Electronic Visit Verification (EVV): A Blueprint for Self-Direction

December 18, 2018

Agenda

- Introduction.

- Why did we create this resource?

- Why does self-direction require different functionality?

- Why a "blueprint?"

- Control, flexibility, and choice.

- Stakeholder input and engagement.

- Issues for consideration.

Introduction

- *EVV: A Blueprint for Self-Direction:* a resource for implementing EVV through a self-direction lens.

- EVV and self-direction have been successful separately and can be successful together.

  - Successful is defined as protecting and upholding the participant's choice and control over their services and supports while strengthening program integrity.

- The blueprint is a guide for stakeholders developing their own EVV systems for use in self-direction programs.

- The blueprint can help stakeholders evaluate existing EVV products to determine whether these products will be compatible with their operational needs.

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Why We Created This Resource

- Most EVV products have been designed for use in traditional services.

- *Self-directed services are not traditional services!*

- EVV has historically been challenging to implement in self-direction, in large part because of the above facts.

- This resource is designed to highlight hallmarks of EVV systems that are fully compatible with self-direction.

Why Does Self-Direction Require Different Functionality?

- Self-direction has unique operations that do not occur in traditional agency services.
- In traditional agency services, the agency controls some key aspects of service delivery, including:
  - Who will provide services.
  - When services will be delivered—specifically, scheduling workers.
  - Where services will be provided.
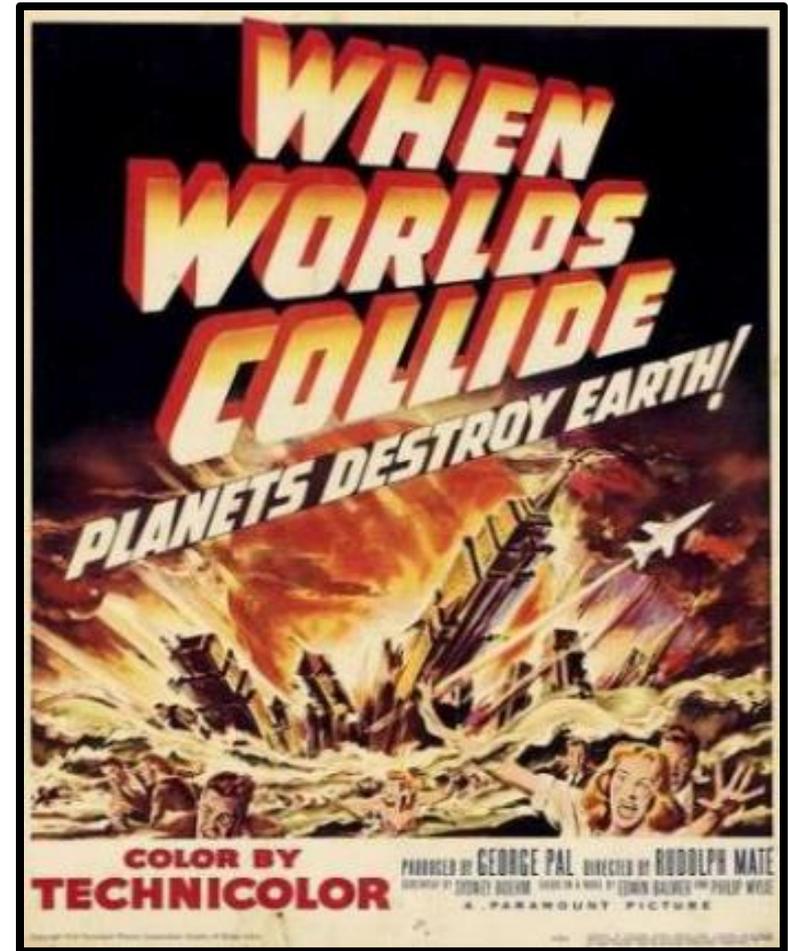
Why Does Self-Direction Require Different Functionality? (continued)

- In self-direction, these aspects of service delivery are all controlled by the participant or representative.

- A Financial Management Services (FMS) entity handles payroll and other responsibilities on the participant's behalf—but never exerts primary control over deciding the "who, when, and where" aspects of service delivery.

- Participant control over these variables is the very foundation of self-direction.

- An EVV system that is fully compatible with self-direction *must* offer functionality that comfortably accommodates this and does not rely on manual overrides and workarounds.

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Why a Blueprint?

- This resource proposes key EVV system functionality that is necessary to support participant choice, control, and flexibility in self-direction.
- Like a blueprint, this resource is not necessarily comprehensive.
- It instead outlines functionality required to support self-direction, including:
  - flexible scheduling,
  - protocols for EVV system use in areas without internet access,
  - and participant approval of hours logged by workers in the EVV system.

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Control: Keeping Participants in the Driver's Seat

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Control: Keeping the Participant in the Driver's Seat

- Design an EVV system that supports participants to control their workers' hours.

    - Scheduling workers is a process between the participant and the worker and is based on the participant's needs and preferences.

    - Cures Act does not require scheduling in advance.

    - If choosing an EVV system that requires scheduling in order to function, participants should have access to a full range of scheduling options.

