



June 12, 2018

The Honorable Lisa Murkowski
United States Senate
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, DC 20510

Dear Senators Murkowski and Brown:

Easterseals is pleased to support your bipartisan legislation (S. 2897) to delay the recent electronic visit verification (EVV) requirement for certain Medicaid waiver services and to require the Centers for Medicare and Medicaid Services (CMS) to seek stakeholder input through a formal rulemaking process. Your legislation represents a commonsense first step toward ensuring EVV systems are properly and successfully implemented, all without disrupting services to older adults and individuals with disabilities.

Easterseals is a national network of more than 70 leading nonprofit organizations that provide local services to help individuals with disabilities and older adults to maintain their health and to increase their independence and community engagement. Medicaid is a primary funder of Easterseals home and community-based services, including personal care services (PCS) and home health care services (HHCS). Easterseals provides PCS and HHCS in several states, including Arizona, Delaware, Idaho, Montana, Nevada, New Hampshire, Missouri, and Wyoming. As such, the EVV implementation impacts Easterseals and the individuals and families we serve.

Easterseals supports the goal of increasing accountability of Medicaid and other government funded services and supports. Easterseals has a strong record in providing quality, person-centered services that are greatly improving the lives of individuals and, in terms of PCS and HHCS, reducing the reliance on more costly institutional care. As a network of local and statewide service providers who will be responsible for implementing the state EVV plan, we are concerned by the fast-approaching implementation date, the lack of information and implementation guidance, and other related concerns, including personal privacy, internet connectivity in rural areas, and EVV software, hardware, and training costs.

Your legislation would help to alleviate implementation concerns by giving states an additional year from the original January 1, 2019 deadline to implement EVV for Medicaid-funded personal care services.

States only received EVV guidance from CMS on May 16, 2018, giving them just over seven months to meet the first implementation target. The late CMS guidance has slowed the information states are sharing with providers who will also be responsible for meeting and implementing the new EVV plans. For example, one state that Easterseals serves only

recently (May 22) held their first EVV implementation meeting with service providers. Another state is only beginning the process of finding an EVV system vendor, which will require ample system testing and training time for both the state agency and provider organizations. Another state has only held one public meeting with stakeholders with no current plan or EVV product in place. In another state, our affiliate does not know which of their Medicaid waiver services will fall under the EVV requirement as the state is currently reviewing the scope and definition of personal care services.

An implementation delay will also provide CMS, states, and providers more time to address challenges related to EVV implementation. There remains concern from both consumers and home health or personal care staff about privacy, including the tracking-nature of EVV systems and challenges in complying with health privacy (HIPAA) laws (i.e., if the mobile EVV device is lost or stolen). Our affiliates who serve rural and remote areas have the added challenge of internet connectivity in EVV implementation given internet gaps in some parts of their states. Finally, an implementation delay will provide states with more time to assess the costs to purchase and implement EVV systems and to work with their state legislatures to support the additional costs. Most Easterseals affiliates who provide Medicaid-funded PCS and HHCS services are awaiting information from their state Medicaid agencies on whether they will receive additional funding to help cover increased expenses, including staff training, due to the EVV implementation. Once states adopt an EVV system, providers such as Easterseals will need time and, ideally, additional resources to ensure their home health and personal care service staff can operate the EVV system to comply with the new requirements.

A seamless transition to an electronic visit verification system is critical for individuals with disabilities and older adults who benefit from Medicaid home health and personal care services. The prospect of successful implementation increases when all stakeholders, including state officials, services providers, and consumers, receive an opportunity to discuss the implementation challenges and opportunities. Your legislation addresses this concern by requiring CMS to begin the formal rulemaking process on EVV implementation, including hosting a public hearing.

For these reasons, Easterseals fully supports S. 2897 and respectfully asks Congress to quickly consider and approve the legislation. Easterseals stands ready to assist you in moving your legislation through the legislative process. Your staff can contact me at 202-403-8345 or mfriesz@easterseals.com if they have any questions. Thank you.

Sincerely,



Maynard Friesz
Assistant Vice President, Government Relations
Easterseals