

<b>Topic:</b>	EVV Exceptions for Agency Community Living Services providers employing DSPs	
	<b>Date Issued/Updated:</b>	03/13/2020 v1

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### Overview

A [new federal law](#) requires states to implement an electronic way to verify the delivery of 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 procedure codes:

- OR507 Daily Relief Care
- OR526 Attendant Care,
  - including services with any modifier
- OR502 State Plan Personal Care

The requirement to use EVV does not apply to individuals enrolled and living in a residential service setting, including 24-hour group homes, foster care homes, supported living; or receiving On the Job Attendant Care (OR545), or Day Support Activities (DSA) (OR542). EVV also does not include any employment or community transportation services.

EVV is a way to collect information in eXPRS. EVV must record these federally required items in real time:

- Direct Support Professional (DSP) 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)

Agency Community Living Service providers have two options for utilizing and submitting EVV required billing data in eXPRS.

Option #1: Agency providers may utilize their own EVV solution that generates a specific .CSV file as described in transmittal [AR-19-050](#) to upload & import to eXPRS through the **Agency SD Import** process.

Option #2: Agency providers may utilize eXPRS directly to collect EVV service data. eXPRS has been modified to be usable on a mobile device, such as a smartphone or tablet. This EVV process in eXPRS is called the **eXPRS Mobile-EVV solution**, or **eXPRS EVV**.

### Procedure(s) that apply:

#### **Oregon Administrative Rule changes:**

[Oregon Administrative Rule 411-450](#) includes the requirement for all Community Living Supports provider agencies to maintain a current service record for each individual receiving services and that the record must be an electronic system used to record the above requirements, no later than January 1, 2020.

#### **Short term or intermittent EVV issues for DSPs using eXPRS Mobile-EVV**

There may be times where a DSP is unable to use the eXPRS Mobile-EVV solution to clock-in or out of their shift. If a DSP is intermittently unable to use the eXPRS Mobile-EVV solution or needs to correct a time entry that was created using the eXPRS Mobile-EVV solution, the DSP must communicate with the Agency Provider so that the Agency Provider can enter the time manually or make the correction in eXPRS-Desktop using these reason codes.

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
- Created manually due to a data entry error
- SPA not in place at time of service
- Service Delivered Prior to EVV Implementation
- Mistakenly clocked out

#### **Short Term or intermittent EVV issues for Agencies using other EVV solutions + SD Import process:**

There may be times when a DSP is unable to use the Agency Provider's other EVV solution to start/end their shift. In such situations, the DSP will need to communicate the issue to their Agency so corrections can be made to the EVV service data within the Agency's internal EVV solution, if needed. For EVV service SD billing entries that are uploaded via the **Agency SD Import** process,

some corrections may be needed to draft SD billing entries created once the data has been successfully imported to eXPRS. For example, if an EVV service SD billing entry does not have geo-location data when imported, selection of a change reason on the draft SD billing entry in the eXPRS Desktop will be needed before that billing can be successfully submitted out of draft status.

The change reasons available include:

- Forgot to clock in at the beginning/end of shift
- Clocked in too early/late
- No internet available to clock in/out
- Created manually due to a data entry error
- SPA not in place at time of service
- Service Delivered Prior to EVV Implementation
- Mistakenly clocked out

## **Long Term Exceptions:**

Agency providers must use one of the two EVV solution options noted above and will not be granted Agency exceptions. However, if an Agency provider has a Direct Support Professional (DSP) who may not be able to use the EVV solution, exceptions may be granted by the Agency provider for the DSP.

