



INFORMATIONAL MEMO

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APPROVED BY: LANA EGGERS	

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Purpose and Audience:

The purpose of this Informational Memo is to update stakeholders on Electronic Visit Verification (EVV) implementation and to inform them of the Centers for Medicare & Medicaid Services (CMS) decision on the Department of Health Care Policy & Financing (Department) formal request for Good Faith Effort Exemption to delay the EVV mandate in Colorado.

Information:

On August 8, 2019, CMS released an [informational bulletin](#) providing additional guidance on the applicability of EVV to Medicaid services provided by live-in caregivers. The new guidance permits states to exempt live-in caregivers from the EVV mandate.

August 2019 CMS Informational Bulletin Excerpt:

“Do EVV requirements apply if the individual receiving personal care or home health care lives with the caregiver providing the service?”

No, EVV requirements do not apply when the caregiver providing the service and the beneficiary live together. PCS or HHCS rendered by an individual living in the residence does not constitute an "in-home visit". However, states are encouraged to apply appropriate oversight to services provided in these circumstances to curb fraud, waste and abuse. Additionally, states may choose to implement EVV in these instances, particularly when using discrete units of reimbursement, such as on an hourly basis."

Colorado formally requested a Good Faith Effort Exemption from CMS to delay the EVV mandate allowing for necessary system and policy changes to exempt live-in caregivers.

CMS Decision Announcement

The Department is pleased to announce that CMS has **approved** Colorado's request for a Good Faith Effort Exemption. Below is an excerpt from the approval letter CMS sent to Colorado announcing the State's approval status.

"CMS has determined that your state's request is in accordance with section 1903(1X4XB) of the Social Security Act, as added by section 12006(a) of the 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by completing an environmental scan, modifying an existing contract to include EVV, and implementing work plans. The state has also conducted several stakeholder engagement activities, including conducting four monthly stakeholder meetings and maintaining an EVV website and inbox. In addition, your state has encountered unavoidable delays when implementing its EVV system, including the need to update its system to operationalize an exemption for live-in caregivers..."

Please visit the EVV website to read the full official letter from CMS

Colorado EVV Implementation Impact

Per CMS approval of the Good Faith Effort Exemption delay request, the Department will not mandate EVV on January 1, 2020 and providers will not be required to participate on that date. A new date for the EVV mandate will be communicated to stakeholders in early 2020. The Department anticipates that EVV will be mandated in Colorado in late summer 2020.

EVV system implementation, training, and vendor interfacing will proceed on the current project schedule. Providers are strongly encouraged to participate in EVV beginning October 2019. Early adoption of EVV will produce valuable data for system modification and policy development. The timeframe between system launch and the EVV mandate is referred to as the Soft-Launch.

Soft-Launch

The State EVV Solution and Data Aggregator will launch on September 30, 2019. At this time, providers may begin to verify service provision through EVV and transmit data from the State EVV Solution and Provider Choice systems to the Department. Until EVV is mandated by Colorado Code of Regulation Rule, participation in EVV is voluntary. However, the Department strongly recommends that providers and caregivers participate in EVV beginning October 2019. The Soft-Launch is an opportunity to:

- Test and interface Provider Choice 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 for the exclusion of live-in caregivers.
- Help the Department identify and develop supplemental training materials.
- Facilitate EVV participation by caregivers and members.

Updated EVV Implementation Timeline

September 5, 2019: Good Faith Effort Exemption request submitted to CMS

September 18, 2019: Good Faith Effort Exemption request approved by CMS

September 30, 2019: EVV system Go-Live (on schedule)

October 1, 2019: Providers may begin to voluntarily use EVV system (Soft-Launch)

October 2019 – Summer 2020: Department develops system and policy solutions to exempt live-in caregivers from EVV

Summer 2020: Anticipated date for EVV mandate

Next Steps

The Department will work with stakeholders as we develop system and policy solutions to exempt live-in caregivers. The Department will update stakeholders on the project timeline in the months to come. Please continue to attend stakeholder meetings to provide feedback to the Department and stay up to date on project developments.

Attachments:

None

Department Contact:

EVV@state.co.us

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