



## OPERATIONAL MEMO

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<b>TITLE:</b>	<b>ELECTRONIC VISIT VERIFICATION LIVE-IN CAREGIVER EXEMPTION</b>
<b>SUPERSEDES NUMBER:</b>	N/A
<b>EFFECTIVE DATE:</b>	<b>MAY 5, 2020</b>
<b>DIVISION AND OFFICE:</b>	<b>BENEFITS &amp; SERVICES MANAGEMENT DIVISION, OFFICE OF COMMUNITY LIVING; BENEFITS AND SERVICES DIVISION, HEALTH PROGRAMS OFFICE</b>
<b>PROGRAM AREA:</b>	<b>ELECTRONIC VISIT VERIFICATION</b>
<b>KEY WORDS:</b>	<b>ELECTRONIC VISIT VERIFICATION, EVV, LIVE-IN CAREGIVER EXEMPTION</b>
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### **Purpose and Audience:**

The Department of Health Care Policy & Financing (Department) announces operational details of the Live-in Caregiver exemption from the [Electronic Visit Verification](#) (EVV) mandate in Colorado.

### **Information:**

Colorado was granted a [Good Faith Effort Exemption](#) from the Centers for Medicare & Medicaid Services (CMS) to delay the EVV mandate allowing for necessary system and policy changes to exempt Live-in Caregivers. This memo defines a Live-in Caregiver, outlines which services are eligible for the Live-in Caregiver exemption, indicates provider responsibilities when declaring Live-in Caregiver status, and the operational methods of billing for Live-in caregiver Services.

Services permitted to utilize the Live-in Caregiver exemption may now bypass the EVV requirement.

### Live-in Caregiver Definition

The Department has developed the following definition based on federal precedent and stakeholder engagement:

*Live-in Caregiver means a caregiver who permanently or for an extended period of time resides in the same residence as the Medicaid member receiving services. Live-in caregiver status is determined by meeting requirements established by the U.S. Department of Labor, Internal Revenue Service, or Department-approved extenuating circumstances.*

### Types of Services Eligible or Ineligible for Live-in Caregiver Exemption

Services provided by Live-in Caregivers are often delivered incrementally and without clearly defined start and end times. The Department recognizes the unique challenges of collecting EVV for this type of care and allows providers to exempt the following services from EVV if provided by a documented Live-in Caregiver. Detailed information on which revenue and procedure codes are included in these services is located on the [EVV website](#).

<b>EVV Type of Service</b>	<b>Live-in Caregiver</b>
<b>Behavioral Therapies</b>	Eligible
<b>Consumer Directed Attendant Support Services (CDASS)</b>	Eligible
<b>Durable Medical Equipment</b>	Ineligible
<b>Home Health</b>	Eligible
<b>Homemaker</b>	Eligible
<b>Hospice</b>	Eligible
<b>Independent Living Skills Training (ILST) and Life Skills Training (LST)</b>	Eligible
<b>In-Home Support Services (IHSS)</b>	Eligible
<b>Occupational Therapy</b>	Ineligible
<b>Pediatric Behavioral Therapies</b>	Ineligible
<b>Pediatric Personal Care</b>	Eligible
<b>Personal Care</b>	Eligible
<b>Physical Therapy</b>	Ineligible
<b>Private Duty Nursing</b>	Eligible
<b>Respite and Youth Day</b>	Eligible
<b>Speech Therapy</b>	Ineligible

### Provider Responsibilities

Billing providers are responsible for compiling, maintaining, and validating all records justifying the status of each Live-in Caregiver for Department verification and auditing. The Live-in Caregiver Attestation Form (located in the on the [EVV website](#)) and all supporting documentation must be collected and validated prior to utilizing the Live-in Caregiver exemption. Documentation must be valid during the time of service and billing dates if EVV is not collected. Providers should review instructions and requirements outlined in the Live-in Caregiver Attestation Form for additional details.

Billing providers are responsible for using correct billing methodology that designates Live-in Caregiver services by claim line. This process is described in the operational methods section of this memo. Claims adjudicated as provided by a Live-in Caregiver without required Live-in Caregiver documentation or EVV records are subject to recoupment.

### Consumer Directed Attendant Support Services Responsibilities

Consumer Directed Attendant Support Services (CDASS) Employers of Record (EOR) are responsible for compiling, maintaining, and validating all records justifying the status of a Live-in Caregiver for Department verification and auditing. The Live-in Caregiver Attestation Form and all supporting documentation must be completed by the EOR and collected by the Financial Management Service (FMS) Vendor prior to utilizing the Live-in Caregiver exemption. FMS vendors must maintain records designating the status of Live-in Caregivers. Documentation must be valid during the time of service and billing dates if EVV is not collected. EOR and FMS vendors should review instructions and requirements outlined in the Live-in Caregiver Attestation Form for additional details.

FMS vendors are responsible for using correct billing methodology that designates Live-in Caregiver services by claim line. This process is described in the operational methods section of this memo. Claims adjudicated as provided by a Live-in Caregiver without required Live-in Caregiver documentation or EVV records are subject to recoupment. EOR are responsible for the validation of Live-in Caregiver documentation. If information is incorrect or falsified, recoupment liability is with the EOR. If Live-in Caregiver documentation is not collected by the FMS vendor, and EVV is not submitted, liability is with the FMS vendor.

### Operational Methods of Billing for Live-in Caregiver Services

Billing providers may submit claims including both Live-in Caregiver services and services requiring EVV records at the same time. Each claim line must appropriately indicate if the service was provided by a Live-in Caregiver. If the same service is provided by both a

Live-in Caregiver and a non-Live-in Caregiver, the units billed to each should be billed on separate claim lines and indicated correctly.

For claims billed using the CMS 1500 billing methodology, Place of Service 99 must be designated **for all lines where a Live-in Caregiver has delivered the service.**

For claims billed using the UB-04 billing methodology, Condition Code 23 must be designated **for all lines where a Live-in Caregiver has delivered the service.**

Lines representing services **not** delivered by a Live-in Caregiver must use the appropriate Place of Service or Condition Code as outlined in Department billing manuals, which may not include Place of Service 99 or Condition Code 23. Providers who have previously used Place of Service 99 to indicate information other than Live-in Caregiver designation are advised that this Place of Service has been repurposed to identify services provided by Live-in Caregivers. Utilizing of Place of Service 99 will require proof of Live-in Caregiver status.

Stakeholders intending to utilize the Live-in Caregiver exemption are encouraged to collect Live-in Caregiver documentation and begin utilizing appropriate Live-in Caregiver billing methods as soon as possible to prepare for the EVV mandate: July 1, 2020 for CDASS and [August 3, 2020](#) for all other providers.

**Attachment(s):**

Live-in Caregiver Attestation Form

**Contact:**

**DXC General Billing Support:**

Call Center Phone: 1-844-235-2387

**Sandata EVV Support:**

Call Center Phone: 1-855-871-8780

Email: [cocustomercare@sandata.com](mailto:cocustomercare@sandata.com)

**Department Contact:**

EVV Website: [www.colorado.gov/hcpf/evv](http://www.colorado.gov/hcpf/evv)

EVV Inbox: [EVV@state.co.us](mailto:EVV@state.co.us)