January 30, 2017

EVV Meeting at DHS, Thursday, January 26, 2017

The subject meeting was held at DHS to discuss their concerns and preferences regarding implementation of Electronic Visit Verification as called for in recent federal legislation. The attendees were:

1. Katherine Finlayson, DHS/DSD
2. Sarah Shultz, DHS/DSD
3. Olivia Anderson,  DHS – Legislative for Continuing Care and Community Supports Administrations
4. Janine Wilson, Supervisor Home Care Policy
5. Reese Ledger, Home Care Policy Unit
6. Charles Young (by phone) Legislative Liaison DSD
7. Stacy Twite, Legislative Director, Continuing Care and Community Supports Administrations
8. Jane Vujovich, MHCA/ACCRA
9. Jared Champeaux, MHCA/Heartland PCA
10. Jay Jones, MHCA/Superior Home Care Nursing
11. Kevin Goodno, Fredrikson & Byron

We wanted to understand how they are thinking to respond to the federal legislation so we could align MHCA’s legislative actions in this session with their thinking, if possible.

SUMMARY: We learned that we have a similar understanding of the federal requirements – specifically, that EVV be up and running for PCA services by January 1, 1019 and for Home Health services by January 1, 2023. Increasing reductions in the federal matching funds for those services would begin if those dates are not met. In both cases, a 1 year grace period is provided if good-faith implementation efforts encounter unavoidable delays. Although schedules this challenging could cause a certain amount of anxiety, DHS mentioned that it is not uncommon for them to renegotiate schedules with CMS to accommodate circumstances beyond DHS control (e.g., uncooperative state legislature).

They understood the federal law’s requirement to engage stakeholders in their planning and implementation activities, and they are planning to do that. They seemed pleased by our interest and offer to help.

They are unclear on the breadth of their EVV system implementation, i.e., how much data to collect and what to do with it. They did not seem to have a ready solution to avoiding multiple implementations (by individual agencies, MCOs, CFSS, etc.) and avoiding the impact that would have on consumers, caregivers, agencies and DHS.

They had been aware that federal legislation like this was coming, so they had begun work on legislation in response. Stacy said she would share that draft legislation with Kevin if she gets approval. Theirs seemed to be somewhat broader than just federal EVV, may have also included electronic timecard aspects.

They acknowledge the unsettled environment in DC, and the many unknowns about how this requirement may be implemented, modified (or abandoned) as CMS acts on it.

They recognize that EVV being fully implemented by January 2019 is somewhere between very unlikely and impossible, and the most they would be inclined to ask legislation for now is to initiate planning (and cost estimating) for the implementation phase. However, the approval process within DHS and at the Governor’s office to introduce legislation is not compatible with the new Legislature’s hearing schedules and committee deadlines – they probably can’t get it done in time.

RECOMMENDATION: We believe they would like legislation that recognizes the EVV requirement, initiates the required stakeholder-involved studies, and promises to come back with a more detailed plan (with costs) for the next session.

Kevin suggests that we introduce this legislation. It would be considered helpful to what DHS wants to do, and should guarantee our place at the table for the stakeholder discussions that will precede any implementation.

At our last Board meeting, we agreed to provide Kevin with a recommendation for action, if any. If you agree with this recommendation, please email Kevin with your agreement so he can coordinate with DHS and get the appropriate legislation sponsored and introduced.