



State of New Jersey
 Department of Human Services
 Division of Developmental Disabilities

Electronic Visit Verification Exempt Visit Guidance

Electronic Visit Verification Exempt Visit Guidance

Version 4 – April 2024

Electronic Visit Verification Exempt Visit Guidance

This guidance document was created to provide guidance for any entity impacted by Electronic Visit Verification (EVV) Exempt Services. This document is part of a training series that can be found on the Division of Developmental Disabilities website:

<https://www.nj.gov/humanservices/ddd/providers/federalrequirements/verification/>

What is the purpose of the Cures Act?

Section 12006 of the Cures Act and The Centers for Medicare & Medicaid Services (CMS) has mandated that EVV will be required for all Personal Care Services as of January 1, 2021. EVV was created to reduce fraud and ensure individuals receive the documented care and services they need.

What data does EVV collect?

Each state is required to capture and verify six data elements to remain in compliance with the Cures Act. The six data elements include the type of service performed, the name of the individual receiving the service, the date of the service, the location of service deliver, the individual providing the service and the time the service begins and ends.

What service codes does EVV apply to?

Phase One compliance was mandated for January 2021 with Phase Two compliance mandated for April 2023. The two charts below reflect the 16 Division procedure codes that require EVV.

Phase 1 Procedure Codes -Compliance Date January 2021		Phase 2 Procedure Codes - Compliance Date January 2023	
Individual Supports	H2016HI H2016HI22 H2016HIU88	Behavioral Supports	H0004HI22 H0004HI
In-Home Respite	T1005HI T1005HIU8	Physical Therapy	S8990HIUN S8990HI
Community Based Support	H2021HI H2021HI22 H2021HI52	Occupational Therapy	97535HIUN 97535HI
		Speech, Language, and Hearing Therapy	92507HIUN 92507HI

What service codes are considered EVV Exempt?

- ❖ In certain cases, a service falling under one of the aforementioned procedure codes may be exempt from EVV.

Exemptions include:

- ❖ Live-in Caregivers - CMS allows the exclusion of EVV when the person providing care is living (Live-In Caregiver) with the person receiving care. In this case, there is no “in-home visit” to record as required by the Cures Act because the provider is living in the home. This exemption applies to both family members and non-family members living with the person receiving care. An EVV Live-In Worker Attestation form is required to be completed. The link to the form can be found here:
 - <https://www.nj.gov/humanservices/ddd/assets/documents/providers/Live-In-Caregiver-Attestation-2023.pdf>
- ❖ Congregate Settings - CMS interprets the reference in the statute to an “in-home visit” to exclude personal care attendant (PCA) services provided in congregate residential settings where 24-hour service is available. This includes settings such as group homes, supervised apartments, and supported living settings.
- ❖ Virtual Visits – Physical Therapy, Occupational Therapy and Speech will be considered exempt when provided virtually.
- ❖ In Home Visit - CMS allows for the exclusion of EVV when no “in-home visit” takes place. Services provided strictly in the community are considered exempt. This includes if a worker arrives at a member’s home to provide transportation to/from the community location. However, if any part of the EVV service is performed in the home EVV is applicable.

Is documentation for required EVV Exempt Visits?

All EVV Exempt visits must still be documented to be compliant with Medicaid standards. Visits must be documented via the Community Based / Individual Supports log, which can be found directly on our Division’s website. Providers must document the date, start and end time, activity, and how the activity will help the DDD individual reach their specific support outcome. In relation to the live in caregiver, the Support Coordinator shall be responsible for confirming with the individual/family which staff, if any, are live-in caregivers paid by DDD through the participant’s individual budget. Should a live-in caregiver exist, the Support Coordinator shall complete the Live-In Caregiver Attestation form at the time of service plan development, whenever there is a change in live-in caregiver status and annually thereafter. Once complete, the form shall be uploaded to iRecord. Please find this notated in manual section 17.18.5.4.

Community Based / Individual Supports
(Not applicable when delivering daily rate version of Individual Supports. Only used for 15 minute unit version)

Name: _____ Service Plan Year: _____

ISP Outcome: _____

Service Strategies (check all that apply):

- Assistance with Activities of Daily Living (such as getting dressed, eating, personal hygiene, etc.)
- Assistance with Increasing Community Participation (such as daily errands, attending events, restaurant, purchasing items, travel training, etc.)
- Assistance with Increasing Independence (such as helping the individual learn to do laundry, cook, clean, dress, grocery shop, pay for items, etc.)
- Assistance with On-The-Job Support (such as safety awareness, using the restroom, attending to task, lunch/breaks, etc.)
- Assistance with Learning Activities (such as basic tutoring – math, reading, writing; support in attending a class; etc.)

Date	Start Time	End Time	Individualized Activity	Tell us about the day, and how the activities will help the individual reach the above outcome

How do I bill for EVV Exempt Visits?

EVV Exempt services **should not** be billed through your Fee For Service HHA Exchange contract. Instead, you should be billing Gainwell directly for exempt services through your NJMMIS (NJ Medicaid) portal. When billing Gainwell directly for EVV Exempt services, it is important to use the correct Place of Service code to avoid payment denials. Please see the CMS Service Code Communication on our Division's webpage for additional information on service codes.

