



## Children's Waiver Electronic Visitor Verification (EVV) Annual DECLARATION Form

The federal [21<sup>st</sup> Century Cures Act](#), signed into law on December 13, 2016, requires all state Medicaid programs to implement an Electronic Visit Verification (EVV) system for personal care services by January 1, 2021 and Home Health Services (HHCS) by January 1, 2023. Federal Centers for Medicare and Medicaid (CMS) EVV guidance define personal care services as any service that offers support for Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL). ADLs include supports such as movement, bathing, dressing, toileting, and personal hygiene IADLs include supports such as meal preparation, money management, shopping, and telephone use etc. For the purpose of EVV, all services that include ADL and/or IADL supports may be subject to EVV requirements even if the service is not titled "personal care services" and the ADL and/or IADL supports are bundled into a different service (e.g., Respite).

To ensure Children's Waiver Home and Community Based Services (HCBS) providers are EVV ready, the New York State Department of Health is requesting all designated Children's Waiver **Respite** providers **complete and submit this annual DECLARATION form no later than end of day Wednesday, November 18, 2020.**

EVV applies to Children's Waiver HCBS if the service meets the following criteria:

- Is considered a Medicaid Personal Care Service (PCS) as described above, in other words the staff provide ADL and or IADL supports
- The services begin or end or is delivered entirely or partially in the person's home
- The services are not provided in a congregate facility applicable

After self-assessment, some HCBS providers will determine that they do not meet EVV requirements for **any** of the HCBS enrolled children they serve at any time, while other HCBS providers may meet the EVV requirement for *some or all* the enrolled children they serve.

*Please note: Children's Waiver Day Habilitation providers do not need to meet EVV, however, Community Habilitation service does meet EVV requirements and these Children's Waiver providers must compile with EVV and do not need to sign this annual Declaration.*

This annual DECLARATION **only** applies to Respite Services for the Children's Waiver. HCBS providers that might also serve the OPWDD Waiver, will need to comply with OPWDD Guidance.

- ❖ All respite and community habilitation service providers are subject to NYSDOH audit to ensure compliance with the EVV requirements, equipment, and billing. Lack of compliance or false Declaration could impact provider designation and remittance of claims.



Children’s Waiver Annual DECLARATION Form

Respite Agency Name: \_\_\_\_\_

Respite Agency EIN: \_\_\_\_\_

- Has the agency read the [21<sup>st</sup> Century Cures Act](#) and understand the federal requirements for EVV?  Yes  No
- The Respite agency has assessed and determined how their delivery of Respite services are provided, and that the Respite services meet EVV requirements for **any** children/youth served?  Yes  No *(If no, skip to signature below)*
- Does the agency currently have an implemented EVV System that meets the requirements of the *21<sup>st</sup> Century Cures Act* and NYS Aggregator Requirements?  
 Yes  No

If No, please explain the steps the provider agency is taking to become EVV compliant by January 1, 2021:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The completion of this DECLARATION should be conducted by leadership within the agency who can guarantee the accuracy of the information provided, as billing audits/case review will be conducted against the items attested within this document.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

**Contact Information:**

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Please submit this DECLARATION form **no later than end of day Wednesday, November 18, 2020** to [BH.Transition@health.ny.gov](mailto:BH.Transition@health.ny.gov) with the subject line “EVV Declaration”.

**Please note: if the agency determines their delivery of services meets EVV requirements for any children/youth served, the agency will *a/so* be required to complete the EVV Attestation via eMedNY.**