

## **ACTION ALERT IN SUPPORT OF REP. DEGETTE'S PROPOSED LEGISLATION FOR THE ELIMINATION OF THE EVV REQUIREMENT IN MEDICAID FUNDED HOME HEALTH**

**What is EVV?** Electronic Visit Verification (EVV) is a technology-based system used to electronically verify that a personal attendant provides services for a client. The 21st Century Cures Act, federal legislation signed into law in December 2016, requires that all states implement EVV for Medicaid-funded home health care and personal attendant services. This law outlines the requirements that states must meet, but provides little guidance on how states can fulfill the requirement.

EVV systems must verify: (1) type of service performed; (2) individual receiving service; (3) date of service; (4) location of service; (5) individual providing the service; and (6) time the service begins and ends.

For Medicaid-funded personal care services, including consumer-directed services, the requirement takes effect January 1, 2020.

### **NATIONAL COUNCIL ON INDEPENDENT LIVING (NCIL)**

#### **PRINCIPLES ON EVV**

- EVV threatens decades of advocacy work that created a true Independent Living Model for people with disabilities who wish to live and work in our own communities. ***EVV has no place in Personal Care Services or Consumer-Directed Services***, or in waiver programs that offer CDS-like options. While some states refer to their programs by differing names, CDS programs provide the consumer with: ***choice of service provider; location*** of service (home or community); ***scheduling responsibilities***; and ***consumer control***. ***EVV in all forms erodes these rights*** and eliminates consumers' ability to direct care at their own volition.
- Stakeholder groups must include and empower people with disabilities, independent of providers, to be drivers and experts in ***the development of policies that uphold the freedoms, rights, dignity, privacy, and independence of people with disabilities***.
- ***The federal EVV mandate, not created because of the need to eliminate fraud in Medicaid personal care services, is instead, a massive financial giveaway to technology vendors of EVV systems.***
- ***Global Positioning Systems (GPS) and biometrics are a direct and excessive violation of the privacy and potential safety of individuals living with disabilities.*** Given the growing frequency and size of private data breaches, consumers are or will be required to tolerate additional intrusions and burdens under EVV, just to receive the life-sustaining care on which we rely to live independently and avoid institutionalization. Americans are guaranteed Constitutional protection from these types of privacy intrusions, and ***disabled Americans demand equal protection under the law.***
- ***GPS / biometrics have a chilling effect on the independent provider / personal care assistant network and further shrinks the chronically inadequate pool of available employees.*** Often working at minimum wage, PCAs are reluctant to be geo-located during their work day, to be biometrically identified, or to take a job requiring technology skills without increased compensation and at the risk of providing quality care. Some employees are cautioning consumers they will leave once subjected to EVV. Potential workers are going elsewhere when they learn that GPS or biometrics are required. ***Individuals with disabilities across the country are facing***

*increased provider shortage because states are not prohibited from utilizing GPS and biometric features under EVV.*

- People with disabilities have a right to transparency and access to any private data that is collected from our lived experiences. ***The burgeoning EVV industry is not forthcoming about the type of data it collects and stores.*** Data compromise and loss prevention plans must include immediate notification of any breaches to consumers and providers. Threats to identity protection and digital privacy should be given the highest accountability priority.
- ***NCIL believes that people with disabilities have the right to control our own destinies.*** If individuals are to make informed decisions, it's imperative that CMS and states create and implement comprehensive outreach and education to consumers and providers about EVV choice options, such as web portals, telephony, mobile apps, etc.

**Please support Rep. DeGette's proposed legislation to eliminate the EVV requirement for Medicaid-funded home health services by committing to be a co-sponsor of her legislation.**

**Rep. Diana DeGette 202-225-4431**

**Website: <http://degette.house.gov/>**

## Advocates!

Constituents of US House of Representatives, Energy and Commerce Subcommittee members, contact your House representative below to ask that they co-sponsor Rep. DeGette’s proposed bill to end EVV.

- (1) Identify yourself as a constituent with your name, address, and contact information.
- (2) State – “Electronic visit verification (EVV) is federally mandated under the Cures Act for all Medicaid-funded home care services. EVV violates privacy rights of disabled Americans and threatens decades of disability advocacy work.”
- (3) Tell your story on how EVV will affect you (3-4 sentences).
- (4) ASK – “Please co-sponsor Rep. DeGette’s proposed bill to end EVV by contacting her today!”  
Rep. Diana DeGette 202-225-4431
- (5) Thank them for listening!

