



Developmental Disabilities Administration

Guidance for Electronic Visit Verification for Self-Directed Services

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AUDIENCE

- Participants Self-Directing Services and their teams
- Coordinators of Community Services (CCS)
- Support Brokers
- Financial Management and Counseling Agencies (FMCS)
- Developmental Disabilities Administration (DDA) Staff

PURPOSE

This guidance provides information regarding the Electronic Visit Verification (EVV) responsibilities of participants self-directing their services.

DEFINITIONS

- A. “Coordinator of Community Services” or “CCS” is an individual who provides Coordination of Community Services. They can be either an employee or a contractor of a DDA provider of Coordination of Community Services
- B. “DDA Medicaid Waiver program” refers to the three Medicaid Home and Community-Based Waiver programs operated by the Developmental Disabilities Administration (DDA) that serve eligible children and adults with intellectual and developmental disabilities. These programs are approved by the Centers for Medicare & Medicaid Services and include the:
1. Community Pathways Waiver;
 2. Community Supports Waiver; and
 3. Family Supports Waiver.
- C. “Department” is the Maryland Department of Health.

- D. “Designated Representative” is an individual who acts on behalf of the participant in managing the participant’s services under the self-directed services delivery model. They are noted in the Participant Agreement and must follow program requirements..
- E. “Direct Support Staff” or “Direct Support Professional” (DSP) are people who are paid by a Waiver program to provide direct support services to a participant.
- F. “Electronic Visit Verification” or “EVV” is the technology that electronically verifies and records time associated with the delivery of Personal Support services so that services are delivered at the right time, in the right place and to the right person.
- G. “Financial Management and Counseling Services agency” or “FMCS” [formerly called Fiscal Management Services or FMS] are services provided to support a participant using the DDA self-directed services delivery model in using their budget authority and, if applicable, employer authority. FMCS services include, but are not limited to:
 - 1. Processing claims for payment for waiver program services in accordance with the participant’s self-directed budget allocation, and
 - 2. Verifying that the DDA provider, vendor, or direct support staff meet all qualifications to provide the waiver program service.
- H. “Legal guardian” is either:
 - 1. A natural or adoptive parent of a person under the age of 18; or
 - 2. A person who has been appointed by a court order as guardian of the person or property of another person.
- I. “Missing Time Request” or “MTR” is a service modification made when a DSP does not clock in and/or out for a service.
- J. “Personal Supports” are individualized supports, delivered in a personalized manner, to support independence in a participant’s own home, family home, and the community in which the participant wishes to be involved, based on their personal resources.

- K. “Plan of Correction” or “POC” is a written plan that includes a response to findings of noncompliance. The POC identifies specific steps that will be taken to make sure that requirements are met in future, including:
1. Any required system changes or training,
 2. Who is responsible for each task, and
 3. A timeframe for completion.
- L. “Regional Office” or “RO” means one of the four local offices of the DDA, serving as the point of contact for applicants, participants, and DDA providers located in certain counties of Maryland. Each RO has the authority to review individual PCPs and authorize funding for services. The RO are:
1. Central Maryland Regional Office, serving Anne Arundel, Baltimore, Howard, and Harford Counties and Baltimore City;
 2. Eastern Shore Regional Office, serving Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester Counties;
 3. Southern Maryland Regional Office, serving Calvert, Charles, Montgomery, Prince George’s, and St. Mary’s Counties; and
 4. Western Maryland Regional Office, serving Allegany, Carroll, Frederick, Garrett, and Washington Counties
- M. “Relative” means a natural or adoptive parent, stepparent, or sibling.
- N. “Respite Care Services” or “Respite” is short-term care that:
1. provides a break to families, primary caregivers, and participants from their daily routines; or
 2. is used as an emergency backup plan for unpaid caregivers

- O. “Self-Directed Services (SDS) Delivery Model” is a model of service delivery that the DDA provides through its Waiver programs. In the SDS Model the participant (not the provider) has the:
1. Power and responsibility for overseeing, coordinating, and directing the services they have been approved to receive;
 2. Power and responsibility (budget authority) over how the Medicaid funds are spent to purchase authorized services; and
 3. Power and responsibility (employer authority) to recruit, hire, train, and supervise the staff and service providers they want to hire
- P. “Service Modification” is when a service is manually entered, edited, or canceled in LTSSMaryland by a DSP, participant, their legal guardian, or a designated representative on the participant’s behalf.
- Q. “Support Broker” or “SB” is an individual who provides Support Broker services to participants enrolled in the self-directed services delivery model in accordance with applicable requirements.
- R. “Team” is a group of people, chosen by a participant or their legal guardian, who participate in development of the participant’s person centered plan along with the participant and the CCS.
- S. “Waiver Program Service” is a service funded by a DDA Medicaid Waiver program.

