



Date: January 4, 2021

To: Home and Community-based Services (HCS) Program Providers  
Texas Home Living (TxHmL) Program Providers

Subject: Information Letter No. 2021-01  
Electronic Visit Verification Notification Requirement

Beginning January 1, 2021, HCS and TxHmL program providers are required to use the electronic visit verification (EVV) system for community first choice personal assistance and habilitation (CFC PAS/HAB), in-home respite, and day habilitation provided in the home of an individual who has a residential location of "own/family home."

Texas Government Code, §531.024172(c), requires that HHSC inform an individual who receives a service requiring the use of EVV that the individual is required to comply with the EVV system. To comply with this statute, HHSC has developed the attached Electronic Visit Verification Responsibilities and Additional Information form that explains EVV and an individual's responsibilities related to EVV.

HCS and TxHmL program providers must, **by March 31, 2021:**

- orally explain the information in the attached form to the individual or LAR;
- sign the form to attest to explaining the information and to providing a copy to each individual or LAR;
- provide the individual or LAR with a copy of the signed form; and
- maintain the completed form in the individual's record.

Questions regarding this information letter can be directed to:

[HCSPolicy@hhsc.state.tx.us](mailto:HCSPolicy@hhsc.state.tx.us)

Sincerely,

*[signature on file]*

Michelle Erwin  
Deputy Associate Commissioner Office of Policy and Program  
Medicaid and CHIP Services

Attachment: Electronic Visit Verification Responsibilities and Additional Information notice



## **Electronic Visit Verification Responsibilities and Additional Information**

Electronic Visit Verification (EVV) is an electronic system used to document and verify that personal care Medicaid services have been provided to persons authorized to receive those services.

The Texas Health and Human Services Commission (HHSC) requires an attendant or a consumer directed services (CDS) employee who provides one of these services to use EVV to clock in when the service begins and to clock out when the service ends.

An attendant or CDS employee uses one of the following three methods to clock in and clock out:

- The attendant's or CDS employee's personal smartphone.
- Your home landline telephone **only** if you approve.
- An EVV alternative device, a small electronic device that is placed and remains in your home in an agreed upon location.

An attendant or CDS employee is not permitted to use your personal smart phone.

### **Section I - Your Responsibilities**

You have the following responsibilities regarding the use of EVV.

- You must allow your attendant or CDS employee to clock in and clock out of the EVV system using one of the methods listed above.
- You must not clock in or clock out of the EVV system for your attendant or CDS employee at any time.
- You must immediately tell your provider agency or CDS employer if your attendant or CDS employee asks you to clock in or clock out of the EVV system for the attendant or employee.
- If your attendant or CDS employee is using an EVV alternative device to clock in and clock out:
  - You must immediately tell your provider agency or CDS employer if the EVV alternative device is damaged or removed from your home, or if someone has tampered with the device; and
  - You must return the device to your provider agency or CDS employer when you are no longer receiving Medicaid services that require EVV.

Your failure to perform these responsibilities may result in a referral of Medicaid fraud to the HHSC Office of Inspector General.

### Section II– Additional Information

- Your personal information in the EVV system is private and confidential and may only be disclosed as allowed by federal and state laws, rules, and regulations.
- Your attendant or CDS employee may use your home landline telephone to clock in and clock out of the EVV system only if you approve.
- You can ask for a meeting with your HCS or TxHmL program provider if you have questions about EVV.

If you have a complaint related to EVV, you may submit the complaint to the HHS Office of the Ombudsman:

- by telephone at **877-787-8999**
- by fax at **888-780-8099**; or
- by mail at:

HHS Office of the Ombudsman  
P.O. Box 13247  
Austin, Texas 78711-3247

Please contact your program provider representative if you have any questions or concerns.

For more information on EVV, please visit our website at <https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/resources/electronic-visit-verification>.

### Section III – Attestation

By signing below, the program provider, FMSA, case worker, case manager or service coordinator makes the following attestations and acknowledgement as required by Texas Government Code §531.024172(c):

I have provided the individual/LAR with an oral explanation of the information in this document.

I have provided the individual/LAR with a copy of this document.

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First Name	Last Name	Title	Name of Organization
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Signature	Date
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