There are two (2) reasons a DSP may be eligible for an exception:

- 1) The DSP is unable to access the Agency's chosen EVV solution (their own EVV system for SD Import or eXPRS Mobile-EVV) at the location where services are typically delivered. This means that there may not be access to internet connection at the location where the individual receives the service. The DSPs working with individuals who may not have access to internet connection may be approved by the Agency provider as having an **individual** Exception Granted.
  - a. Agency providers are expected to have evidence of why the exception is granted for the DSPs working with the specific individual documented in the individual's file.
- 2) The DSP or the individual receiving services has a documented safety risk when using location services on their mobile device due to stalking, harassment, domestic violence, or other factors.
  - a. If the safety risk is related to the DSP, the Agency provider may approve a **global** Exception Granted. The DSP would be granted an exception for all individuals supported.

- i. Evidence of the safety risk must be documented in the DSPs file if the safety is related to the DSP.
  - b. If the safety risk is related to the individual, the Agency provider may approve an **individual** Exception Granted. The DSPs working with the individual would be granted an exception when working with the specific individual.
    - i. Agency providers are expected to have evidence of the safety risk documented in the individuals file if the safety is related to the individual receiving supports.
- 3) Service Delivered (SD) billing entries for services provided under one of these exceptions must be reported and include the Change Reason “Exception Granted”.

## **Documentation Requirements:**

Agency providers must keep documentation that supports why an **individual** exception is granted due to the DSP not having internet connectivity at the location that the service is delivered or there being a safety risk to the individual or the DSP.

Documentation must be made available to the Department upon request. The Department will complete a quality assurance review as needed based on evaluation of the Agency provider’s use of their chosen EVV solution.

Case Management Entities (CMEs) do not need to request documentation of Agency provider’s DSP exceptions.

## **Exception Criteria**

Two types of exceptions may be granted for DSP’s when using the Agency’s chosen EVV solution:

- **Global:** a global exception applies to all the individuals that the DSP supports and would only apply if there is a safety reason specific to the DSP.
- **Individual:** an individual exception applies only to DSPs who are unable to access the Agency’s chosen EVV solution when working for a specific individual receiving services from the Agency provider’s DSP, or there is a documented safety risk to the individual.

## **Exception Criteria:**

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

The DSP does not have reliable access to internet connection using Wi-Fi or mobile data networks to use the mobile device or table to access the Agency's chosen EVV solution. This is an **individual** exception.

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

When approving an exception using this criterion, the Agency provider must record the **individual** Exception Granted in the individuals file, including reference to the location where services are delivered.

The DSP must use the Agency's chosen 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 DSP 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 DSPs using location service to document the start and end times in the Agency's chosen EVV solution. Both an individual and a DSP 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 DSP must be attached to the exception request and kept within the individuals file, the DSP's personnel file, or both.

If the DSP has a documented safety risk for using location services, the DSP may be approved with a **global** exception.

If an individual has a documented safety risk the DSP may have an **individual** exception to using the Agency's chosen EVV solution. The DSP will continue to use the Agency's chosen EVV solution for all other individuals served by the DSP.

## **Process for Agency providers to approve an exception and**

## **decisions**

1. An Agency provider may approve an exception for a DSP to not use their chosen EVV solution when a situation meets the criteria as outlined above. Agency providers may not approve a DSP exception if the reason is not identified above.
2. The need for an exception must be reviewed at least annually by the Agency provider. If the original reason for approving the exception no longer exists, the Agency provider must inform the DSP.
3. When services are delivered either to an individual with an approved exception or by a DSP with an approved exception, the Agency provider must continue with their existing procedure of entering the time worked with the individual and enter the time into eXPRS. This may be opted to be completed manually, or through the SD Import Process. The manually entered Service Delivered lines must include all of the following data:
  - a. Date of Service
  - b. Service Start and End Time
  - c. Name of the DSP delivering the service
  - d. Appropriate Reason selection for why the SD has been manually entered
4. Individual exceptions will require the selection of the “Exception Granted” drop down reason code each time the Agency provider manually enters Service Delivered (SD) entries.

All approved exceptions will remain in effect for up to one year, unless there is a change in circumstance (person moves, etc.).

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## **Resources:**

- [APD – AR-19-050](#)
- [EVV FAQs for Agency providers](#)