Overview
A new federal law requires that states implement an electronic way for verifying attendant care services, called Electronic Visit Verification (EVV). EVV is required for all Medicaid attendant care services that usually include an in-home visit by a provider. For Oregon, this includes the following services and their OR codes:
- OR507 Daily Relief Care
- OR526 Attendant Care, including ZE and RB modifiers
- OR502 State Plan Personal Care

EVV does not include any attendant care services provided in a residential service setting, including 24-hour group homes, foster care homes, supported living; On the Job Attendant Care, or Day Support Activities (DSA). EVV also does not include any employment or community transportation services.

EVV is a way to collect information in eXPRS. It will record these federally-required items in real time:
- Personal Support Worker (PSW) name
- Person receiving services
- Type of service (plan of care OR code)
- Date of the service
- Time the service begins and ends
- Location of the service at start and end of shift(s)

Changes have been made to eXPRS that will allow it to be used for EVV when accessed using a mobile device for the above services. This is called the Mobile-EVV solution.

Additional changes will be available in eXPRS so that case managers are able to submit a request for a PSW exception through a webform. eXPRS will generate the exception decision based on the selection of answers provided. Questions are specific to the criteria outlined in this worker guide.
Procedure(s) that apply:

Oregon Administrative Rule changes:
ODDS will be incorporating the requirement to use EVV in the November 2019 OAR 411-375 Independent Providers Delivering Developmental Disabilities Services rules amendments, with a requirement that all PSWs are either using the Mobile-EVV solution or have an approved exception to not use the Mobile-EVV solution, no later than by March 31, 2020.

Starting April 1, 2020 ODDS will begin taking action against PSWs who repeatedly fail to use EVV to enter their time up to and including termination of the PSW’s provider number.

PSWs should not wait until March 31, 2020 to request an exception. The eight (8) month implementation period allows sufficient time for PSWs to explore ways of using the Mobile-EVV solution and for CME’s to review and process all exception requests.

Short term or intermittent PSW issues using EVV
There may be times where a PSW is unable to use EVV to clock-in or out of their shift. If a PSW intermittently is unable to use eXPRS or needs to correct a time entry that was created using EVV the PSW will enter their time or make the correction in eXPRS-Desktop using these reason codes. See How To Correct of Add an EVV Shift.

The reasons for this include:
- Forgot to clock in at the beginning/end of shift
- Clocked in too early/late
- No internet available to clock in/out
- Corrected/created manually due to a data entry error
- SPA not in place at time of service
- Mistakenly clocked out

PSWs do not need an exception for intermittent or short-term issues using EVV.

Long Term Exceptions:
Long term exception to using the Mobile-EVV solution may be necessary if the PSW is not going to be able to use EVV and it is expected to be on-going and not resolved within 30 days.

There are two (2) main reasons to anticipate a PSW may be eligible for an exception:
1) There are currently Collective Bargaining Agreement (CBA) and Oregon Administrative Rule (OAR) requirements for case management entities (CMEs) to grant exceptions to eXPRS time entry. These will continue with the implementation of the Mobile-EVV solution.

2) The PSW does not have access to either a mobile device (tablet/phone) or an available internet connection (Wi-Fi or mobile data) at the location where services are typically being delivered. These PSWs may have intermittent access to an internet enabled device (computer, phone, tablet, etc.) which would allow the PSW to manually enter time into the eXPRS-Desktop site.

Between July 16, 2019 and April 1, 2020, ODDS is allowing time for PSWs to explore their options for using the Mobile-EVV solution. This would include:

- Testing the availability of mobile data or Wi-Fi connection at the service location;
- Testing their capability to use their smartphone or tablet (if applicable); or
- Inquiring with their employer/person receiving service about using their smartphone/tablet to use the Mobile-EVV solution.

ODDS will continue outreach to PSWs not using EVV after July 16, 2019 to provide support and assistance in using the EVV.

**Exception Criteria**

Two types of exceptions will be captured using the eXPRS Mobile-EVV Exception webform:

- **Global:** a global exception applies to all the individuals that the PSW serves for their time entry into eXPRS.
- **Individual:** an individual exception applies only to entering time into eXPRS for that specific individual receiving services from the PSW.

**Existing Criteria**

Existing criteria in Collective Bargaining Agreement (CBA) requires the CME to grant an exception to entering time into eXPRS and allow for the PSW to submit a paper timesheet to the CME per [AR-16-044 PSW exceptions to time entry](#).

Beginning November 1, 2019, the following criteria will be captured by CME staff using the eXPRS Mobile-EVV Exception webform. There are other exceptions that are required by the CBA that are not going to be processed using this form. However, if the PSW meets the CBA criteria in the transmittal above, the CME must continue to provide the opportunity for PSWs to submit their time using a paper timesheet.

- **CRITERIA:** On-going hardship in accessing internet service
On-going hardship in accessing internet service means there is no internet service in both the providers and consumers location, and the provider has no access to internet connected electronic devices, including in local offices and public places, in the providers area of the State. This is a global exception.

- **CRITERIA: Language access presents barrier to using eXPRS**

PSW is not able to access eXPRS due to a language barrier. The CME will select the preferred language of the PSW for written information from the drop down. This is a global exception.

**New Criteria for Mobile-EVV:**

New criteria have been identified that are specific to the use of Mobile-EVV solution using a smartphone or other internet capable mobile device.

Case Management Entities (CMEs) do not need to request specific documents or records to verify the PSW is eligible for an exception except when required by the exception type. PSWs will report the reason an exception is needed and the CME will record that information in the Mobile-EVV Exception webform in eXPRS.