OVERVIEW

- A. Electronic Visit Verification or EVV refers to technology that electronically verifies that services are delivered at the right time, in the right place, to the right person.
- B. Under the Maryland Department of Health’s DDA operated Medicaid Waiver programs, EVV is required for Personal Supports and Respite Care Services.

C. The [Federal 21st Century CURES Act](#) requires that Maryland uses EVV to verify six factors:

1. Type of service performed;
2. Person receiving the service;
3. Date of the service;
4. Location of the service;
5. Individual providing the service;
6. Time the service begins and ends.

C. Participants who self-direct their services must use the EVV system provided to them by their Financial Management and Counseling Services Agency (FMCS) agency.

Maryland Department of Health's Electronic Visit Verification Policy

- A. On January 1, 2023, EVV is required for Personal Supports and Respite Care Services for participants enrolled in a DDA Medicaid Waiver Program self-directing their services.
- B. All Direct Support Professionals (DSP) providing Personal Supports or Respite Care Services must use EVV. This includes employees hired and staff from vendors and providers.
- C. Family members hired as employees and live-in caregivers are not exempt from the EVV requirements as they are considered an employee under a Medicaid program.
- D. DSPs, including employees of a participant self-directing and staff from vendors and providers, must clock in and out using the EVV system of the participant's FMCS.
- E. FMCS agencies are responsible for properly training all participants and DSPs on how to use the FMCS EVV system.

F. Employees, vendors, and providers will only be paid for direct services provided to participants unless otherwise authorized by the DDA.

1. Personal Support direct services require the DSP to be physically present with the participant, or virtually if specified in the participant's PCP and approved by the DDA, and provide in-home skills development, community integration and engagement skills development, or overnight supports.
2. The following do NOT constitute Personal Supports direct services and cannot be billed for payment:
 - a. Running errands without the participant present.
 - b. Services provided to the participant while under the care of another entity (e.g., the participant is admitted to a nursing/rehab facility, imprisoned, etc.)

NOTE:

1. Personal Supports direct support professional services may be provided in an acute care hospital for the purposes of supporting the participant's personal, behavioral and communication supports not otherwise provided in that setting. Services may not be duplicative of hospital or short-term institutional services.
2. In the event of an emergency, the Maryland Department of Health (MDH) will pay for supports provided to the participant while the participant is in the emergency room only until the person is admitted to hospital.

G. All DSP providing Personal Supports and Respite must have confidential individual log-in credentials and passwords for the FMCS EVV system. The sharing of log-in credentials and/or passwords is strictly prohibited.

- H. The service times, DSP name, and DSP social security number listed on a service must be accurate. Providing incorrect or inaccurate information is considered fraudulent billing and is subject to further action such as recovery of payment.
- I. DSP cannot be paid for EVV submitted service times that overlap. Note: This does not apply to Paid Time Off or training hours.
- J. A “*Service Modification*” occurs any time a service needs to be manually entered, edited or voided. A modification can be submitted as a new service, as an edit to an existing service, or as an edit to a service with an associated claim.
- K. If a DSP is unable to clock-in or clock-out for a service an agency can submit a service modification manual entry known as a *Missing Time Request*.
- L. A “Missing Time Request” or (MTR) is a type of service modification when a service needs to be manually entered, edited, or voided.
 - 1. A MTR modification can be submitted as a new service, as an edit to an existing service, or as an edit to a service with an associated claim.
 - 2. All service modifications must reflect the EXACT date, time and reason for the modification. All modifications submitted that do not reflect accurate information can be considered fraudulent billing.
 - 3. If a DSP does not use the FMCS EVV system to clock-in or clock-out for their shift, they must submit a MTR by manual entry.
 - 4. A manual entry is when a DSP, the participant, or designated representative on the participant’s behalf, edits the clock-in or clock-out time for a DSP after their shift has been completed.

Example of a MTR by manual entry:

- a. A Personal Support DSP works from 8am - 4pm on Monday.

