



Date: November 16, 2020

To: Financial Management Services Agencies (FMSAs)

Subject: Information Letter 20-47
Clarification of Electronic Visit Verification (EVV) Requirements
(Revised November 18, 2020)

The Texas Health and Human Services Commission (HHSC) is requiring that all types of Medicaid personal care services provided through the Consumer Directed Services (CDS) option be documented using EVV beginning Jan. 1, 2021.^{1,2} For a personal care service requiring EVV that is provided on or after Jan. 1, 2021, HHSC will reimburse an FMSA for the service only if the EVV visit transaction matches the service claim submitted to HHSC.

The purpose of this letter is to clarify EVV requirements for FMSAs regarding:

- EVV visit maintenance;
- billing for EVV-required services; and
- selecting an EVV vendor and completing required training.

EVV Visit Maintenance Requirements

Visit maintenance is the process for making corrections to a CDS employee's clock-in and clock-out information in the EVV system to accurately reflect the provision of services. All required visit maintenance must be completed before the FMSA submits a service claim or HHSC or a managed care organization (MCO) will deny or recoup payment of the service claim.

¹ For the purpose of this letter, the term "personal care services" refers generally to attendant care services. The full list of programs, services, and service delivery options required to use EVV, as required by the federal 21st Century Cures Act is available at: <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/evv/programs-services-required-evv.pdf>

² As announced Nov. 10, 2020, the Cures Act EVV Practice Period has been extended through Dec. 31, 2020. Additional information about the extension is available at: <https://hhs.texas.gov/about-hhs/communications-events/news/2020/11/cures-act-evv-practice-period-extended-through-dec-31>

As described in [Information Letter \(IL\) 20-33, published June 26 2020](#), the CDS employer or designated representative must choose to perform visit maintenance in the EVV system or delegate the performance of EVV visit maintenance to the FMSA. A CDS employer must document the employer's decision about visit maintenance on [Form 1722, Employer's Selection for Electronic Visit Verification Responsibilities](#). The three options for visit maintenance on Form 1722 are:

- Option 1: The CDS employer will enter the CDS employer's approval of the time the CDS employee worked in the EVV system and the CDS employer will perform visit maintenance in the EVV system.
- Option 2: The CDS employer will enter the CDS employer's approval of the time the CDS employee worked in the EVV system and delegates the performance of visit maintenance to the FMSA. After the FMSA completes visit maintenance, the CDS employer will enter the CDS employer's approval in the EVV system of any changes made by the FMSA as part of visit maintenance.
- Option 3: The FMSA will confirm the CDS employer's approval of the time the CDS employee worked in the EVV system and the CDS employer delegates the performance of visit maintenance to the FMSA.

If a CDS employer delegates visit maintenance to the FMSA by selecting Option 2 or Option 3, the FMSA must perform visit maintenance on the CDS employer's behalf. The FMSA may not require the CDS employer to select a specific option on the form.

As a reminder, the [EVV Requirements for CDS Employers and Designated Representatives](#) notice, which was published as an attachment to IL 20-33, directs CDS employers to document decisions regarding EVV system responsibilities on Form 1722. IL 20-33 required FMSAs to provide the notice to CDS employers by July 31, 2020.

CDS employers must, by Nov. 30, 2020, complete Form 1722 for personal care services provided through the CDS option.^{1 above}

If a CDS employer does not complete and return Form 1722 to the FMSA by Nov. 30, 2020, the FMSA must:

- document that the CDS employer was provided Form 1722 but did not submit a completed form by Nov. 30, 2020; and
- perform EVV visit maintenance, as described in Option 3, until the CDS employer submits the completed form to the FMSA.

Billing for EVV-required Services

FMSAs must follow all EVV policies, including the [EVV Claims Matching Policy](#) and the [EVV Claims Submission Policy](#). These policies explain how the FMSA must bill for an EVV-required service so that the data elements of a service claim match the corresponding data elements on the EVV visit transaction. FMSAs must review these policies prior to Jan. 1, 2021, to avoid denial of payment of a service claim.

Selecting an EVV Vendor and Required Training

All FMSAs, including those that are not currently providing financial management services to a CDS employer, must select an EVV vendor and complete the following training by Jan. 1, 2021:

- EVV system training;
- EVV policy training; and
- EVV Portal training.

This requirement helps ensure that individuals who choose to receive services through the CDS option in the future will be able to receive such services in a timely manner.

See the [Cures Act EVV: Training Requirements Checklist](#) for more information about required training.

As a reminder, FMSAs are required to practice using the EVV system and the EVV Portal from July 1, 2020 to Dec. 31, 2020. During the practice period, service claims will not be denied for reasons related to EVV. More information about the practice period is available in the May 28, 2020 [Cures Act EVV: The EVV Practice Period Begins July 1](#) article.

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

Sincerely,

[signature on file]

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