

## **Cures Act EVV: Guidance to Ensure On-Time Payment to CDS Employees for Services Done on and After Jan. 1**

### **FMSA Guidance**

FMSAs must ensure CDS employers and CDS employees receive their EVV system credentials as soon as possible and assist CDS employers with completing training and the onboarding process. FMSAs must take the following actions to ensure visits are entered accurately into the EVV system and CDS employees are paid timely:

1. Inform CDS employers of the FMSA's process for manually entering time into the EVV system when an electronic verification method (i.e. landline, mobile app, or alternative device) is not used. Documentation (i.e. timesheets) to support manually entered visits must include:

- CDS employer's approval of time worked.
- CDS employee's signature or attestation of time worked.
- Any other information required to manually create the visit in the EVV system. Refer to the EVV Visit Maintenance Policy for more information.

<https://hhs.texas.gov/laws-regulations/handbooks/evvp/h/section-4000-visits#4200>

2. Ensure all visits which were not captured using an electronic verification method are manually entered into the EVV system. The process of manually entering visits will vary between EVV systems and the CDS employer's selection on Form 1722, Employer's Selection for Electronic Visit Verification Responsibilities. <https://hhs.texas.gov/laws-regulations/forms/1000-1999/form-1722-employers-selection-electronic-visit-verification-responsibilities>.

- If the CDS employer selected option 1: Assist the CDS employer with manually entering visits if the CDS employer does not have access to the system.
- If the CDS employer selected option 2 or 3: Manually enter visits into the EVV system based on the documentation received from the CDS employer until their CDS employees can begin using the system.
- If the FMSA is having difficulty contacting the CDS employer to assist, the FMSA should document each attempt to contact the CDS employer.

### **CDS Employer Guidance**

If your FMSA has not yet provided you and your CDS employees EVV credentials, you must:

1. Ensure your CDS employees document their visits for EVV-required services on a timesheet as instructed by your FMSA.
2. Continue to verify and approve your CDS employee's timesheets.
3. Follow your FMSA's process for submitting timesheets. Your FMSA will manually enter the visits into the EVV system based on the timesheet until you and your CDS employees can begin using the system.

Once you and your CDS employees receive EVV credentials you must:

1. Complete training requirements as soon as possible so that you and your CDS

employees can begin using the EVV system.

2. Have your CDS employees clock in and clock out of the EVV system for EVV-required services.

3. Begin performing EVV responsibilities, based on the option you selected on Form 1722, Employer's Selection for Electronic Visit Verification Responsibilities.

<https://hhs.texas.gov/laws-regulations/forms/1000-1999/form-1722-employers-selection-electronic-visit-verification-responsibilities>

If you can already use the EVV system but your CDS employees are having difficulty clocking in and clocking out, your CDS employees should use a timesheet as a backup.

When using a timesheet as a backup, you must:

1. Have your CDS employees document their visits for EVV-required services on a timesheet.

2. Continue to verify and approve your CDS employee's timesheet and keep a copy of the documentation for your records.

3. Ensure that you or your FMSA manually enter the visits documented on the timesheet into the EVV system based on the option you selected on Form 1722.

- If you selected option 1: You must manually enter the visits into the EVV system.
- If you selected option 2 or 3: Follow your FMSA's process for using a timesheet as a backup.

4. Continue working with your CDS employees to ensure all visits for an EVV-required service provided on and after Jan. 1 are documented in the EVV system.

Instructions for manually entering visits are available in the DataLogic/Vesta and First

Data/AuthentiCare EVV systems.

## **Resources**

FMSAs and CDS employers can review:

- EVV requirements in the Dec. 18 article Preparing for Jan. 1, 2021 Implementation. <https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/cures-act-evv-preparing-jan-1-2021-implementation>
- Training requirements in the Cures Act EVV: <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/evv/evv-required-training-checklist.pdf>
- EVV-required services in the list of Programs, Services and Service Delivery Options Required to Use EVV. <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/long-term-care/evv/programs-services-required-evv.pdf>