



OPERATIONAL MEMO

Title: Revised Electronic Visit Verification (EVV) Exemption Process	Topic: EVV
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<https://www.colorado.gov/hcpf/memo-series>

Purpose and Audience:

The purpose of this Operational Memo is to announce revised operational processes and timelines for Electronic Visit Verification (EVV) exemptions for live-in caregivers (LICs) and reasonable modifications under the Americans with Disabilities Act (ADA) for EVV exemptions. This memo is intended for the billing providers and agencies that deliver and perform billing for EVV-required services, as well as guidance for caregivers, and Health First Colorado (Colorado's Medicaid Program) Medicaid members.

Information:

This memo details revised billing provider responsibilities when declaring an EVV exemption for live-in caregivers including extenuating circumstances and reasonable modifications under the ADA and includes revised operational processes and methods for applying for EVV exemptions, and billing for services with EVV exemptions. The updated operational methods include utilization of the Gainwell Provider Web Portal and the revised EVV Attestation of Exemption Form (EVV Exemption Form), which is included as attachment.

Detailed information related to EVV exemptions, including eligibility and billing guidance is available in the EVV Program Manual [<https://hcpf.colorado.gov/electronic-visit-verification-program-manual>].

EVV Exemption Implementation and Compliance Timeline

HCPF is implementing a tiered approach to help billing providers transition to the new EVV exemption request process using the Gainwell Provider Web Portal. This phased strategy begins with release of the revised EVV Exemption Form, soon followed by a “soft-launch” phase of the revised EVV Exemption Process. This will eventually lead to the activation of the EVV exemption prepayment claim edit. Once activated, when claims billed with an EVV live-in caregiver or ADA exemption without an active EVV exemption on file in the Gainwell Provider Web Portal will be denied. This phased approach is designed to reduce the administrative burden and financial impact.

By Spring 2026, all claims billed with a live-in caregiver or ADA exemption will require an active EVV live-in caregiver or ADA exemption on file in the Gainwell Provider Web Portal to avoid denial. The following phases outline the implementation plan for this new process:

February 2025 - EVV Exemption Form Release

The revised EVV Exemption Form will be made available to help billing providers familiarize themselves with the updated requirements, instructions, and expectations. Billing providers can begin updating their EVV exemption documentation and completing the EVV Exemption Form (see Attachments section) to indicate their understanding of these changes.

February 26, 2025 - Gainwell Provider Web Portal Soft Launch EVV Exemption Documentation Requirements Begins

The Gainwell Provider Web Portal EVV Exemption Documentation requirements will begin, enabling billing providers to submit EVV exemption documentation using the new EVV Exemption Form through the Gainwell Provider Web Portal.

During the soft-launch phase, the Gainwell Provider Web Portal EVV Exemption panel will have a maximum capacity of 200 active and inactive live-in caregiver exemptions on file. This capacity is temporary and HCPF will increase to the volume necessary for all billing providers in the near future. HCPF will be communicating directly to billing providers who currently exceed the capacity with additional information.

Billing providers are reminded that the total maximum file size for attachments allowed per maintenance application is 5 megabytes and only one (1) maintenance application can be submitted at a time. Any additional requests within the maintenance application besides EVV exemptions may result in denial of the application and delayed approvals. Additionally, if a maintenance application is submitted for both an EVV exemption and license update, if one of those requests is denied, the entire request is denied, so providers should avoid combining multiple requests within the maintenance application that could disrupt approvals.

During this "soft-launch" period, Remittance Advice (RA) feedback will inform billing providers when claims lack an active EVV exemption on file using the Explanation of Benefits (EOB) 3056 "EVV Exemption Required - Not Found". However, claims that lack an active EVV exemption will not be denied during this phase.

During this time, HCPF will focus on supporting providers as they get familiar with the revised form and process. Billing Providers should focus on understanding the new process, getting new forms completed, submitting documentation, and working with HCPF.

Prepayment Claim Edit Activation

The prepayment claim edit is expected to be activated once one or more of the below metrics are achieved:

- 80% or more of EVV exempt claims are successfully billed for 2 months in a row
- After 12 months of the soft-launch period have expired

After the activation of the EVV exemption prepayment claim edit, RA feedback will inform billing providers when claims lack an active EVV exemption on file using the EOB 3056 "EVV Exemption Required - Not Found". Claims billed with an EVV live-in

caregiver or ADA exemption without an active EVV exemption on file in the Gainwell Provider Web Portal will be denied.

Updated Electronic Visit Verification Exemption Process

Billing providers will still be responsible for ensuring accurate and complete documentation for each EVV exemption. The following section highlights key components of the new EVV Exemption process:

Form Completion

HCPF has released a new EVV Exemption Form. The new EVV Exemption Form will replace the old “EVV Live-in Caregiver Attestation Form.” Providers should review instructions outlined in the EVV Exemption Form to properly complete the form. The EVV Exemption Form, which includes instructions and supporting documentation requirements is available in the EVV Newsletters and Resources webpage [<https://hcpf.colorado.gov/electronic-visit-verification-resources>].

