



Date: July 13, 2022

To: Financial Management Services Agencies (FMSAs)

Subject: Information Letter No. 2022-40
Electronic Visit Verification (EVV) Direction for FMSAs on Consumer Directed Services (CDS) Employer Usage

The purpose of this letter is to require FMSAs to provide copies of the EVV notices listed below to CDS employers and designated representatives (DRs), as applicable. This letter also informs FMSAs of their responsibilities related to CDS employer EVV Usage Reviews.

Requirement to Provide EVV Notices to CDS Employers and DRs

FMSAs must provide the two notices listed below to their CDS employers and DRs, as applicable. The notices are attached to the end of the letter.

1. **Reminder: EVV Usage Reviews Begin for CDS Employers on Sept. 1, 2022**

This notice reminds CDS employers that payers will begin conducting EVV Usage Reviews for CDS employers for dates of service on or after Sept. 1, 2022.

FMSAs must provide a copy of the attached notice to all their CDS employers by ten business days after the publication date of this letter.

2. **Notice to CDS employers with EVV Usage Scores below 40%**

This notice informs CDS employers that their current EVV Usage Score is below 40%. The CDS Employer Usage grace period will end Aug. 31, 2022. Effective Sept. 1, 2022, CDS employers will be expected to meet a minimum EVV Usage Score of 40% for the first fiscal year quarter, Sept. 1, 2022 through Nov. 30, 2022. The notice reminds CDS employers that their CDS employees must use an HHSC-approved clock in and clock out method to capture EVV visits in the EVV system.

HHSC will email each FMSA a list of CDS employers below the 40% EVV Usage Score. The email will be from EVVcompliance@hhs.texas.gov. FMSAs must provide a copy of the attached letter to the CDS employers identified by HHSC, within 10 business days from date of HHSC's email.

FMSA Responsibilities Related to CDS Employer EVV Usage Reviews

HHSC and managed care organizations (MCOs) will conduct CDS EVV Usage Reviews for dates of service on or after Sept. 1, 2022. The reviews will occur on a state fiscal quarter basis after the visit maintenance time frame has expired for the last date in the quarter. When HHSC or an MCO identifies CDS employer non-compliance, FMSAs must perform the following actions:

- Deliver non-compliance notices from HHSC or the MCO to the CDS employer, as requested.
- Facilitate the delivery of correspondence between the CDS employer and HHSC or the MCO, as requested.
- If applicable, assist in the development of, and require completion of, a corrective action plan (CAP) by the CDS employer, as requested by HHSC or the MCO, within 10 business days of the notice of non-compliance.

Email questions or concerns about this letter to HHSC EVV Operations at EVV@hhs.texas.gov.

Sincerely,

[Signature]

Michelle Erwin
Deputy Associate Commissioner, Office of Policy
Medicaid and CHIP Services Policy Division

Enclosures:

- Reminder: EVV Usage Reviews Begin for CDS Employers on Sept. 1, 2022 notice – Pages 3 through 5
- Notice to CDS employers with EVV Usage Scores below 40% - Pages 6 through 8



Electronic Visit Verification

EVV Usage Reviews Begin for Consumer Directed Services Employers on September 1

Electronic Visit Verification (EVV) Usage Reviews will begin for Consumer Directed Services (CDS) employers for dates of services on Sept. 1, 2022 and after.

Beginning with dates of service on or after Sept. 1, 2022, payers will review the EVV Usage Score for CDS employers quarterly, to make sure the minimum EVV Usage Score is met. CDS employers will be monitored at the member level. Each member who has selected the CDS option will receive an EVV Usage Score.

The EVV Usage Score for a CDS employer will show if the CDS employee(s) is using an EVV clock in and clock out method at the start and end of service delivery. Methods include the mobile method, home phone landline or use of an alternative device. Visits must be entered manually if one of the approved methods is not used. However, this will lower the EVV Usage Score.

CDS employer EVV Usage Score requirements are based on service delivery dates. The table below provides more information on minimum requirements.

Fiscal Year (FY)	Quarter (Q)	Service Delivery Dates	Minimum EVV Usage Score
FY 23	Q1	9/1/2022 – 11/30/2022	40%
FY 23	Q2	12/1/2022 - 2/28/2023	60%
FY 23	Q3	3/1/2023 - Ongoing	80%

Scores below the minimum EVV Usage Score will be reviewed. Payers may choose to review EVV Usage for all CDS employers or a sample of CDS employers that did not meet the minimum EVV Usage Score.

Payers will begin conducting EVV Usage Reviews after the visit maintenance time frame has expired. Expiration of the visit maintenance time frame is based on the last date of the quarter. Payers will use the EVV CDS Employer Usage Report to determine if CDS employers are meeting the minimum EVV Usage Score.

Resources to Help CDS Employers Prepare for EVV Usage Reviews

The EVV Compliance for FMSAs and CDS Employers webinar recording provides training on EVV compliance requirements and reviews. This includes the EVV Usage compliance standard and EVV Usage Reviews for CDS employers. The recording is in video format with audio and closed captioning and is available at <https://attendee.gotowebinar.com/recording/4715682646785451279>.

The Initial EVV Policy Training for CDS Employers computer-based training course is on the HHS Learning Portal at <https://learningportal.hhs.texas.gov/course/index.php?categoryid=26>. This provides training on EVV compliance requirements and reviews, including the EVV Usage compliance standard and EVV Usage Reviews for CDS employers. The course is in an online text-based format that can also be printed.

