

Electronic Visit Verification (EVV) Update – Good Faith Effort Exemption Request

ODP Announcement 19-150

AUDIENCE:

Agency with Choice, Vendor Fiscal/Employer Agents (EAs)
Provider Agencies who provide personal care services (PCS) including Specialized Skill Development Community Support, Unlicensed Respite, Homemaker, Companion and/or In-Home and Community Support services for the Base program, Consolidated, Person/Family-Directed Services (P/FDS), Community Living, and the Adult Autism Waiver (AAW)

PURPOSE:

To inform providers of recent activities related to the implementation of Electronic Visit Verification (EVV) in Pennsylvania

BACKGROUND:

Section 1903(I) of the Social Security Act, as added by section 12006 of the 21st Century Cures Act requires states to implement an EVV system for Medicaid-funded personal care services by January 1, 2020 and for home health care services by January 1, 2023. Section 1903(I) was further amended by Public Law No. 115-222, which stipulates that states will be subject to a reduction in federal financial participation if they do not implement EVV in accordance with the laws established timelines, absent a one-year extension based on the Centers for Medicare and Medicaid Services (CMS) approval of a state's Good Faith Effort application. EVV is a federal mandate and Pennsylvania must comply by the outlined dates or the Department of Human Services (DHS) will risk a reduction in federal funding used to provide critical services for individuals and families. Because this is a federal mandate, any changes to the law, or requests for delay, must be made and approved at the federal level.

DISCUSSION:

Pennsylvania will formally request a Good Faith Effort (GFE) Exemption from CMS to delay the implementation of the EVV mandate to allow for necessary time for providers to fully prepare for EVV. ODP has heard from many providers who are using Alternate EVV systems and have been working with Sandata to certify their systems for integration with the DHS

Aggregator. Since the time for certification is taking longer than originally projected, the Department is seeking an extension to allow additional time for these systems to go through the necessary testing with Sandata and become integrated to feed EVV data to the DHS Aggregator.

The Department is seeking a GFE to extend the soft launch period and to delay the denial of payments. The timeframe between system launch and the EVV mandate is referred to as the soft launch. The soft launch is an opportunity to:

- Test and interface Alternate EVV systems
- Familiarize providers with EVV prior to claims integration. Claims will continue to pay and EVV errors will appear on remittance advice.
- Inform policy and system development
- Help the Department identify and develop supplemental training materials.
- Facilitate EVV participation by caregivers and members

If approved by CMS, the GFE will allow the Department to extend the soft launch period and implement a tiered compliance structure before the denial of payments. EVV system implementation, training, and vendor interfacing will proceed on the current project schedule. Since the exemption has not yet been approved, providers are still required to begin using EVV by January 1, 2020. Provider participation will produce valuable data for system modification and policy development.

Updated EVV Implementation Timeline:

- August 2019: Alternate EVV Sandata Support Opened
- September 2019: DHS Sandata EVV System Go-Live occurred and DHS Sandata EVV System Training Began
- October 2019: Soft Launch Began – Providers began to voluntarily use the DHS EVV system
- November 2019: Good Faith Effort Exemption request submitted to CMS
- December 2019: Good Faith Effort Exemption request approved or denied by CMS

If the Good Faith Effort Exemption is denied, EVV will be mandated January 1, 2020. The Department will update stakeholders on the Good Faith Effort Exemption request response from CMS.

Please visit DHS EVV website to view the ODP EVV Technical Guidance, public meeting notices, training resources and Frequently Asked Questions (FAQs):

<http://www.dhs.pa.gov/provider/billinginformation/electronicvisitverification>