



ELECTRONIC VISIT VERIFICATION COMPLIANCE REVIEWS

Electronic Visit Verification (EVV) Compliance Reviews monitor Community First Health Plans Providers who are contracted to deliver EVV required services to Community First Members.

Providers will be reviewed every quarter to ensure that Program Providers, Financial Management Services Agencies (FMSAs), and Consumer Directed Services (CDS) Employers are in compliance with EVV requirements and policies for the following:

- **EVV Usage:** Meet the minimum EVV Usage Score.
- **EVV Landline Phone Verification:** Ensure valid phone type is used.
- **EVV Required Free Text:** Document required free text.

The quarterly review schedule for SFY 2022 is noted below:

EVV Compliance Review Schedule for SFY 2022		
Quarter	Months	Review Start Date (on or after)
1	September 2021, October 2021, and November 2021	March 15, 2022
2	December 2021, January 2022, and February 2022	June 15, 2022
3	March 2022, April 2022, and May 2022	September 15, 2022
4	June 2022, July 2022, and August 2022	December 15, 2022

For more information, please refer to [HHSC EVV Policy Handbook, Section 10000 EVV Compliance Reviews](#).

NON-COMPLIANCE ENFORCEMENT ACTIONS

Program Provider and FMSA Enforcement Actions

When a Program Provider or FMSA **fails to meet and maintain the minimum EVV Usage Score of 80%** in a state fiscal year quarter, the payer may send a non-compliance notice to enforce one or more of the following progressive enforcement actions based on the number of occurrences within a 24-month period:

1. First occurrence within a 24-month period: Require additional EVV policy, system, and portal training within a specific time frame.

- The payer must review the EVV Usage Score for the following quarter from the date of the non-compliance notice requiring EVV training.
 - If the minimum EVV Usage Score is met, no further action will be taken by the payer for the compliant quarter.
 - If the minimum EVV Usage Score is not met, the payer may document and apply a corrective action plan (CAP).

2. Two or more occurrences within a 24-month period: Require completion of a CAP within 10 business days of the notice of non-compliance.

- The payer must review the EVV Usage Score for the following quarter from the date of implementation of an accepted CAP.
 - If the minimum EVV Usage Score is met, no further action will be taken by the payer for the compliant quarter.
 - If the minimum EVV Usage Score is not met, the payer may initiate contract termination.

3. Three or more occurrences within a 24-month period: Initiate contract termination.

- Payers cannot terminate a contract unless:
 - The payers have followed the above progressive enforcement actions.
 - The Program Provider or FMSA has not met the minimum EVV Usage Score for a total of three quarters (nine months) within a 24-month period.

NOTE: Prior to a payer enforcing action, payers must do their due diligence and ensure failure to meet and maintain the compliance score was not due to the following:

- Late authorizations.
- Missing or incorrect HCPCS, Modifiers, Service Group, or Service Codes provided by the payer.
- A system outage, defect, or issue related to the EVV Aggregator, EVV Portal, or a state-approved EVV Vendor System.
- Natural disaster.

NON-COMPLIANCE ENFORCEMENT ACTIONS

CDS Employer Enforcement Actions

CDS Employers must achieve and maintain a minimum EVV Usage Score of 80% rounded to the nearest whole percentage, each state fiscal year quarter, unless noted by HHSC.

See the table below for CDS Employer EVV Usage Score requirements based on service delivery dates.

CDS Employer EVV Usage Score Requirements			
Fiscal Year (FY)	Quarter (Q)	Service Delivery Dates	EVV Usage Score
FY 22	Q1	9/1/2021 – 11/30/2021	Grace Period
FY 22	Q2	12/01/2021 – 2/28/2022	Grace Period
FY 22	Q3	3/1/2022 – 5/31/2022	Grace Period
FY 22	Q4	6/1/2022 – 8/31/2022	Grace Period
FY 23	Q1	9/1/2022 – 11/30/2022	40%
FY 23	Q2	12/1/2022 - 2/28/2023	60%
FY 23	Q3	3/1/2023 - ongoing	80%

CDS Employers below the EVV Usage Score will be reviewed. Payers may choose to review all CDS Employers or a sample of CDS Employers that did not meet the minimum EVV Usage Score.

When a CDS Employer fails to meet and maintain the minimum EVV Usage Score in a state fiscal year quarter, the payer may send a non-compliance notice to enforce one or more of the following progressive enforcement actions based on the number of occurrences within a 24-month period:

1. First occurrence within a 24-month period: Require additional EVV policy and system training within a specific time frame.

- The payer must review the EVV Usage Score for the following quarter from the date of the non-compliance notice requiring additional EVV training.
 - If the minimum EVV Usage Score is met, the payer takes no further action for the compliant quarter.
 - If the minimum EVV Usage Score is not met, the payer may document and apply a corrective action plan (CAP).

2. Two or more occurrences within a 24-month period: Require completion of a CAP within 10 business days of the notice of non-compliance.

- The payer must review the EVV Usage Score for the following quarter from the date of implementation of an accepted CAP.

- If the minimum EVV Usage Score is met, the payer takes no further action for the compliant quarter.
- If the minimum EVV Usage Score is not met, the payer may recommend removal from the CDS option.

3. Three or more occurrences within a 24-month period: Recommend removal from the CDS option.

NOTE: Prior to a payer enforcing action, payers must do their due diligence and ensure failure to meet and maintain the compliance score was not due to:

- FMSA errors, such as not responding to the CDS Employer.
- A system outage, defect, or issue related to the EVV Aggregator, EVV Portal, a state-approved EVV Vendor System, or EVV Proprietary System.
- Natural disaster.



NON-COMPLIANCE FORMAL APPEAL PROCESS

10050 EVV Formal Appeal of the Review

Revision 22-1; Effective January 7, 2022

Per Texas Administrative Code Title 1, Part 15, Chapter 357, Subchapter I, Rule Section 357.484 Program Providers, FMSAs, or CDS Employers may request an administrative hearing in writing within 15 days after receipt of the EVV Notice of Non-Compliance if appealing the following actions:

- Contract termination
- Withholding of Medicaid claims payments
- Recoupment

Send the written request to:

Texas Health and Human Services Commission
Legal Services
Office of General Counsel
P.O. Box 149030
Mail Code W-615
Austin, Texas 78714

EVV POLICY HANDBOOK

Please click below to review changes to the EVV Policy Handbook:

<https://www.hhs.texas.gov/handbooks/electronic-visit-verification-policy-handbook/revisions>

- [22-3, Handbook Changes](#)
- [22-2, Handbook Changes](#)
- [22-1, Handbook Changes](#)
- [21-1, Miscellaneous Changes](#)