Form Submission

Once an EVV Exemption Form is completed, the new formalized process requires billing providers to submit EVV exemption requests through the Gainwell Provider Web Portal within 30 days of the member’s attestation date. Documentation must be valid for the service and billing dates when EVV is not collected. Billing providers should review the EVV Exemption Form for instructions and requirements.

- **Live-in Caregiver Exemption Submission Process:** Once the EVV Exemption Form has been completed, billing providers will need to submit it via the Gainwell Provider Web Portal. This is completed by first logging into the Gainwell Provider Web Portal, clicking “Provider Maintenance.”, then clicking “Exemptions” and completing the EVV Exemption Request. Once all information has been input, you will then click “Attachments and Submit” on the left-hand side of the page. From here you will add the completed EVV Exemption form and supporting documentation. Next, select the Attachment Type “Other” with the document labeled “EVV Attestation of Exemption Form” and supporting documentation, and then submit the provider maintenance request.
- **Extenuating Circumstances Exemption Process:** Before submitting this type of EVV Exemption request through the Gainwell Provider Web Portal, the requester must obtain a letter of pre-approval and an approved EVV Exemption Form from HCPF. The billing provider must then submit the pre-approval letter

and the form through the Gainwell Provider Web Portal within 30 days of the member's attestation date to complete the process.

- **Reasonable Modification under the ADA Exemption Requirements:** The Reasonable Modification under ADA (ADA Reasonable Modification) is a federally mandated accommodation that ensures individuals with disabilities have an equal opportunity to participate in programs, services, and activities when modifications are necessary to avoid discrimination based on disability. This EVV Exemption may be requested by caregivers or members who are performing the employer of record role and responsibilities. This modification requires pre-approval from HCPF and does not expire.

Once the application has been approved, providers will be notified by Gainwell of the approval via email, and the billing provider may begin billing for the EVV Exemption. EVV Exemption requests and approvals can be viewed in Provider Maintenance on the Exemptions page.

Form Maintenance

All billing providers are responsible for submitting and maintaining records supporting each EVV Exemption for HCPF verification and auditing. This includes collecting the EVV Exemption Form and all required supporting documentation before submitting the exemption request. Before EVV exemptions expire, billing providers will receive email notifications 60 days, 30 days, day of and 30 days after the EVV exemption form expiration date.

Operational Methods of Billing for EVV Exemptions

The transition to utilizing the Gainwell Provider Web Portal does not change the billing provider responsibilities.

As a reminder, 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.

Billing providers are also encouraged to review applicable HCPF billing manuals for billing of services not delivered by an EVV exempted caregiver.

Action To Be Taken:

Billing providers intending to utilize an EVV exemption should review and complete the new EVV Exemption Form for any current EVV Exempt services they provide.

Billing providers need to begin applying for EVV exemptions through the Gainwell Provider Web Portal starting Feb. 26, 2025.

Billing providers should complete the [Electronic Visit Verification Exemption Attestation of Understanding](#).

User Support

HCPF provides multiple resources to support caregivers and billing providers in successfully using the Gainwell Provider Web Portal for EVV Exemptions.

The **EVV Website** (www.colorado.gov/hcpf/evv) serves as the primary source of information about the EVV program, including the EVV Exemption Form, EVV Program Manual, and frequently asked questions.

The **Provider Services Website** (<https://hcpf.colorado.gov/our-providers>) is the main resource for information about the Gainwell Provider Web Portal.

Definition(s):

EVV Exemption is a general term used to describe exemptions from EVV requirements based on live-in caregiver status including extenuating circumstances; as well as

caregivers and members exempted from EVV based on reasonable modification under the Americans with Disabilities Act (ADA).

Live-In Caregiver is a caregiver who permanently 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 HCPF-approved extenuating circumstances. Documentation of live-in caregiver status shall be collected and maintained by the billing provider then submitted through the Gainwell Provider Web Portal.

Extenuating Circumstance is a live-in caregiver status beyond the standard definition granted by HCPF, allowing for situations like joint custody, foster care, members transitioning from residential services, residing with a member for extended periods (Department of Labor Application of the Fair Labor Standards Act to Domestic Service, Final Rule; Fact Sheet #79B): Live-in Domestic Service Workers Under the Fair Labor Standards Act (FLSA) and other less common situations. This EVV Exemption requires HCPF pre-approval and may be approved for less than one year.

Gainwell Provider Web Portal is an online platform provided by HCPF. It is used by billing providers to manage various administrative tasks related to Medicaid services.

Attachment(s):

Electronic Visit Verification Attestation of Exemption Form
(<https://hcpf.colorado.gov/electronic-visit-verification-resources>)

Electronic Visit Verification (EVV) Attestation of Understanding Form
(<https://hcpf.colorado.gov/electronic-visit-verification-resources>)

HCPF Contact:

- EVV@state.co.us
- EVV Website: www.colorado.gov/hcpf/evv

Gainwell General Billing Support:

- Call Center Phone: 1-844-235-2387
- Gainwell Provider Web Portal (<https://hcpf.colorado.gov/our-providers>)