



Date: June 26, 2020

To: Financial Management Services Agencies (FMSAs)

Subject: Information Letter 20-33
Electronic Visit Verification (EVV) Guidance for FMSAs and Notice
for Consumer Directed Services (CDS) Employers
Effective June 26, 2020

The purpose of this letter is to require FMSAs to provide a copy of the attached EVV notice to CDS employers and designated representatives (DRs), as applicable; to inform FMSAs that a CDS employer may delegate the performance of EVV visit maintenance to the FMSA; and to remind FMSAs about EVV training requirements.

Requirement to Provide EVV Notice to CDS Employers and DRs

FMSAs must provide a copy of the attached EVV notice to CDS employers and DRs. The notice explains EVV requirements, including the responsibilities of CDS employers and DRs related to EVV. The notice must be provided to CDS employers **by July 31, 2020.**

EVV Visit Maintenance

Visit maintenance is the process for making corrections to clock-in and clock-out information in the EVV system to accurately reflect the delivery of services. For example, a CDS employer or DR (or their FMSA) must perform visit maintenance if an employee clocks in through the EVV system at the beginning of a shift but forgets to clock out at the end of the shift. In this case, the CDS employer, DR or FMSA will add the clock-out time and adjust the time worked in the EVV system. All required visit maintenance must be completed before the FMSA submits an EVV claim for payment.

A CDS employer or DR must choose to perform visit maintenance in the EVV system **OR** delegate the performance of EVV visit maintenance to the FMSA. If a CDS employer or DR chooses to delegate visit maintenance to the FMSA, the CDS employer must:

- confirm in the EVV system the CDS employer's or DR's approval of any changes made by the FMSA as part of visit maintenance, **OR**
- have the FMSA confirm in the EVV system the CDS employer's or DR's approval of any changes.

A CDS employer must document their decisions about visit maintenance on Form 1722, *Employer's Selection for Electronic Visit Verification Responsibilities*. The form has been revised to reflect the options that the CDS employer chooses from regarding visit maintenance.

EVV Training Requirements

HHSC requires an FMSA to complete EVV System Training before using the EVV system, and to complete EVV Portal Training and EVV Policy Training before Dec. 1, 2020. HHSC requires CDS employers to complete EVV System Training before using the EVV system, and to complete EVV Policy Training by Dec. 1, 2020.

An FMSA or CDS employer cannot access the EVV system until the required EVV System Training has been completed. More detailed information about EVV training requirements is available on the [EVV Training Requirements Checklists](#).

Please send any questions to Electronic_Visit_Verification@hhsc.state.tx.us and CDS@hhsc.state.tx.us.

Sincerely,

[signature on file]

Michelle Erwin
Deputy Director Office of Policy and Program
Medicaid and CHIP Services Department



EVV Requirements for CDS Employers and Designated Representatives

This notice explains the requirements for Electronic Visit Verification (EVV) to you as a Consumer Directed Services (CDS) employer or designated representative (DR).

What is EVV?

EVV is an electronic documentation system used to verify that Medicaid services have been provided to a person authorized to receive those services. Specifically, EVV documents the following:

- the name of the individual receiving the service;
- the service provider;
- the location, including the address, at which the service was provided;
- the date and time the service delivery begins (clock-in time);
- the date and time the service delivery ends (clock-out time);
- the type of service provided; and
- any other information HHSC determines necessary to ensure the accurate payment of a claim for services.

Your FMSA will choose the EVV system that you and your employees use to capture the information listed above. Your FMSA can choose an EVV vendor from the state EVV vendor pool, or your FMSA can choose to use their own EVV proprietary system.

Federal Law Requiring EVV

The 21st Century Cures Act is a federal law that requires states to implement EVV for all Medicaid personal care services that require an in-home visit by a service provider.

Services Requiring EVV

HHSC will require your CDS employees to use the EVV system to clock in and clock out for the services described in the table below.

Program	Services
Community Living Assistance and Support Services (CLASS)	<ul style="list-style-type: none"> ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● In-Home Respite
Deaf Blind with Multiple Disabilities (DBMD)	<ul style="list-style-type: none"> ● CFC PAS/HAB ● In-Home Respite
Home and Community-based Services (HCS)	<ul style="list-style-type: none"> ● CFC PAS/HAB ● In-Home Respite
Texas Home Living (TxHmL)	<ul style="list-style-type: none"> ● CFC PAS/HAB ● In-Home Respite ● Day habilitation provided in the home
Community First Choice (CFC)	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB
Community Attendant Services (CAS)	<ul style="list-style-type: none"> ● Personal Attendant Services
Family Care (FC)	<ul style="list-style-type: none"> ● Personal Attendant Services
Primary Home Care (PHC)	<ul style="list-style-type: none"> ● Personal Attendant Services
STAR Health	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB ● PCS
STAR Health - MDCP	<ul style="list-style-type: none"> ● In-Home Respite ● Flexible Family Supports
STAR Kids	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB ● PCS

Program	Services
STAR Kids - MDCP	<ul style="list-style-type: none"> ● In-Home Respite ● Flexible Family Supports
STAR+PLUS	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB ● PCS
STAR+PLUS HCBS	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB ● PCS ● In-Home Respite ● Protective Supervision
STAR+PLUS Medicare-Medicaid Plan	<ul style="list-style-type: none"> ● CFC PAS ● CFC HAB ● PCS ● In-Home Respite ● Protective Supervision
Personal Care Services provided under the Texas Health Steps Comprehensive Care Program (including STAR members who receive these services through the traditional Medicaid model)	

How to Use EVV?