Members of the House Energy and Commerce Subcommittee:

| Majority   | Minority  |
|--|---|
| <ul style="list-style-type: none"> <li>● <a href="#">Frank Pallone</a>, New Jersey, <i>Chair</i></li> <li>● <a href="#">Bobby Rush</a>, Illinois</li> <li>● <a href="#">Anna Eshoo</a>, California</li> <li>● <a href="#">Eliot Engel</a>, New York</li> <li>● <a href="#">Diana DeGette</a>, Colorado</li> <li>● <a href="#">Mike Doyle</a>, Pennsylvania</li> <li>● <a href="#">Jan Schakowsky</a>, Illinois</li> <li>● <a href="#">G. K. Butterfield</a>, North Carolina</li> <li>● <a href="#">Doris Matsui</a>, California</li> <li>● <a href="#">Kathy Castor</a>, Florida</li> <li>● <a href="#">John Sarbanes</a>, Maryland</li> <li>● <a href="#">Jerry McNerney</a>, California</li> <li>● <a href="#">Peter Welch</a>, Vermont</li> <li>● <a href="#">Ben Ray Lujan</a>, New Mexico</li> <li>● <a href="#">Paul Tonko</a>, New York</li> <li>● <a href="#">Yvette Clarke</a>, New York, <i>Vice Chair</i></li> <li>● <a href="#">Dave Loebsack</a>, Iowa</li> <li>● <a href="#">Kurt Schrader</a>, Oregon</li> <li>● <a href="#">Joe Kennedy III</a>, Massachusetts</li> <li>● <a href="#">Tony Cárdenas</a>, California</li> <li>● <a href="#">Raul Ruiz</a>, California</li> <li>● <a href="#">Scott Peters</a>, California</li> <li>● <a href="#">Debbie Dingell</a>, Michigan</li> <li>● <a href="#">Marc Veasey</a>, Texas</li> <li>● <a href="#">Ann McLane Kuster</a>, New Hampshire</li> <li>● <a href="#">Robin Kelly</a>, Illinois</li> <li>● <a href="#">Nanette Barragán</a>, California</li> <li>● <a href="#">Donald McEachin</a>, Virginia</li> <li>● <a href="#">Lisa Blunt Rochester</a>, Delaware</li> <li>● <a href="#">Darren Soto</a>, Florida</li> <li>● <a href="#">Tom O'Halleran</a>, Arizona</li> </ul> | <ul style="list-style-type: none"> <li>● <a href="#">Greg Walden</a>, Oregon, <i>Ranking Member</i></li> <li>● <a href="#">Fred Upton</a>, Michigan</li> <li>● <a href="#">John Shimkus</a>, Illinois</li> <li>● <a href="#">Michael C. Burgess</a>, Texas</li> <li>● <a href="#">Steve Scalise</a>, Louisiana</li> <li>● <a href="#">Bob Latta</a>, Ohio</li> <li>● <a href="#">Cathy McMorris Rodgers</a>, Washington</li> <li>● <a href="#">Brett Guthrie</a>, Kentucky</li> <li>● <a href="#">Pete Olson</a>, Texas</li> <li>● <a href="#">David McKinley</a>, West Virginia</li> <li>● <a href="#">Adam Kinzinger</a>, Illinois</li> <li>● <a href="#">Morgan Griffith</a>, Virginia</li> <li>● <a href="#">Gus Bilirakis</a>, Florida</li> <li>● <a href="#">Bill Johnson</a>, Ohio</li> <li>● <a href="#">Billy Long</a>, Missouri</li> <li>● <a href="#">Larry Bucshon</a>, Indiana</li> <li>● <a href="#">Bill Flores</a>, Texas</li> <li>● <a href="#">Susan Brooks</a>, Indiana</li> <li>● <a href="#">Markwayne Mullin</a>, Oklahoma</li> <li>● <a href="#">Richard Hudson</a>, North Carolina</li> <li>● <a href="#">Tim Walberg</a>, Michigan</li> <li>● <a href="#">Buddy Carter</a>, Georgia</li> <li>● <a href="#">Jeff Duncan</a>, South Carolina</li> <li>● <a href="#">Greg Gianforte</a>, Montana</li> </ul> |