- b. The employee forgot to clock-in when they arrived at work, and clocked-in at 9am when they remembered.
 - c. The employee clocks-out at 4pm (ending their shift).
 - d. The employee later edits the clock-in time to 8am, when the employee began working.
- 5. All MTRs must be reviewed by the FMCS.
- 6. MTRs should be completed within 30 days; late entries may result in delayed payment.
 - a. Maryland requires that employees are paid every two weeks, or twice per month.
 - b. All FMCS agency payroll calendars follow a pay calendar of every two weeks.
- 7. MTRs that do not meet the EVV requirement are considered non-compliant.
- 8. The MDH policy allows each DSPs up to six (6) unexcused service modifications a month.
 - a. Unexcused means the DSP did not clock in/out due to failure of the DSP or their agency or the reason for the service modification was researched and found unverifiable or inaccurate.
 - b. Unexcused service modifications are counted for each missed time entry.

Service Modification Total	Missed Time Entry
1	Missed Clock In
1	Missed Clock Out
2	Missed Clock In and out

9. When any DSP has more than six (6) MTRs in a month, the participant with the support of their team, will need to take corrective action.

- a. From January 1, 2023 through June 30, 2023, MDH will provide a six month transition period for learning and allow exceptions related to more than six (6) unexcused MTRs in a month..

M. In the event of a public health emergency or state of emergency, the approval of federal disaster relief under the Medicaid State Plan, Emergency Preparedness and Response Appendix K, or other State and/or federal authorities may supersede this policy, standards, and requirements.

EVV Notice of Noncompliance and Corrective Actions

- A. Beginning on July 1, 2023, if an employee has more than six (6) MTRs in a month, the participant will receive a notice of noncompliance.
- B. Participants will only receive one notice of noncompliance per month, regardless of the number of MTRs during the month.
- C. After July 1, 2023, participants who have a notice of noncompliance will be required to take corrective action as follows:

1. First Occurrence (more than six unexcused MTR in month):

- a. Within seven (7) days of the seventh MTR occurrence during the month, the FMCS will:
 - i. Send an email and a Notice of Noncompliance letter to alert the participant in writing.
 - ii. The letter will include a list of all DSPs who had more than six (6) MTRs for the month; and
- b. Corrective action requirement for the participant and identified DSPs to conduct the FMCS EVV web-based training within the next ten (10) business days of the receipt of the email.
- c. The participants Coordinator of Community Services (CCS), Support Broker (SB), and Regional Office Self Directed Services (SDS) Lead should be copied on the letter.

2. Second Occurrence (more than six unexcused MTR in a subsequent month after the first occurrence):

- a. Within seven (7) days of the second occurrence of noncompliance, the FMCS will:
 - i. Call the participant to inform them of the second noncompliance occurrence.
 - ii. During the call the participant will be informed of the corrective action requirement for an online or in-person EVV retraining for the participant and identified DSP(s).

- (1) The retraining focus is to re-educate the participant and the DSP(s) on the EVV process and requirements;
- (2) The retraining must occur within the next ten (10) business days; and

(3) Coordinate the date and time for the retraining.

iii. Send an email and Notice of Noncompliance letter to alert the participant in writing including:

1. Notifying them that a second occurrence of noncompliance;
2. Providing a list of all DSPs that had more than six (6) MTRs for the month; and
3. The date, time, and location (as applicable) for the online or in-person EVV retraining.

b. The participants CCS, SB, and Regional Office SDS Lead should be copied on the letter.

3. Third Occurrence (more than six unexcused MTR in a subsequent month after the second occurrence):

a. Within seven (7) days of the third occurrence of noncompliance, the FMCS will:

- i. Alert the CCS via email that the participant has three occurrence of noncompliance;
- ii. Send an email and Notice of Noncompliance letter to alert the participant in writing including.

(1) Notifying them that a third occurrence of noncompliance;
and

(2) Providing a list of all DSP(s) that had more than six (6) MTRs for the month; and

- (3) Corrective action requirement for a participant with the support of their team to develop a written Plan of Correction (POC).
- b. The participants CCS, SB, and Regional Office SDS Lead should be copied on the letter.
- c. Plan of Correction
 - i. Within 7 days upon receipt of notification, the CCS will call a team meeting to develop a written POC.
 - ii. The POC should be written by the participant, their legal guardian, along with any team members the participant chooses.
 - iii. The POC must include action step, timeline, and monitoring to ensure DSP compliance with program requirements.
 - iv. The POC must includes:
 - (1) A list of all employees who have more than six (6) MTRs in any month, leading to a notice of noncompliance;
 - (2) A plan for training employees who have more than six (6) MTRs in any previous month;
 - (3) Personnel actions, as applicable, for employees.

