

<b>Topic:</b>	Personal Support Worker eXPRS Mobile-EVV Exceptions for Case Management Entities
<b>Date Issued/Updated:</b>	11/2019 v1

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## Overview

A [new federal law](#) requires states to implement an electronic way to verify the delivery of attendant care services, called Electronic Visit Verification (EVV). EVV is required for all Medicaid attendant care services that usually include an in-home visit by a provider. For Oregon, this includes the following services and their OR procedure codes:

- OR507 Daily Relief Care
- OR526 Attendant Care, including ZE
- OR502 State Plan Personal Care

The requirement to use EVV does not apply to individuals enrolled and living in a residential service setting, including 24-hour group homes, foster care homes, supported living; or receiving On the Job Attendant Care (OR545), or Day Support Activities (DSA) (OR542). EVV also does not include any employment or community transportation services.

EVV is a way to collect information in eXPRS. EVV must record these federally-required items in real time:

- Personal Support Worker (PSW) name
- Person receiving services
- Type of service (plan of care OR code)
- Date of the service
- Time the service begins and ends
- Location of the service at start and end of shift(s)

eXPRS has been modified to be used as the Mobile-EVV solution. eXPRS Mobile-EVV solution can now:

- be used for EVV when accessed using a mobile device or tablet for the above services, and
- be used for case managers to submit a request for a PSW exception through a webform. eXPRS will generate the exception decision based on the selection of

answers provided. Questions are specific to the criteria outlined in this worker guide.

## **Procedure(s) that apply:**

### **Oregon Administrative Rule changes:**

ODDS incorporated the requirement to use EVV in the November 2019 Oregon Administrative Rule (OAR) 411-375 [Independent Providers Delivering Developmental Disabilities Services](#) amendments, with a requirement that all PSWs are either using the Mobile-EVV solution or have an approved exception to not use the Mobile-EVV solution, no later than March 31, 2020.

After April 1, 2020, ODDS may act against PSWs who repeatedly fail to use EVV to enter their time up to and including termination of the PSW's provider number.

### **Short term or intermittent PSW issues using EVV**

There may be times where a PSW is unable to use the Mobile-EVV solution to clock-in or out of their shift. If a PSW intermittently is unable to use the Mobile-EVV solution or needs to correct a time entry that was created using the Mobile-EVV solution, the PSW will enter their time or make the correction in eXPRS-Desktop using these reason codes. This would include situations where an **individual** exception is granted for a PSW. See [How To Correct or Add an EVV Shift](#).

The reasons for this include:

- Forgot to clock in at the beginning/end of shift
- Clocked in too early/late
- No internet available to clock in/out
- Created manually due to a data entry error
- SPA not in place at time of service
- Service Delivered Prior to EVV Implementation
- Mistakenly clocked out
- Exception Granted

PSWs do not need an exception for intermittent or short-term issues using EVV.

### **Long Term Exceptions:**

Long term exception to using the Mobile-EVV solution may be necessary if the PSW is not going to be able to use EVV and it is expected to be on-going and not resolved

within 30 days.

There are two (2) main reasons a PSW may be eligible for an exception:

- 1) There are currently Collective Bargaining Agreement (CBA) and Oregon Administrative Rule (OAR) requirements for case management entities (CMEs) to grant exceptions to eXPRS time entry. These will continue with the implementation of the Mobile-EVV solution.
- 2) The PSW does not have access to either a mobile device (tablet/phone) or is unable to access eXPRS at the location where services are typically delivered. This means that there may not be access to internet connection at the location or the PSW may not have the ability access eXPRS regardless of internet connection. These PSWs may have intermittent access to eXPRS on an enabled device (computer, phone, tablet, etc.) which may allow the PSW to manually enter time into the eXPRS-Desktop site.

## **Documentation Requirements:**

Case Management Entities (CMEs) do not need to request specific documents or records to verify the PSW is eligible for an exception except when required by the exception type (noted below). PSWs will report the reason an exception is needed and the CME will record that information in the Mobile-EVV Exception webform in eXPRS. The webform will determine if the PSW is eligible or not eligible for an exception to using the Mobile-EVV solution.

CMEs that have a reason to not believe the accuracy of the PSW's stated reason for the exception, will need to have documentation supporting their decision to not accept the PSW's reason to respond to any PSW complaint that may arise related to the exception request.

## **Exception Criteria**

Two types of exceptions will be granted when using the eXPRS Mobile-EVV Exception webform:

- **Global:** a global exception applies to all the individuals that the PSW serves for their time entry into eXPRS.
- **Individual:** an individual exception applies only to entering time into eXPRS for that specific individual receiving services from the PSW.

