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Home Health Care Services and Electronic Visit Verification Update on Implementation and Next Steps

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Background

In 2016, President Obama signed the 21st Century Cures Act which required State Medicaid Agencies to establish Electronic Visit Verification (EVV) for Medicaid-funded personal care services and home health care services. The mandate EVV for personal care services became effective in 2021 and the deadline for home health care services will occur on January 1, 2024.¹ The statute requires Medicaid agencies to electronically collect six specific data points for every service provided, including:

1. the type of service performed;
2. the individual receiving the service;
3. the date of the service;
4. the location of service delivery;
5. the individual providing the service; and
6. the time the service begins and ends.

Current Status

The requirement for State Medicaid agencies to implement EVV for Medicaid-funded home health services is in less than a month, with a January 1, 2024 deadline. Some states are already operational while others will not be able to implement on time. However, the majority of states will move forward with the requirements in January. This creates several important items for home health agencies to be aware of to ensure that there are no delays in billing or issues with denials due to incomplete or missing EVV data. States should currently be engaged in outreach and education campaigns to ensure that providers are aware of the requirements and the steps needed to be compliant with the new requirements.

Policy Options and Considerations

Hard Edits

CMS is encouraging states to establish “hard edits” that would deny payment for claims that do not have associated EVV data. While CMS is pushing states to move in this direction through the EVV certification process, they have allowed states to offer flexibility in timing of the hard edit implementation. Some states have delayed the hard edit deadline beyond the January 1, 2024 EVV implementation date and will instead use the initial period of EVV to identify challenges with operations and provide targeted education and training to noncompliant providers.

¹ While the statutory deadlines for these services are technically 2021 and 2023, respectively, a “good faith effort extension” enabled states to delay both mandates for one year.



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Although it is late in the implementation period, providers and state associations experiencing significant struggles or hardships with EVV could contact the state to advocate for a delay in “hard edits” coupled with enhanced training and technical assistance to improve compliance.

Dual Eligibility

The EVV mandate only applies to Medicaid home health services and is not required for Medicare-funded home health. Similarly, dual eligibles with Medicare as the payer of home health services do not require EVV. According to CMS guidance, when the Medicaid payment is to cover the Medicare cost-sharing, EVV requirements do not apply because there is no payment of the **claim** by Medicaid for HHCS.

Many states explicitly exclude Medicare claims for dual eligible individuals from their EVV policies. Providers and state associations can engage with their state to ensure that these individuals and claims are appropriately exempted from the EVV Mandate.

Recommendations for Home Health Agencies

1. Engage with your State Association. State Associations have been key partners in collaborating with Medicaid programs to share information about needs and challenges and to advocate for changes that improve EVV implementation around the country;
2. Ensure you participate in your state’s EVV training program to be aware of the specific state requirements, including additional data elements beyond the six required by federal law;
3. Identify the EVV system your state uses, including whether the state requires use of a state-contracted system or has an “open system” that includes an aggregator of third-party EVV data;
4. Ensure that your system is able to effectively interface with the state system; and
5. Educate and train your staff about the requirements and how to use your EVV system effectively and appropriately.

Useful EVV Resources

1. CMS Medicaid EVV Guidance: <https://www.medicaid.gov/medicaid/home-community-based-services/guidance/electronic-visit-verification-evt/index.html>
2. CMS EVV Systems Certification: <https://www.medicaid.gov/medicaid/data-systems/certification/electronic-visit-verification-outcome-based-certification/index.html>
3. The National EVV Association: <https://nationalevv.org/>
4. A list of State Homecare Associations: <https://mynahc.nahc.org/directories/state-association-locator>