



Date: December 16, 2020  
To: Consumer Directed Services (CDS) Employers  
Subject: Electronic Visit Verification Requirements for CDS Employers

The Health and Human Services Commission (HHSC) administers the Texas Medicaid program. Federal law requires the use of Electronic Visit Verification (EVV)<sup>1</sup> for Medicaid personal care services.<sup>2</sup> Starting on January 1, 2021, HHSC must implement EVV or Texas will lose federal funding for Medicaid services.

**As a CDS employer you are required to meet EVV requirements.**

If you have not already done so, you must:

- contact your financial management services agency (FMSA) for next steps in the EVV process;
- complete [Form 1722, Employers Selection for Electronic Visit Verification Responsibilities](#) and submit the signed form to your FMSA;
- complete EVV training by Dec. 31, 2020;
- train your CDS employees on EVV; and
- have your CDS employees begin clocking in and clocking out of the EVV system.

If you have a Designated Representative (DR), you can elect to have them assist you with EVV responsibilities as described on Form 1722.

**Consequences of Not Using EVV as Required**

Your employees must begin clocking in and clocking out of the EVV system when delivering an EVV-required service starting on January 1, 2021.

After January 1, 2021, if your employee does not clock in or clock out using EVV, you must work with your FMSA to ensure their time is manually entered in the EVV system. If the time worked is not documented in the EVV system, Medicaid cannot

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<sup>1</sup> Title XIX, Section 1903(l) of the Social Security Act [42 United States Code Section 1396b], as amended by Section 12006 of the 21st Century Cures Act.

<sup>2</sup> The term "personal care services" refers generally to attendant care services. The full list of programs, services, and service delivery options required to use EVV is available at: <https://hhs.texas.gov/sites/default/files/documents/doing-business-withhhs/providers/long-term-care/evv/programs-services-required-evv.pdf>.

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reimburse your FMSA for payroll and your employees will experience delays in payment.

If your employees do not use the EVV system, or if you do not comply with EVV requirements, you may also be required to complete a corrective action plan or leave the CDS option and use a provider agency for EVV-required services.

To avoid these consequences, contact your FMSA immediately and begin using EVV as soon as possible.

If your FMSA has not provided you with a copy of Form 1722 or other necessary information that you need to meet EVV requirements, you may send a complaint to [CDS@hhsc.state.tx.us](mailto:CDS@hhsc.state.tx.us).

Please send questions about EVV policy to [Electronic\\_Visit\\_Verification@hhsc.state.tx.us](mailto:Electronic_Visit_Verification@hhsc.state.tx.us) and questions about CDS policy to [CDS@hhsc.state.tx.us](mailto:CDS@hhsc.state.tx.us).

Sincerely,

*[signature on file]*

Michelle Erwin  
Deputy Associate Commissioner, Policy and Program  
Medicaid and CHIP Services Department