CMEs that have a reason to not believe the accuracy of the PSWs stated reason for the need for an exception, the CME will need to have documentation supporting their decision to not accept the PSW’s reason to respond to any PSW complaint related to the exception request.

- **CRITERIA: No reliable & ongoing access to a mobile device at the service location**

The PSW does not have access to any mobile device (smartphone or tablet) that can access the internet using a browser at the locations where the PSW starts and ends their shift. This most often will apply to a PSW who does not own a smartphone or tablet. This is a global exception.

- **CRITERIA: No reliable & ongoing internet connection via Wi-Fi or cellphone/mobile data service at the location(s) where services (or the PSW’s shift(s)) are typically started and ended.**

The PSW has access to a mobile device (smartphone or tablet) but there is not reliable access to internet connection using Wi-Fi or mobile data networks to use the device to access the eXPRS Mobile-EVV website.

PSWs may work with more than one individual. There may be reliable and ongoing
internet access while working with one individual but not another.

This is an individual exception. When requesting an exception using this criteria, the PSW must identify the name of the individual and the location where services are typically provided.

The PSW must use Mobile-EVV solution for individuals who receive services at a location with reliable and ongoing internet connection available via Wi-Fi or cellphone/mobile data.

- **CRITERIA: Safety risk to the PSW or the individual receiving services when using location services on their mobile device due to stalking, harassment, domestic violence, or other factors**

There may be a documented safety risk to some individuals and/or PSWs using location service to document the start and end times in the Mobile-EVV solution. Both individuals and PSWs can request an exception for this reason.

**Note:** Documentation such as an order of protection, letter from a social services agency, or other information demonstrating the threat to the individual or PSW must be attached to the exception request.

If the PSW meets this condition due to the PSW’s documented safety risk for using location services, the PSW will have a **global** exception.

If an individual has a safety risk where it would be unsafe if a PSW identified the individual’s location of services, the PSW will have an individual exception to using the Mobile-EVV solution.

The PSW will continue to use the Mobile-EVV solution for all other individuals served by the PSW.

**Process for requesting an exception and decisions**
1. PSW asks for an exception from any Case Management Entity (CME) that authorizes their services. Requests may be made in person, over the phone, in writing, or electronic communication methods. The CME may need to follow up with the PSW to gather additional details to complete the webform in eXPRS
2. Within 2 weeks from the exception request the CME completes a webform in eXPRS selecting criteria according to information provided by the PSW
3. Submit webform in eXPRS
4. Print PSW of approval for exception or rejection and provide a copy to the PSW and their employer using mail, email, or in-person delivery
5. PSW’s provider record will reflect the exception and remove requirement to enter a reason code for time entries covered by the exception

The approved exception will remain in effect through the end of the PSW’s Provider Enrollment Agreement and Application (PEAA) unless there is a change in circumstance (person moves, reports they have a mobile device, etc.). Exception renewals will be addressed below.

**Viewing approved exceptions**
Approved global exceptions will be displayed on the “View Provider” screen in eXPRS. Approved global exceptions that a PSW requested from another CME will display and be honored by all CMEs unless there is a change in circumstance (person moves, reports they have a mobile device, etc.).

Approved individual exceptions will be displayed on the “View Provider” screen in eXPRS. Approved individual exceptions will be viewable by the CME that created the exception and any CME who has a current Case Management CPA for the individual that is identified in the exception.

**Time entry for PSWs with approved exceptions**
PSWs with CBA exceptions to using eXPRS will continue to turn in paper timesheets to the CME for time entry.

PSWs with global exceptions to using eXPRS Mobile-EVV solution will continue to use the eXPRS-Desktop site for all the PSW’s time entry. The PSW will not have to select a reason code for any Service Delivered that is entered on eXPRS-Desktop because eXPRS will recognize the global exception for the PSW.

PSWs with individual exceptions to using eXPRS Mobile-EVV PSW will enter their time in the eXPRS-Desktop site for that individual. The PSW will not have to select a reason code for time entry that is entered on eXPRS-Desktop for the individual identified in the exception because eXPRS will recognize the exception between the individual and the PSW.

If a PSW with an individual exception serves other individuals, the PSW must use eXPRS Mobile-EVV for time entry for individuals that do not have an approved exception.

**Concerns about PSW exception requests**
ODDS expects that there will be situations that arise where the CME disagrees with the
information that is being provided by the PSW about the criteria for getting an exception to using the Mobile-EVV solution.

CMEs do not need to conduct investigations into the validity of the reports from PSWs. If there are concerns that the PSW is seeking an exception using false information the CME must report to ODDS using the ODDS.ProviderActionRecommendation@state.or.us email box.

Any documentation or anecdotal information that supports the CME’s concerns should be provided with the report to ODDS.

ODDS will then reach out directly to the PSW to get documentation about the validity of their reason for requesting an exception. ODDS will determine if the exception is approved or denied based on review of the CME and PSW evidence and documentation.

**PEAA renewals and exceptions:**
PSWs who have an approved exception to using the Mobile-EVV solution will need to provide ongoing evidence when they submit a renewal PEAA. The reminder message of when the PEAA expires in eXPRS will be updated to reflect the need for ongoing exceptions to using the Mobile-EVV solution will also need to be submitted to ODDS along with the renewal PEAA. CME’s will not need to enter renewal exception requests but may communicate updates or changes to the PSWs and/or individual’s circumstances surrounding the need for an exception.

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