Control: Keeping the Participant in the Driver's Seat

- Design an EVV system that supports workflows typical in self-direction.

  - Workflows involve FMS entities, which monitor budget expenditures and program rules and ensure compliance with employment and tax requirements.

  - EVV systems in self-direction should be able to work with and complement existing FMS entity systems, which are responsible for many critical functions and cannot be easily replicated.

Control: Keeping the Participant in the Driver's Seat

- Design an EVV system that allows the participant to approve hours submitted for payment and initiate steps to resolve discrepancies and errors.

  - Being the employer and supervising workers is a basic way participants control their services.

  - As the supervisors, the participants review and approve time submitted for payment.

  - The system should have a clear and simple procedure for participants to review date, time in, and time out for each shift.

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Control: Keeping the Participant in the Driver's Seat

- Design an EVV system that supports adjustments by participants based on unexpected circumstances.

  - Unavoidable situations for both participants and workers may require adjustments to hours already logged into the system.

  - When adjustments need to be made, the participant should be able to complete this process easily and the administrative review of the changes should not interfere with service provision.

  - Most FMS entities will not be able to adjust shifts worked because most FMS entities are not the employers.

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Offline Alternatives: What If Participants Are "Off The Grid?"

- Most EVV systems use an internet connection to get information to a central system for processing.

- In remote areas, the EVV system needs to have the ability to batch data submissions for multiple shifts that were verified offline.

- When internet or mobile data is unavailable:
  - Worker will login and/or logout using the standard protocol.
  - Participant will review and approval using the standard protocol.
  - System will save login information.
  - When online access is available, the participant or worker will log in and initiate the data submission.
  - When the data has been successfully transmitted to the central system, the participant and worker will receive notification.
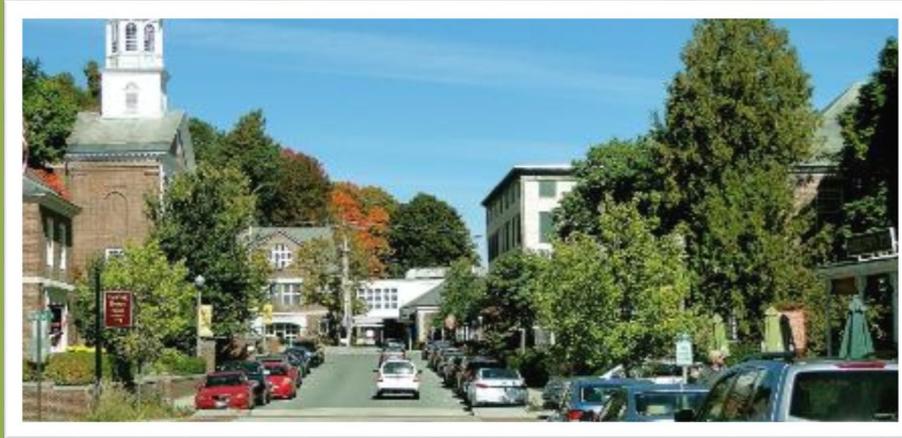
Flexibility: Essential for Community Participation

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- Flexibility is critical for authentic community participation and inclusion.

- EVV systems that support self-direction need to be based on the reality that most participants will need services in various community settings, not just their homes.

- The Centers for Medicare and Medicaid Services (CMS) has confirmed that *"...the Cures Act does not require states to capture each location as the individual is moving throughout the community... [C]apturing the location in which the service is started and stopped is sufficient for meeting the Cures Act's requirements."*
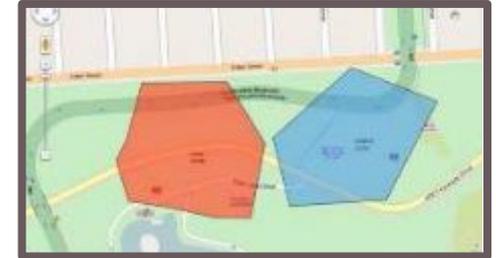
Flexibility: Essential for Community Participation

- Design an EVV system that supports log-ins from locations throughout the community.

  - Shifts that begin in a participant's home may end in the community or begin in the community and end at home.

  - EVV systems need to have options for workers to record their time from wherever they might be providing services.

Flexibility: Essential for Community Participation

- Design an EVV system that recognizes that services will regularly occur beyond a "geofence."

  - "Geofence" is a virtual geographic boundary, defined by a global positioning system (GPS) or other technology.

  - Geofencing enables software to trigger a response when a mobile device enters or leaves the area and requires that participants' whereabouts be determined in advance.

  - Geofencing is rarely appropriate for EVV in self-direction.

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Flexibility: Essential for Community Participation

- Design an EVV system that supports infrequent or unusual situations.

  - Occasionally participants will schedule their worker for an overnight shift.

  - When this happens, the login and logout dates will be different.

  - The EVV system needs to accommodate this without requiring additional approvals by the participants.

Flexibility: Essential for Community Participation

- Design an EVV system that supports a flexible orientation and training plan.

  - Training needs to be easily accessible to participants and workers.

