

OVERVIEW

Why implement EVV?

DHHS is implementing EVV to comply with the federal 21st Century Cures Act. This is mandatory for Medicaid programs in all states. The Centers for Medicare and Medicaid Services (CMS) will fine the state programs if they do not implement EVV.

What is the federal 21st Century Cures Act?

[Section 12006\(a\) of the 21st Century Cures Act \(link is external\)](#) mandates that states implement EVV for all Medicaid personal care services and home health services that require an in-home visit by a provider. This applies to personal care services provided under sections 1905(a)(24), 1915(c), 1915(i), 1915(j), 1915(k), and Section 1115 and home health services provided under Section 1905(a)(7) of the Social Security Act or a waiver.

What programs and services does the EVV affect?

The definition of “personal care services” is not uniform across all the authorities under which it can be covered as a Medicaid benefit, but in general, it consists of services supporting Activities of Daily Living (ADL), such as movement, bathing, dressing, toileting and personal hygiene. Personal care services can also offer support for Instrumental Activities of Daily Living (IADL), such as meal preparation, money management, shopping and telephone use. This will affect home and community-based services being administered by the following divisions:

- Aging Services
 - Respite Care
 - Homemaker
 - Chore
 - Personal Care (unit and daily rate)
 - Non-Medical Transportation
 - Non-Medical Transportation (Escort)
 - Supported Employment
 - Transitional Living
 - Extended Personal Care (Nurse Education)
 - Supervision
 - Companionship
- Developmental Disabilities
 - Homemaker
 - Independent Habilitation
 - Extended Home Health Care
 - In-home Support (provider managed and self-directed)
 - Personal Care
- Medical Services – Autism waiver, Children’s Medically Fragile and Children’s Hospice waiver
 - Respite Care
 - In-home Support
- 1915(i) Medicaid State Plan Amendment

- Respite Care

Providers who must use EVV:

- Agency Qualified Service Providers (QSPs)
- Individual QSPs
- Licensed Developmental Disabilities (DD) Providers
- Children’s Medically Fragile, Autism Spectrum, Children’s Hospice (Respite Care Providers)
- 1915(i) In-Home Respite Providers

When will EVV be implemented?

- Medicaid-covered **personal care and related services** effective January 1, 2021
- Medicaid-covered **home health services** effective January 1, 2023

What information will EVV verify?

Section 1903(l)(5)(A) provides that the system must be able to electronically verify, with respect to visits conducted as part of personal care services or home health care services, the following:

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

MEMBER AND PARTICIPANT QUESTIONS

Can North Dakota choose not to implement EVV?

No. [Section 12006\(a\) of the 21st Century Cures Act \(link is external\)](#) mandates that states implement EVV for all Medicaid personal care services and home health services that require an in-home visit by a provider. States that do not implement EVV will experience financial penalties from CMS.

Is the Electronic Visit Verification System (EVVS) tracking my movements?

No. The EVVS is not a tracking device and does not track an individual’s movements. Rather, the system records certain data elements that are required by the 21st Century Cures Act, including the location and when the provider starts and ends a visit.

PROVIDER QUESTIONS

Who is the EVV vendor in North Dakota?

North Dakota has contracted with [Therap LLC](#) as its EVV vendor.

Will providers be required to use Therap’s EVV technology?

No. North Dakota Health and Human Services has adopted an open EVV model. Providers may choose to use their own EVV system and will be required to submit data to a data aggregator.

Who is the Aggregator vendor in North Dakota?

North Dakota Health and Human Services has chosen Sandata Technologies as the aggregator vendor.

Is there a cost to me for using the EVV system?

No. There is no charge to any provider or individual to use the Therap EVV system. However, there may be a cost to agency providers who choose to use their own alternate EVV system or for the technology or other devices required to collect data during a visit.

I am an agency provider. If I am already using an EVV technology, do I have to switch to the North Dakota EVV system?

- No. You may continue to use your current EVV system, but you must submit information to the data aggregator as required.
- Providers will be responsible for working directly with the aggregator vendor to ensure it meets all requirements and for any interface costs (if any) charged by their vendors if they choose to use their own system.
- Providers will be responsible to work directly with the aggregator vendor to resolve any data submission issues that arise between the alternate EVV vendor and the aggregator. The State is not responsible to mitigate any claims submission issues that involve alternate EVVS.