To use the EVV system, a CDS employee must enter information into a phone or other device described below. Specifically, the employee must clock in when services begin and clock out when services end using the phone or other device. The information entered into the phone or device will be captured in the EVV system and replaces the use of paper timesheets to document services delivered.

1. **Smart Phone:** A CDS employee may enter information into the EVV system by using a smart phone. To do so, the employee must download a mobile application onto the phone. Once the application is downloaded, the employee must clock in and clock out using the mobile application. A

smart phone is the only device that may be used to clock in and clock out at the individual's home and at a location other than the individual's home. The mobile application will be specific to the EVV vendor. If your employee does not have a smart phone and you do, your employee may use your smart phone to clock in and out on the EVV mobile application.

2. **Landline Phone in the Individual's Home:** A CDS employee may enter information into the EVV system by using a landline phone in the individual's home. To do so, the CDS employee must call a toll-free number specific to the EVV vendor and then clock in and clock out as directed. A landline phone may be used to clock in and clock out ONLY at the home of the person receiving services.

Note: If a CDS employee uses the landline for a service provided in the home, the employee will need to use a smart phone to clock in and clock out for services provided outside the home. If the CDS employee does not have a smart phone for clocking in and out in the community, they must document the time worked and you are responsible for entering their clock-in or clock-out time in the EVV system.

3. **Alternative Device:** A CDS employee may enter information into the EVV system using a small electronic device that is placed in the home of the person receiving services. The device may be obtained free of charge through the EVV vendor. The device will be mailed to the CDS employer. To enter information into the device, the CDS employee must call a toll-free number specific to the EVV vendor and enter codes displayed on the device to clock in or clock out. This device may be used to clock in and clock out ONLY at the home.

Note: If a CDS employee uses the alternative device for a service provided in the home, the employee will need to use a smart phone to clock in and clock out for services provided outside the home. If the CDS employee does not have a smart phone for clocking in and out in the community, they must document the time worked and you are responsible for entering their clock-in or clock-out time in the EVV system.

A CDS employee may use multiple methods to clock in and clock out of the EVV system. For example, the CDS employee may clock in using the alternative device and clock out using a smart phone.

Also, if you have more than once CDS employee, your employees are not required to use the same clock-in and clock-out method for EVV. For example, one CDS employee may use a smart phone while another CDS employee may use your landline.

Important Dates for EVV Implementation

July 1, 2020

Beginning July 1, 2020, a CDS employee who provides one of the services **requiring EVV** may begin practicing clocking in and clocking out using one of the EVV devices listed above.

December 1, 2020

For a service requiring EVV that is provided on or after December 1, 2020, a CDS employee must begin clocking in and clocking out using one of the EVV devices listed above.

Consequences of Not Using EVV as Required

For services provided **on or after December 1, 2020**, if you do not **ensure that your CDS employee(s) properly clocks in or clocks out** for a service that requires EVV, your employee(s) may experience a delay in payment. Additionally, you may be required to:

- **complete a corrective action plan; or**
- **leave the CDS option and use a provider agency for services required to use EVV.**

EVV Visit Maintenance

Visit maintenance is the process for making corrections to clock-in and clock-out information in the EVV system to accurately reflect the delivery of services. For example, you or your FMSA must perform visit maintenance if a CDS employee clocks in through the EVV system at the beginning of a shift but forgets to clock out at the end of the shift. In this case, you or your FMSA will add the clock-out time and adjust the time worked in the EVV system. All required visit maintenance must be completed before your FMSA submits an EVV claim for payment.

You are always responsible for approving the time a CDS employee has worked. You can enter your approval of the time worked in the EVV system **or** you can request that your FMSA confirm your approval of the time worked in the EVV system.

You can choose to perform visit maintenance in the EVV system, **or** you can delegate the performance of visit maintenance to your FMSA. If you choose to delegate visit maintenance to your FMSA, you are still responsible for approving the time your employee has worked.

You must document your decisions about visit maintenance on [Form 1722](#).

EVV Training

Training Requirements

You must complete training on the EVV system and training on HHSC EVV policies before your CDS employees begin using EVV to clock in and clock out. The EVV vendor or your FMSA (if using its own EVV system) will provide EVV system training. In part, the training will prepare you to train your CDS employees on clocking in and clocking out of the EVV system.

Either HHSC or your MCO, if you have one, will provide training on HHSC EVV policies. More information about EVV training requirements are available at this link:

<https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/evv/evv-required-training-checklist.pdf>

You may also learn about EVV policies online through the HHSC Learning Portal. You will need to create an account to view the trainings. You can create your account and sign in to the Learning Portal at this link:

<https://learningportal.dfps.state.tx.us/login/index.php>

EVV training resources are available on the HHSC EVV website at this link:

<https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/resources/electronic-visit-verification/training-materials-resources>

The HHSC EVV website includes several resources at this link:

<https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/resources/electronic-visit-verification>

The Lifeline Program

The Lifeline program is a federal program offered by the Federal Communications Commission (FCC), that helps make communications services more affordable for people with a low monthly income. Lifeline provides subscribers a discount on monthly telephone services, broadband Internet access services, or voice-broadband bundled services purchased from participating providers. You can read more about Lifeline and see whether you qualify on the FCC website:

<https://www.fcc.gov/consumers/guides/lifeline-support-affordable-communications>

Questions

Email questions to Electronic_Visit_Verification@hhs.state.tx.us or CDS@hhs.state.tx.us.