



Date: May 13, 2019

To: Community Living Assistance and Support Services Case
Management Agencies and Direct Services Agencies
Deaf Blind with Multiple Disabilities Program Providers
Financial Management Services Agencies
Home and Community-based Services Program Providers
Local Intellectual and Developmental Disability Authorities
Primary Home Care Program Providers
Community Attendant Services Program Providers
Family Care Program Providers
Texas Home Living Program Providers

Subject: Information Letter No. 19-10–The 21st Century Cures Act and the
Required use of the Electronic Visit Verification System

The information contained in this letter is applicable to program provider agencies, financial management services agencies and employers directing services through the Consumer Directed Services (CDS) option.

The 21st Century Cures Act, a federal requirement, mandates all states use Electronic Visit Verification (EVV) for all Medicaid Personal Care Services (PCS) and home health services or risk a loss of Federal Financial Participation (FFP), also referred to as Medicaid matching dollars. The implementation of EVV for PCS is required by January 1, 2020, and January 1, 2023, for home health services.

Prior to the Cures Act, Texas instituted EVV in certain programs which included state plan PCS programs like Primary Home Care and Community Attendant Services, as well as Community Living Assistance and Support Services (CLASS) waiver in-home respite and residential habilitation services.

With the passage of the Cures Act, Home and Community-based Services (HCS), Texas Home Living (TxHmL), and Deaf-Blind with Multiple Disabilities (DBMD) program providers will also be required to use EVV. The Cures Act also extends EVV to the CDS option. Historically under state rules, CDS employers could choose to use EVV, but were not mandated to do so.

The following HHSC programs and services are not currently required to use EVV and thus will be impacted by the expansion of EVV. The first phase of the EVV expansion related to PCS will be implemented by January 1, 2020¹.

Program	Services and Service Delivery Options Requiring Electronic Visit Verification (January 1, 2020)
1915(c) Deaf-Blind with Multiple Disabilities Waiver	Community First Choice (CFC) Personal Assistance Services (PAS)/Habilitation (HAB) and In-Home Respite (Agency and CDS)
1915(c) Home and Community-based Services Waiver	CFC PAS/HAB, In-Home Respite, and Day Habilitation - provided in the home (Agency and CDS)
1915(c) Texas Home Living Waiver	CFC PAS/HAB, In-Home Respite, and Day Habilitation - provided in the home (Agency and CDS)
1915(c) Youth Empowerment Services Waiver	In-Home Respite (Agency) ²
1915(i) Home and Community Based Services (HCBS) Adult Mental Health	Supported Home Living-Habilitative Support and In-Home Respite (Agency) ²

¹ A list of programs and services impacted by the January 1, 2023, EVV implementation deadline will be released at a later date.

² SRO/CDS Option is not available in the 1915(c) Youth Empowerment Services or the 1915(i) HCBS Adult Mental Health programs.

Program	Services and Service Delivery Options Requiring Electronic Visit Verification (January 1, 2020)
1915(k) Community First Choice (including STAR Members who receive these services through the traditional Medicaid model)	CFC PAS and CFC HAB (Agency, CDS and the Service Responsibility Option (SRO))
Personal Care Services provided under the Texas Health Steps Comprehensive Care Program (including STAR members who receive these services through traditional Medicaid model)	Personal Care Services (Agency, CDS, and SRO)
STAR Health - MDCP Covered Services	In-Home Respite and Flexible Family Supports (Agency, CDS, and SRO)

The following HHSC programs and services are currently required to use EVV; however, as of January 1, 2020, individuals using the SRO/CDS option must use EVV.

Programs and Services Currently Required to Use EVV		Services and Service Delivery Options Requiring EVV (January 1, 2020)
1915(c) Community Living Assistance and Support Services waiver	CFC PAS/HAB and In-Home Respite (Agency)	CFC PAS/HAB and In-Home Respite (CDS)
Community Attendant Services	PAS (Agency)	PAS (CDS and SRO)
Family Care	PAS (Agency)	PAS (CDS)
Primary Home Care	PAS (Agency)	PAS (CDS and SRO)
STAR Health	CFC PAS, CFC HAB and Personal Care Services (Agency)	CFC PAS, CFC HAB and Personal Care Services (CDS and SRO)
STAR Kids	CFC PAS, CFC HAB and Personal Care Services (Agency)	CFC PAS, CFC HAB and Personal Care Services (CDS and SRO)
STAR Kids - MDCP Covered Services	In-Home Respite and Flexible Family Supports (Agency)	In-Home Respite and Flexible Family Supports (CDS and SRO)
STAR+PLUS	CFC PAS, CFC HAB, and Personal Assistance Services (Agency)	CFC PAS, CFC HAB, and Personal Assistance Services (CDS and SRO)
STAR+PLUS Home and Community Based Services	Personal Assistance Services, In-Home Respite, and Protective Supervision (Agency)	Personal Assistance Services, In-Home Respite, and Protective Supervision (CDS and SRO)

HHSC is committed to working with impacted providers, individuals receiving services, CDS employers and other external stakeholders. More details about information sessions, tool kits, webinars, and opportunities for input, as HHSC moves towards the expansion of EVV, are located on the EVV webpage at <https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/resources/electronic-visit-verification>. The latest on the Cures Act and activities mentioned above are found under the tab labeled "What is the Status of the 21st Century Cures Act." HHSC requests all providers make certain they are signed up for gov delivery to ensure additional information is received as it is released.

Inquiries about HHSC's plans for the expansion of EVV can be sent to electronic_visit_verification@hhs.state.tx.us.

Interested stakeholders can also sign up for email and text updates at the following webpage: https://public.govdelivery.com/accounts/TXHHSC/subscriber/new?topic_id=TXHHSC_247.

For the most current federal guidance issued by CMS, visit: <https://www.medicaid.gov/medicaid/hcbs/guidance/electronic-visit-verification/index.html>

Sincerely,

[signature on file]

Dee Budgewater
Deputy Associate Commissioner
Office of Policy and Program
HHSC Medicaid and CHIP Services