

California IHSS Consumer Alliance Statewide Monthly Call Wednesday, October 18, 2017

Notes

**Charlie's Notes are not Word for Word -
Listen to the recording for quoting**

Topic: Electronic Visit Verification (EVV)

Guests: Kimberly Rutledge, MSW, Branch Chief, Policy & Quality Assurance; Sue Quichocho, Chief, Systems and Administrative Branch; Karol Swartzlander, Adult Programs Division; all from CDSS.

Kim began by sharing a brief information about the call on October 12, 2017 (Stakeholder Meeting).

She received many questions from the meeting of October 12, 2017. Felt familiar with many of the questions that could be possibly asked.

Brief information, highlights of the October 12 meeting was shared about the 21st Century CURES Act, signed into law by President Obama.

The Act requires the State to develop an EVV system that follows these requirements:

- Type of service performed;
- Individual receiving the service;
- Date of the service;
- Location of service delivery;
- Individual providing the service;
- Time the service begins and ends.

There has been little guidance given by the Federal Government, so the State is doing its best to create an EVV system and look for more guidance in after the 1st of the year.

California's current CIMPS system already meets most of the requirements, except documentation of service, time start to perform this service begins and ends.

Wanted to stress: This is not something the State of California or CDSS came up with on our own, but was enacted by the Federal government. If we do not act, there is a Federal penalty of not enacting it. If not done, it is 1% (this is millions of dollars in the IHSS program because of its size) of Federal funds and this is a big amount for the IHSS program.

It is also noted that the system should be less restrictive to the users of the system.

Remember we are at the early stages of the development of the EVV system.

The draft RFI needs your participation. Comments are due on Thursday, October 19th; more information was sent out with the announcement of this call.

It needs to be noted that this is an early part of the process before it will be implemented. Feedback from you the user is important. Making this for the user and not a departure from the way the system is now running.

Tami: Thinks there is a big need for an Independent Cost Analysis, an independent analysis comparing the cost if enacted or not enacting it. Concern about funding pertaining to Fraud funds that go to District Attorneys for fraud. Cost Analysis should include unions and others who may file lawsuits. The Lanterman act may be violated. Like to know the union stance. Believes this could be the last stand for many because of the closure of institutions.

Response: The state is not going to do something that will cost them more money. A cost analysis is presently being done.

Joey: If you knew what the 1% penalty would be the Federal share or State's share, or total program cost believe to be \$11 billion

Response: It is the Federal share. It was more like .25% up to 1% over time..

Kristine: On the Statewide call, October 12, I understood the State was going to have to pay 25% of the on-going cost and 10% of the installation? How does this compare to the 1% penalty?

Response: The Federal Government pays 90% of the initial Implementation of EVV and 75% of the on-going maintenance and operation. The state will pay 10% initially for implementation and 25% ongoing.

Kristine: How is this not greater than the penalty?

Response: Looking at cost of implementation vs total money coming in from the Federal government.

There is not a known cost, this is new, an estimate is not available, but hope to have through the RFI process.

Michael: Wondered if the State considered not vendorizing this out, but take the money directly from the Federal government and including it in the CIMPS Timssheets already in place?

Response: Short answer, nothing is off the table. We are looking at all options and suggestions. This includes looking at what is in place and what is available outside.

Kristine: Most concerning to me was the detail about recording the type of service and time of service provided and ended. Can we put forward a proposal proactively that this part of the requirement be not be required (this may be the most difficult part of the requirement)?

Response: This part of the clarification is being asked for in regards to the documentation. As the State we still defend the rights of the people to receive services wherever they need them, means not restricting people to their homes (there has been misleading information shared about this) or being able to travel when needed to.

I learned going to a conference on EVV and heard about how other states are running their EVV programs it is different than what is being shared. Also, California's IHSS consumer driven program is much different than other States. It is believed that the IHSS program in California is unique and there is no intention of changing the philosophy of how it is run down for the consumers.

Tami: Wonder if this cost analysis is going to show the cost of litigation Under the Lanterman Act and other Class Action states?

Response: We are not making the program more restrictive, I can not speak to class actions and so forth, but want to be sure concerns are being addressed and considered. There is no intent to making the program more restrictive.

Kristine: Wanted to ask about future Stakeholder meetings being recorded and posted?

Response: Can not give you an answer now, higher powers up need to make this decision.

Thank you all for participating.

Material provided for information:

1. [RFI # 32236 Case Management Information, and Payrolling System \(CMIPS\) Electronic Visit Verification \(EVV\)](#) Replies due to Karol Swartzlander, Thursday, October 19, 2017 (COB). Email Karol here: Karol.Swartzlander@dss.ca.gov
2. [Section 12006 of the 21st Century CURES Act Electronic Visit Verification Systems – Power point presented October 12th](#)
3. [21st Century CURES Act](#); Page 1275 (243 of 312) takes you to Section 12006 requiring EVV

Below is just additional information supporting the law requiring EVV under title XIX of the Social Security Act:

1. [H. R. 2446](#) - To amend title XIX of the Social Security Act to require the use of electronic visit verification for personal care services furnished under the Medicaid program, and for other purposes.
2. [SEC. 12006. ELECTRONIC VISIT VERIFICATION SYSTEM REQUIRED FOR PERSONAL CARE SERVICES AND HOME HEALTH CARE SERVICES UNDER MEDICAID.](#) Provides further documentation and provides laws supporting the Act.