Legal Basis: [CURES Act Section 12006\(a\)\(1\)\(A\)](#)

Population Affected: All Medicaid

Public Comment Period:

A public comment period was held February 1, 2018- March 2, 2018. A copy of the [comments received](#) can be found here.

A second comment period was held April 16, 2018 – June 16, 2018. A copy of [comments received](#) in the second comment period can be found here.

Additional Information:

[GCR 18-007: Personal Care Electronic Visit Verification](#) (4/16/18 notice)

[GCR 18-007: Personal Care Electronic Visit Verification](#) (1/31/18 notice)

ⁱ §440.167 Personal care services.

Unless defined differently by a State agency for purposes of a waiver granted under part 441, subpart G of this chapter—

- (a) *Personal care services* means services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease that are—
- (1) Authorized for the individual by a physician in accordance with a plan of treatment or (at the option of the State) otherwise authorized for the individual in accordance with a service plan approved by the State;
 - (2) Provided by an individual who is qualified to provide such services and who is not a member of the individual's family; and
 - (3) Furnished in a home, and at the State's option, in another location.
- (b) For purposes of this section, *family member* means a legally responsible relative.