  - Methods and materials should be designed for adult learners with varying language and literacy skills.

  - Training materials should be available in a range of formats.

Potential Roadblock to Supporting Flexibility

- EVV systems that require services begin and end at a predefined list of locations.
  - The EVV system should not limit possible service locations to those that are already entered in the system or identified in the person-centered plan.

Choice: A Foundation for Self-Direction

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Choice: A Foundation for Self-Direction

- Choice is a foundational element of self-direction.

- A commitment to honoring choice should drive program design and implementation and be evident in any EVV system that supports self-direction.

- Honoring an individual's choices and preferences is the first step in assuring the authenticity of self-directed services.

Choice: A Foundation for Self-Direction

- Design an EVV system that can accommodate workers who are employed by more than one participant.

  - Some workers may be employed by more than one participant.

  - EVV systems should easily accommodate various options for workers, participants, and rates of pay.

Choice: A Foundation for Self-Direction

- Design an EVV system that can accommodate multiple rates of pay for the same service.

  - Some programs permit participants to select each worker's rate of pay for a particular service.

  - Typically, FMS entity systems will manage pay rates to workers and tracking rate of pay will not be a requirement of an EVV system in self-direction.

Choice: A Foundation for Self-Direction

- Design an EVV system that supports a straightforward and streamlined enrollment process for workers and participants.

  - Participants regularly employ more than one worker, and sometimes the hiring process is completed in a very short timeframe.

  - Users need to be able to create usernames and passwords easily and quickly without waiting for a multi-step administrative process to be completed.

Choice: A Foundation for Self-Direction

- Design an EVV system that is user-friendly.

    - Use common icons.

    - Drop-down menus.

    - System-generated time and date stamps.

Choice: A Foundation for Self-Direction

- Design an EVV system that supports accommodations and meets accessibility standards.
  - Self-directing participants who do not speak English often hire workers who speak their language and share their culture.
  - Some participants and workers may need accommodations due to limited vision or physical disabilities.

Potential Roadblock to Supporting Choice

- Avoid EVV systems that include multi-level administrative processes that make accessing the system complex or introduce time lags.
    - ❏ Complex password creation.
    - ❏ Complex password retrieval process.
    - ❏ Lengthy enrollment process subject to delay.

Potential Roadblock to Supporting Choice

- Avoid EVV systems that use only one type of technology for verifying service provision.
    - There are a range of options that can be used for electronic verification, including telephony and the use of mobile devices.
    - Some options work well for some participants but may not work well for others.
    - Access to cell and internet service can be problematic in many states.
    - Lack of a landline telephone can be an issue for some participants.

Stakeholder Input and Engagement

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Stakeholder Input and Engagement

- Design a stakeholder input process that includes self-directing participants.

  - Some states have systems in place for stakeholder and community.

  - However, established networks for communicating information about opportunities for comment may not reach individuals who have chosen to self-direct.

  - Encourage FMS entities, local authorizing agencies, and Managed Care Organizations (MCOs) to actively participate in outreach efforts.

Stakeholder Input and Engagement

- Design a stakeholder input process that offers a range of options for participation.

  - Meetings held during regular business hours in office buildings are rarely convenient for participants to attend.

  - Remote attendance by phone or webinar should be readily available, widely publicized, and strongly encouraged.

  - Key information in alternative formats should be provided upon request.

Issues for Consideration: Geolocation, Data Privacy, and HIPAA

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Geolocation

- The Cures Act does not require the use of a GPS. HOWEVER:

  - Some form of geolocation is the most commonly used method to verify where services are being provided.

  - Attestation of location, that is the participant or worker telling the EVV system their location without electronic verification of that location, is not sufficient to meet the Cures Act requirement.

Geolocation

- The Cures Act does not require tracking the participant throughout the community.

  ❑ Any EVV system that uses GPS should include the safeguards necessary to ensure that continuous tracking of a participant or worker does not occur.

  ❑ Geofencing will not be appropriate in self-direction since participants regularly go to locations not previously planned and their workers accompany them.

HIPAA

- EVV systems collect and store data that is considered Personal Health Information (PHI) under HIPAA and therefore must be fully HIPAA-compliant.

- Despite HIPAA-required safeguards, individuals currently receiving personal care services have expressed valid concerns about privacy and security if their locations in the community are being captured in an EVV system.

Data Privacy

- As technology changes at a pace previously unimaginable, applications for geolocation are everywhere.

  - Some people find these services valuable and depend on their smartphones to act as an ever-present guide around their world, the user always has the option to opt out—i.e., location services can be turned off on a smartphone, and browser cookies can be disabled.

  - If an EVV system uses a form of geolocation to verify the place where services are being provided, participants need to have control over when and where their locations can be verified.

Data Privacy

- Although states, MCOs, and FMS entities will make every effort to prevent data breaches, participants and workers have reasons to be concerned.

  - No organization, corporation, or governmental agency is immune from the risk of being hacked.

  - All of us need to take reasonable precautions to protect our personal data.

  - It is imperative that any data collected while providing personal care services be subject to the highest standards of protection.

Questions?

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