I am an agency provider under Aging Services and would like to switch to using Therap. Am I able to do this?

Yes, your agency can choose to switch to using Therap but please note this will require a minimum 3 weeks' notice to process.

Send an email to Aging Services at dhshcbs@nd.gov to start this process.

What options does Therap, LLC use to capture EVV?

- Mobile application (Online and/or offline) using smart phone or tablet
- Web application on computer (online only)
- Interactive Voice Response (IVR)
- Fixed Visit Verification (FVV) – Pre-Approval from State required
- Tertiary (paper attached to electronic record) - Approval from State required

What technology do I need to use Therap's mobile application?

- Android version available for free on Google Play
- Requires Android 5.0 or higher
- iOS version available for free in Apple App Store
- Requires iOS 10.0 or higher

Can I use a Kindle?

No, Kindles are not compatible with the Therap mobile application.

Are agencies allowed to require their workers to use their personal cell phone for work?

Please see the Department of Labor fact sheet on Deductions From Wages for Uniforms and Other Facilities Under the Fair Labor Standards Act (FLSA) for additional guidance that would be applicable to this scenario. For labor law questions, provider agencies may wish to consult with an attorney.

Are agencies responsible for cell phone or data charges if the worker is using a mobile device to record their visit?

Please see the Department of Labor fact sheet on Deductions From Wages for Uniforms and Other Facilities Under the Fair Labor Standards Act (FLSA) for additional guidance that would be applicable to this scenario. For labor law questions, provider agencies may wish to consult with an attorney.

If services are provided outside of the person supported's home and the provider uses Therap to check in, will the provider be out of compliance?

Staff can check in from any location using the web or IVR from a cell phone if they are providing care to the individual.

Will the client be required to verify the visit with their signature or voice verification?

No, client signature or voice verification is not required. However, clients will have the option to verify via either of these methods if they so choose.

When using an FVV device, the numbers on the device must be inputted into Therap on the computer. How does the state recommend inputting this information if staff do not have this capability?

Numbers from the fixed visit verification device can be captured on a form and the staff would submit it to their supervisor who will enter it in Therap. If you are an individual provider, you would be responsible to have access to a computer or smart phone where you can enter the fixed object numbers.

Does IVR need to be used with a landline only?

IVR does not need to be done from a landline. The phone number just needs to be associated with the individuals' case. There are four locations within an individual record where a phone number can be stored.

Does IVR need to be pre-scheduled?

Yes. To utilize the IVR option, the visit needs to be prescheduled in Therap to get a slot ID number to enter when calling through IVR.

Who is responsible for training provider staff to use EVV?

If you are using the North Dakota contracted vendor, Therap LLC, they will be providing training and support to provider staff. If you have your own EVV system, you will be responsible to train your provider staff.

Will EVV require an internet connection?

An onsite internet connection is not needed to check in and out on the mobile app. The encrypted visit information can be uploaded later when an internet connection is available. No internet connection is required for IVR or FVV.

Will provider agencies be able to manually correct visit time?

Yes, North Dakota Health and Human Services provided EVV system allows administrators at the provider agency to manually update a visit when necessary. Individual QSPs can also manually correct their visit time. The system keeps track of which visits are manually corrected and the state will have access to a report that may be used to audit EVV data. **However, you cannot manually enter all of your visit data into the system. It must be electronically submitted at the time the service is delivered. Providers who only enter the data manually are subject to audit and recoupment.**

- **If you stay clocked in longer than you are providing services, because you forgot to check out, you are required to manually update the visit to the correct time.**

Will claims without required EVV data be denied?

Claims that do not have the required EVV information may be denied.

How does Therap, LLC protect information?

No PHI is stored on a Mobile device for EVV even offline. Login credentials are individual user specific and privileges are role and caseload based.

What if the individual does not have a SIS score in Therap for DD Services?

If the individual is new to services and does not have a SIS score, the EVV data will be kept on a paper form. Once the SIS and Pre-auth are in Therap, the data will be manually entered for billing. This will need an exception code. If you have this situation, contact the DD State office EVV lead for the form as well as to verify that the person does not have one and they are in an authorized service.

What if the individual is approved for 2:1 staffing?

Staff will be scheduled in a separate slot so that they have the ability to clock in and out for the support that they have provided to the person. Both slots will be billable for the services provided that were subject to EVV.