Considerations may be:

 - (a) Incentives for complying with EVV requirements;
 - (b) Consequences for not complying with EVV requirements.
 - (4) The CCS will monitor over the next three months to make sure the POC is implemented.

D. Transition Period

1. During this transition period, participants will be required to comply with all of the EVV requirements.
2. FMCS agencies will be providing oversight of compliance and communication with self-directed participants to support learning including:

a. **First Occurrence:**

- i. Within seven (7) days of the seventh MTR occurrence during the month, the FMCS will:
 1. Send an email and a Notice of Noncompliance letter to alert the participant in writing.
 2. The letter will include a list of all DSPs who had more than six (6) MTRs for the month; and
 3. Provide information related to the FMCS web-based training.
- ii. The participants Coordinator of Community Services (CCS), Support Broker (SB), and team should be copied on the letter.

b. **Second Occurrence:**

- i. Within seven (7) days of the second occurrence of noncompliance, the FMCS will:
 - (1) Call the participant to inform them of the second noncompliance occurrence. During the call the participant will be offered online or in-person EVV retraining for the participant and identified DSP(s). The retraining focus is to re-educate the participant and the DSP(s) on the EVV process and requirements;

(2) Send an email and Notice of Noncompliance letter to alert the participant in writing including:

(a) Notifying them that a second occurrence of noncompliance;

(b) Providing a list of all DSPs that had more than six (6) MTRs for the month; and

(c) Provide the date, time, and location (as applicable) for the online or in-person EVV retraining.

ii. The participants CCS, SB, and team should be copied on the letter.

3. Third Occurrence:

a. Within seven (7) days of the third occurrence of noncompliance, the FMCS will:

i. Alert the CCS via email that the participant has three occurrence of noncompliance;

ii. Send an email and Notice of Noncompliance letter to alert the participant in writing including.

(1) Notifying them that a third occurrence of noncompliance; and

(2) Providing a list of all DSP(s) that had more than six (6) MTRs for the month; and

(3) Recommend the participant with the support of their team develop a written Plan of Correction (POC).

4. The FMCS agencies will share monthly reports of noncompliance and information and training provided.

E. Monitoring and Oversight

1. The Regional Office SDS Leads will track all occurrences of EVV noncompliance based on FMCS noncompliance letters and share data with the DDA's Statewide Coordinator of Self Directed Services.
2. The DDA's Statewide Coordinator of Self Directed Service will analyze and trend data and provide updated guidance, training, and webinar based on findings.

EVV Exceptions

- A. MDH will make exceptions for EVV compliance based on extenuating circumstances.
- B. MDH will support cultural and religious exceptions regarding the use of technology.
 1. Attestations indicating the specific timeline/time of day and need for a cultural or religious exemption should be submitted to the participant and their FMCS. For example: Saturdays from (insert time) to (insert time) technology use is prohibited in accordance with (insert).
 2. The MTRs should note cultural or religious exemption.
 3. MTRs must be reviewed by the FMCS to confirm attestation prior to a payment.

Resources

- [Electronic Visit Verification \(EVV\) Medicaid Webpage](#)
- **FMCS Agencies**
 1. **GT Independence Contacts**
 - Customer Service Line: 1-877-659-4500
 - Customer Service Email: customerservice@gtindependence.com
 - Jennifer Drganc, Dir of Relationships: jdrganc@gtindependence.com, 651-247-7107
 - Kirsten Capeless, Dir of Business Development: KCapeless@gtindependence.com, 207-465-6488
 - <https://gtindependence.com/state/maryland/>
 2. **The Arc Central Chesapeake Region Contacts**
 - Customer Service Line: 1-866-252-6871
 - Customer Service Email: FMSParticipants@thearcccr.org
 - Karen Bradbury, Dir of Outreach: kbradbury@thearcccr.org, 443-924-4477

- Leigh McHargue, Employee-Employer Relations Manager:
lmchargue@thearcccr.org, 410-384-4406
- <https://www.thearcccr.org/self-directed-services/>

3. Public Partnerships LLC Contacts

- Customer Service Line: 833-660-2509
- Customer Service Email: PPLMDDDA-CS@pcgus.com
- Chantelle Tally, ctally@pcgus.com, 770-799-6885
- Kimberly Jackson, Dir of Client Success, kismith@pcgus.com, 609-385-0932
- <https://www.publicpartnerships.com>

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