- ❖ Exception: If your agency has an internal paid contract with HHA Exchange, you will need to contact your Client Service Management (CSM) team member on how to bill EVV Exempt services within your internal contract.

Please note, billing EVV exempt services through your DDD fee for service contract within HHA will cause your manual exception rate to be affected. This will result in your agency being out of compliance. Please bill Gainwell directly for all exempt services.

What if all of my visits fall under the EVV Exempt category?

If all services fall under the exempt category you must contact our DDD EVV Helpdesk at DDDEVV@DHS.NJ.GOV with your agency name and tax ID number. Please also state the reason for EVV Exemption. When approved, your agency will be placed on the Exempt Provider list. This list can be found on the Division's website on the compliance report. If all visits fall under the EVV Exempt category, please follow the above steps for billing EVV Exempt visits.

What if only some visits are EVV Exempt?

There are times where a provider may not be on the EVV Exempt Provider's list, but may provide some visits where it is considered EVV Exempt. The visits that take place in the community may be billed using the stated Exempt billing process. For visits that take place in the home and require EVV, staff will have to utilize the HHA Exchange app to clock in/out for visits. The visits requiring EVV will also have to bill through your HHA Exchange provider portal.

What is required of our Support Coordinators (SC)?

SCs are often the most familiar with the service recipient and their family. As a result, it is important for SCs to be able to answer general questions regarding the federal mandate, inform families of changes, communicate challenges, complete and upload the live-in caregiver attestation form, assist with documenting services requiring EVV.

- ❖ Plan Documentation - SC is responsible for notating on the individual's plan in the service description box whether the service is EVV required, EVV exempt, or EVV is required intermittently.
- ❖ Live in caregiver form - the SC is responsible for completing the form, obtaining acceptable proof of address documentation, uploading the documents to iRecord, and notifying the DDD EVV Helpdesk when the form is completed.
 - The live-in caregiver attestation form and list of acceptable proof of address can be found on our Division's website.

What should Support Coordinators EVV Exempt documentation look like?

In order to remain in compliance with the federal mandate, the Division needs to be able to track and verify those individuals with services requiring EVV. The Division is requesting that a notation be made in the service description box on each individual's ISP when there are EVV service(s) included in the service plan. Below are some examples of how documentation can be worded:

- ❖ **The Service Provided Is Always Exempt**

- If the service provided is always exempt, a notation should be made in the service description box stating, “This service is exempt due to X exemption.” Examples include, but are not limited to:
 - If a service is always in the community the notation would state, “This service is exempt as it is provided only in the community.”
 - If a service is virtual the notation would state, “This service is exempt as it is currently provided virtually, however when it returns to in-person service delivery it will no longer be exempt.”
 - It is pertinent to note that EVV Services will no longer be permissible virtually for DDD clients after November 7, 2023.
 - If a service is provided in a congregate setting the notation would state, “This service is exempt as it is provided in a congregate setting.”
 - If a service is provided by a “live-in caregiver” the notation would state, “This service is exempt as it is currently being provided by X who is/are live-in caregiver(s).”
 - Please Note: A Live-In Worker Attestation form needs to be completed for each Live-In caregiver.

❖ **If A Service Has Both EVV Visits and EVV Exempt Visits**

- In some cases, a service may require EVV on certain dates and will not require EVV on other dates because some days will include in-home (EVV applicable) service delivery and some days will not include in-home (EVV exempt) service delivery. For this scenario, a notation should be made in the service description box stating, “This service has both exempt and non-exempt EVV visits. Exempt visits are due to X exemption.” For example:
 - If a service is sometimes provided within the individual’s residence, and other times provided in the community, the notation would state, “This service has both exempt visits and EVV required visits. Exempt visits are due to services being provided in the community.”
 - If a service is sometimes provided within the individual’s residence, and other times provided virtually, the notation would state, “This service has both exempt visits and EVV required visits. Exempt visits are due to the virtual exemption.”

❖ **If Part of a Service Visit Takes Place Within the Residence and Part of the Visit Takes Place in the Community**

- If part of a visit takes place within the residence, and part of the visit takes place in the community, the entire visit requires EVV. In this scenario, a notation should be made in the service description box stating, “This service requires EVV because part of the visit takes place in the home.”

Where does this notation go?

The notation should be made in the service description box as seen in the picture below. Please see the Checkbox Quick Reference guide on our Division’s webpage for additional details.

Outcomes

- Outcome 1 : \$ 0.00
- Outcome 2 : \$ 0.00
- Outcome 3 : \$ 35,118.32

Service 1 : Community Based Supports

Greg will receive support in his home to increase his independence. This service will require EVV.

Procedure : CBS Code : H2021H Reference : PCPT Claims : Medicaid	Provider : XYZ Agency Location : Community	Start Date : 11/4/2020 End Date : 11/3/2021 Unit Type : 15 Min Frequency : Weekly	Rate : \$7.83 Total Units : 4172 Total Cost : \$32,666.76 Expended : \$4,483.05 Balance : \$28,183.71
---	---	--	--

What if I begin providing services that not are EVV Exempt?

If at any time a provider realizes they are providing services in the home in a manner that requires EVV to be used, please reach out to the DDD EVV Helpdesk at DDDEVV@DHS.NJ.GOV to notify us of this change. A provider would have to begin using HHA Exchange to process all visits and claims that require EVV.