What if the staff is approved to work with two individuals for the same time?

For DD providers, if one staff is approved to work with two individuals during the same time frame, the staff will check in and out for each participant for the whole shift. Once the shift is over it can be manually changed in Therap to split the time between the two individuals. This would then be documented as an exception.

How do you clock in and out for transportation, when it is a non-billable service for the DD Services my agency provides?

The staff will not be able to clock into the EVV system until they have arrived at the location and the EVV service is able to be billed.

What if my unit calculations are not showing correctly?

Please note, you must work a minimum of 8 minutes to fill for a 15-minute unit.

- The unit amount will not show up on the check in/out schedule, but the system collects the data and doesn't calculate the unit until the claim is created.
- **Any clock in/out that is less than 2 minutes will not be submitted to the aggregator and not count towards the 15-minute unit, if using Therap.**

How long do I have to work to claim my daily rate?

You must provide services and be clocked in for at least 60 consecutive minutes to bill for a daily rate.

What if I don't understand the billing process, who do I contact?

Contact Therap help desk at ndsupport@therapservices.net.

What if I didn't get paid or if a claim is denied?

Contact the MMIS call center at 1-877-328-7098, enter 0 if you are asked for a pin.

What if my authorization or units are wrong?

Contact the case manager assigned to the individual.

What if I didn't receive all of the units I am approved?

You won't see the correct units until you submit the claim.

PROVIDERS USING A THIRD PARTY EVV VENDOR

Who is the Aggregator vendor in North Dakota?

North Dakota Health and Human Services has chosen Sandata Technologies as the aggregator vendor.

What date will the state data aggregator system be implemented?

The data aggregator is not estimated to go live until July 2021.

Are providers who use their own EVV system required to collect the EVV data on January 1, 2021?

Yes, the 21st Century Cures Act requires all providers to use EVV to collect the six required data elements for dates of service January 1, 2021 and later.

Those data elements are:

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

If the data aggregator will not be live until May, what should providers do with the EVV data we collect for services subject to EVV?

Providers who use their own EVV system are required to store the data until it is requested by the State. All services provided after January 1, 2021 requiring EVV are subject to post payment review. Claims that do not have the required EVV documentation to support the amount billed may be recouped.

SELF-DIRECTED SERVICES (DD & MEDICAL SERVICES)

We received self-directed in-home supports, who will we use for EVV?

North Dakota has contracted with the current self-directed vendor, [Veridian](#) Fiscal Solutions, to use EVV for self-directed In-Home Supports and respite.

Who will be responsible for providing training to those using Self-Directed EVV services?

Veridian Fiscal Solutions will be responsible to train and support individuals using EVV for self-directed services. Visit <https://www.veridianfiscalsolutions.org/evv-training.aspx> for updates and ongoing training materials.

How does and Veridian Fiscal Solutions protect information?

The privacy and security of the participant appointed employer, and the employees they pay is of great importance to Veridian Fiscal Solutions. The privacy policy can be found on our website at <https://www.veridianfiscalsolutions.org/nd/files/Privacy%20Policy.pdf>

Each employer of record and their employees will have unique password and a VFS assigned account number to secure their time punch transactions submitted through the EVV platform. VFS also employs the use of secure email to protect all confidential and protected health information in transit and at rest when emailing participants. VFS has security procedures in place for all requests for information written and verbal. Our locations are secure and all confidential and protected health information is encrypted on VFS systems.

Will internet connection be required for self-directed EVV?

Veridian will have two options to collect EVV data:

- Web application (on a web browser)
- Interactive Voice Response (IVR)

Internet connection will be required for the web application, but not for the IVR.

What if one staff is approved to be working with two individuals at the same time?

If one staff is approved to work with two individuals during the same time frame, the staff will check in and out for each participant for the whole shift. Once the shift is over, staff will then be able to update the shift in the portal to split the time between the two individuals. This would then be documented as an exception.

A more specific FAQ for Veridian Fiscal Solutions can be found at <https://www.veridianfiscalsolutions.org/evv-training.aspx>

QUESTIONS?

For questions on North Dakota's EVV, contact North Dakota Health and Human Services at carechoice@nd.gov, toll-free 855-462-5465, 711 (TTY). Additional information can be found at <https://www.hhs.nd.gov/adults-and-aging/electronic-visit-verification-evv-system>