The EVV Compliance Job Aid for CDS Employers summarizes EVV compliance requirements and reviews for CDS employers and provides guidance on how to stay in compliance. This includes information and guidance for EVV Usage. The job aid is available at <https://www.hhs.texas.gov/sites/default/files/documents/evv-compliance-job-aid-cds-employers.pdf>.

You can review the EVV CDS Employer Usage Report and monitor your EVV Usage Score in the EVV system if you selected Option 1 on Form 1722.

You can contact your FMSA to review the EVV CDS Employer Usage Report and monitor your EVV Usage Score if you selected Options 2 or 3 on Form 1722.

Review the following from the EVV Policy Handbook (<https://www.hhs.texas.gov/handbooks/electronic-visit-verification-policy-handbook>):

- EVV Usage Reviews in section 10010 EVV Usage Reviews at <https://www.hhs.texas.gov/handbooks/electronic-visit-verification-policy-handbook/10000-evv-compliance-reviews#10010>.
- EVV Usage requirements in section 11000 Usage at <https://www.hhs.texas.gov/handbooks/electronic-visit-verification-policy-handbook/11000-usage>.

Summary of EVV Compliance Reviews for CDS Employers

- EVV Usage Reviews will begin Sept. 1, 2022.
- EVV Landline Phone Verification Reviews began Jan. 1, 2022.
- EVV Required Free Text Reviews are postponed until further notice. Review HHSC EVV Operations March 11 notice for more information at <https://www.hhs.texas.gov/provider-news/2022/03/11/evv-required-free-text-reviews-postponed-cds-option>.

Email questions to the HHSC EVV General Inquiries inbox at EVV@hhs.texas.gov.



Subject: Notice to Consumer Directed Services (CDS) employers with Electronic Visit Verification (EVV) Usage Scores below 40%

Dear CDS Employer:

Texas Health and Human Services Commission (HHSC) conducted a review of all CDS employer EVV Usage Scores between May 1, 2022 through May 31, 2022. Your EVV Usage Score for this period was below 40%.

For dates of service on and after Sept. 1, 2022, CDS employers must meet a minimum EVV Usage Score. The minimum required score will increase over time as shown in the table below.

Fiscal Year (FY)	Quarter (Q)	Service Delivery Dates	EVV Usage Score
FY 23	Q1	9/1/2022-11/30/2022	40%
FY 23	Q2	12/1/2022-2/28/2023	60%
FY 23	Q3	3/1/2023-Ongoing	80%

CDS employers are currently in a grace period for EVV Usage Compliance Reviews until Aug. 31, 2022. HHSC is not taking any action based on your current score. If you do not meet the minimum EVV Usage Score after the grace period ends, you could be subject to the following corrective actions based on the number of occurrences of non-compliance:

- First occurrence within a 24-month period may require you to take more EVV policy and system trainings within a specific time frame.
- Two or more occurrences within a 24-month period may require you to complete a corrective action plan (CAP) within ten business days of the notice of non-compliance.
- Three or more occurrences within a 24-month period may remove you from the CDS option.

The EVV Usage Score is based on the number of manually entered EVV visits in the EVV system. Manually entered EVV visits are required when CDS employees do not use the EVV system to clock in or clock out. When your employees do not use the EVV system to clock in or clock out, it lowers your EVV Usage Score. Refer to section 11010 EVV Usage Score in the EVV Policy Handbook for more information.

Make sure your CDS employees use one of the following three HHSC-approved clock in and clock out methods when an EVV visit starts and ends:

- Mobile method
- Home phone landline
- Alternative device

Refer to section 7000 Clock In and Clock Out Methods in the EVV Policy Handbook for more information.

EVV Compliance Resources

HHSC has created resources to help CDS employers meet EVV compliance requirements.

- The EVV Compliance Job Aid for CDS Employers, is a document located on the HHSC EVV CDS webpage and provides guidance on how to stay in compliance with EVV. Visit the HHSC EVV CDS webpage at <https://www.hhs.texas.gov/providers/long-term-care-providers/long-term-care-provider-resources/electronic-visit-verification/evv-consumer-directed-services-option>.
- HHSC offers computer-based trainings available in the HHS Learning Portal. The Initial EVV Policy Training for CDS Employers includes information about EVV compliance requirements. Review this job aid for steps on how to use the HHS Learning Portal at <https://www.hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/evv/evv-hhs-learning-portal-guide.pdf>.
- The EVV Compliance for FMSAs and CDS Employers webinar recording provides training on EVV compliance requirements and reviews. This includes the EVV Usage compliance standard and EVV Usage Reviews for CDS employers. The recording is in video format with audio and closed captioning and is available at <https://attendee.gotowebinar.com/recording/4715682646785451279>.

HHSC recommends you work with your Financial Management Services Agency (FMSA) and employees to improve your EVV Usage Score before the end of the grace period. The CDS Usage Report is available within the EVV system selected by your FMSA. Please work with your FMSA as needed to get your report.

Email questions or concerns to HHSC EVV Operations at EVV@hhs.texas.gov.

Sincerely,

[Signature]

James Brady
EVV Contract Oversight and Finance Manager
Texas Health and Human Services Commission
Medicaid and CHIP Services Division