

**Bureau of Managed Care
Managed Care Organizations
Policy / Procedures**

General Contract Monitoring

Electronic Visit Verification (EVV): Noncompliance Guidance

In accordance with the Save Medicaid Access and Resources Together (SMART) Act of 2012 and 21st Century Cures Act (Cures Act) of 2016, Individual Providers (IPs) working for customers of the Illinois Department of Human Services (DHS) Division of Rehabilitation Services' (DRS) Home Services Program (HSP) must use an Electronic Visit Verification (EVV) system to electronically track and document time spent in a customer's home when providing care through waiver programs. Proper use of the EVV system and adherence with EVV policy is mandatory for all IPs who work for HSP.

HSP staff must use the Managed Care Organization's (MCO) dedicated Long Term Services and Supports (LTSS) email address for correspondence regarding non-compliance of IPs when using EVV. All -members and IPs are required to comply with the program requirements and paperwork requirements of HSP, including use of the EVV system.

HSP customers/waiver members are responsible for ensuring all IPs they employ are compliant with HSP EVV requirements. HSP customers/waiver members must have the capacity to manage an individual provider or have a customer representative who manages individual providers. Failure to adhere to the HSP EVV Policy can result in the waiver member being notified by the MCO that the service plan will be amended to replace IP services with agency providers. IP failure to use EVV as required may result in delayed payment.

HSP monitors EVV compliance, but MCOs are responsible for enforcement of EVV policy.

MCO Responsibilities:

- Educate and remind waiver members that they are responsible for ensuring the individual providers they employ are compliant with HSP policy.
 - * EVV of exact hours worked is mandatory
- Ensure waiver members have access to resources needed to be successful in managing their individual providers (e.g., referrals to local Centers for Independent Living (CIL) and the Service Employees International Union (SEIU) for IP management assistance and EVV training resources on the DHS website .)
- Case management of waiver services, which may result in the MCO amending the waiver member's service plan after the third EVV non-compliance notification in a 6-month period.
 - Waiver members must be notified in writing at least 15 days prior to the change in their services, educated about their appeal rights, and allowed the opportunity to file an appeal.
- Defend the MCO's action of changing the waiver member's services during the entirety of the appeal process.

Operating Agency Responsibilities:

- Monitor HSP customers'/waiver members' compliance with EVV policy.
- When non-compliance occurs, the operating agency will:
 - Document each EVV non-compliance occurrence in WebCM.
 - Notify the waiver member after each non-compliance occurrence.
 - Notify the Managed Care Organization, through the MCO's LTSS email address, specifying the number of occurrences the waiver member has received in a 6-month period and how DRS communicated the non-compliance occurrence to the waiver member.

Additional Guidance:

Inheriting a Case with Strikes

A case may come to an MCO from another MCO or from FFS in which a waiver member has already received EVV noncompliance warnings ("strikes". Existing noncompliance warnings follow the waiver member. Warnings are not erased because of a change in the waiver recipient's health plan.

Ending the Authorization for IP Services after Three Strikes

MCOs are responsible for case management of waiver services and should take action to enforce the operating agency's EVV policy within 15 days of the MCO being notified of the third violation of EVV policy in a 6-month period. When a third notice of noncompliance is given, HSP will notify the MCO through the MCO's LTSS email address. The MCO is responsible for facilitating a change to agency provider services when it has been determined that a customer is unable to manage IP services. A face-to-face visit is not required prior to taking action to amend the service plan when enforcing the operating agency's compliance policies.

Waiver members have the right to file an appeal for any action or inaction impacting their waiver services. If an appeal is filed by the waiver member regarding a change from IP to agency-based services due to EVV non-compliance, the MCO is required to notify the operating agency, via WebCM case notes, that an appeal has been filed. Waiver members have the right for the disputed service to continue unchanged until the customer's appeal rights have been exhausted.

Termination Process

The MCO is responsible for:

- Notifying the waiver member, in writing, that an IP(s) failed to comply with EVV, as evidenced by continued EVV non-compliance warnings, the effective date when IP(s) services will no longer be authorized (15 days after the date of the notification letter), and the waiver member's appeal rights.
- Notifying the waiver member's active IP(s), in writing, of the date that the IP(s) services will no longer be authorized for that specific customer.
- Ensuring that the IP service authorization is removed from WebCM when IP services are no longer authorized and after appeal rights are exhausted.

Authorizing Homemaker Services

The MCO has up to fifteen (15) days to notify the members of the third strike and to take action to enforce the OA's EVV policy. If the customer does not file an appeal regarding the intended change to their waiver services, a change to the customer's service authorization in WebCM must be updated timely. To prevent an IP from continuing to bill for unauthorized services, DRS must see zero (0) IP hours on the case in WebCM.

Policy History General

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Action

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