

Electronic Visit Verification (EVV) Frequently Asked Questions March 5, 2018

1. Federally Required Implementation Date - January 1, 2019

Response: The State intends to comply with the federal law in a manner that respects recipients and providers, does not alter their Olmstead protections, and minimizes state costs relative to federal penalties. The State is committed to a thoughtful implementation process inclusive of stakeholders. The State has not decided how, or when, EVV will be implemented. Therefore, California will not be fully compliant with the federally required implementation date of January 1, 2019. The State plans to work with the federal Centers for Medicare and Medicaid Services (CMS) to request a good faith effort extension of time. The State will work with stakeholders and CMS to identify a realistic implementation timeline that will allow for full stakeholder engagement and development of the least burdensome EVV approach for our recipients and providers, as required by Section 1903 of the Social Security Act (42 U.S.C. 1396b).

2. Recipients Not Being Fully Engaged

Response: As stated above, the State is committed to the full involvement of recipients and all stakeholders in the planning and implementation of EVV. A draft Stakeholder Engagement Plan will be presented at the March 9 stakeholder meeting and posted on the CDSS EVV website, <http://www.cdss.ca.gov/inforesources/IHSS/EVV>. The document outlines the State's plan to engage stakeholders by continuing to hold full stakeholder meetings; scheduling smaller conference calls; developing and disseminating outreach materials and encouraging continuous stakeholder questions and feedback by postal mail or email. The State remains open to additional suggestions for stakeholder engagement.

3. Recipients Being Homebound

Response: California's approach to EVV will not change how services are provided nor where services are delivered. Pursuant to Public Law 114-115 Sec 12006 (c)(3), EVV shall not limit the service provided, constrain an individual's choice of caregiver, or impede the way care is delivered.

4. Use of Global Positioning System (GPS) Information

Response: While location of service delivery is one of the elements required by EVV, CMS has stated the use of GPS is not required. A GPS-enabled device could be used as one method to capture the location of service delivery at check-in and check-out. Location also could be captured by phone, among other options. California is currently evaluating, with stakeholder input, how best to comply with the location verification requirement.

5. Real Time Check in/out

Response: Based upon our reading of the federal law, real-time information is not required. California asked potential vendors via the Request for Information to provide multiple options for check in/out including an online web portal, a mobile phone application, a telephone (landline or mobile) or a fixed device. Recipients also may approve time worked through the same options identified for providers. All vendor EVV responses to the RFI indicated the ability for the recipient or provider to make corrections for errors such as forgetting to log in/out.

6. Type of Service – Level of Detail

Response: CMS has indicated that states have the discretion to track the “type” of service at an overall or detailed level. All EVV vendors indicated their systems can be modified to meet whatever California’s requirements become. California currently plans to track only the highest overall level of service information (i.e., as little detail as possible), assuming stakeholders concur.

7. Hiring and Retaining Caregivers

Response: Nothing about EVV alters a recipient’s ability to hire, fire and manage his or her provider(s). California considers EVV an opportunity to ensure recipient needs are being met, but mostly as a potential opportunity to expedite payment to providers through automating timesheets. Expediting payments to providers may improve overall retention. EVV could be designed to eliminate time-consuming and cumbersome paper timesheets, reduce processing and timesheet errors by providing feedback to avoid potential errors, support travel and sick leave claims and facilitate enrollment into direct deposit.

8. Overtime Violations

Response: California is hopeful EVV could reduce overtime violations. EVV vendors indicated their systems can provide prompts in multiple languages, alerting providers when they are close to exceeding their authorized hours, travel time or overtime hours. Providers who might receive appropriate training and such prompts may avoid payroll violations. Providers presumably also would be able to make corrections to timesheets, as noted above in #5. California does not anticipate establishing new violations related to the EVV check in/check out requirement.

9. Exemptions to EVV

Response: CMS has stated there are no exemptions to the EVV requirement and that paper timesheets are not an option.