See below for **Global** and **Individual** exceptions as well as the [How to Add EVV](#)

[Exceptions for CMEs](#) guide.

### **Exception Criteria:**

Existing criteria in the Collective Bargaining Agreement (CBA) requires the CME to grant an exception to entering time into eXPRS and allow for the PSW to submit a paper timesheet to the CME per [AR-16-044 PSW exceptions to time entry](#). If the PSW meets the CBA criteria, the CME must continue to provide the opportunity for PSWs to submit their time using a paper timesheet. An exception to using the eXPRS Mobile-EVV solution is also presumed unless the PSW identifies the ability to use the Mobile-EVV solution. The eXPRS Mobile-EVV Exceptions webform will capture the following criteria:

- **CRITERIA: Language access presents barrier to using eXPRS**

PSW is not able to access eXPRS due to a language barrier. The CME will select the preferred language of the PSW for written information from the drop down. This is a **global** exception.

- **CRITERIA: On-going hardship in accessing eXPRS**

On-going hardship in accessing internet service means there is no internet service in both the providers and consumers location, the provider has no access to internet connected electronic devices, including in local offices and public places, in the providers area of the State, or the provider is unable to consistently and effectively use or access eXPRS for EVV reporting purposes. This is a **global** exception.

- **CRITERIA: No reliable & ongoing access to a mobile device at the service location**

The PSW does not have access to any mobile device (smartphone or tablet) that can access the internet using a browser at the locations where the PSW starts and ends their shift. This most often will apply to a PSW who does not own a smartphone or tablet. This is an **individual** exception.

- **CRITERIA: No reliable & ongoing internet connection via Wi-Fi or cellphone/mobile data service at the location(s) where services (or the PSW's shift(s)) are typically started and ended.**

The PSW has access to a mobile device (smartphone or tablet) but there is not reliable access to internet connection using Wi-Fi or mobile data networks to use the device to access the eXPRS Mobile-EVV website. This is an **individual** exception.

PSWs may work with more than one individual. There may be reliable and ongoing internet access while working with one individual but not another.

When requesting an exception using this criteria, the PSW must identify the name of the individual and the location where services are typically provided. CMEs may verify that the PSW does not use the Mobile-EVV solution with this individual but is able to use the Mobile-EVV solution with other individuals.

The PSW must use Mobile-EVV solution for individuals who receive services at a location with reliable and ongoing internet connection available via Wi-Fi or cellphone/mobile data.

- **CRITERIA: Safety risk to the PSW or the individual receiving services when using location services on their mobile device due to stalking, harassment, domestic violence, or other factors**

There may be a documented safety risk to some individuals and/or PSWs using location service to document the start and end times in the Mobile-EVV solution. Both individuals and PSWs can request an exception for this reason.

***Note:** Documentation such as an order of protection, letter from a social services agency, or other information demonstrating the threat to the individual or PSW must be attached to the exception request.*

If the PSW has a documented safety risk for using location services, the PSW will have a **global** exception.

If an individual has a documented safety risk the PSW will have an **individual** exception to using the Mobile-EVV solution. The PSW will continue to use the Mobile-EVV solution for all other individuals served by the PSW.

## **Process for requesting an exception and decisions**

1. PSW asks for an exception from any CME that authorizes their services. Requests may be made in person, over the phone, in writing, or electronic communication methods. The CME may need to follow up with the PSW to gather additional details as needed to meet the exception criteria identified in the webform in eXPRS
2. Within 2 weeks from the exception request the CME shall complete a webform in eXPRS selecting criteria according to information provided by the PSW

3. Submit webform in eXPRS
4. Print and provide a copy of the eXPRS Mobile-EVV exception approval or denial to the PSW and their employer using mail, email, or in-person delivery. This can be a print of the web page showing the exception decision.
5. eXPRS will then remove requirement to enter a reason code for time entries covered by a Global exception
6. Individual exceptions will require the selection of the “Exception Granted” drop down reason code

The approved exception will remain in effect through the end of the PSW’s Provider Enrollment Agreement and Application (PEAA) unless there is a change in circumstance (person moves, reports they have a mobile device, etc.). Exception renewals are addressed below.

For assistance on how to enter an EVV Exception in eXPRS, CME staff can access the [How to Add EVV Exceptions for CMEs](#) user guide.

### **Viewing approved exceptions**

Approved **global** exceptions will be displayed on the “View Provider” screen in eXPRS. Approved **global** exceptions that a PSW requested from another CME will display and be honored by all CMEs unless there is a change in circumstance (person moves, reports they have a mobile device, etc.).

Approved **individual** exceptions will be displayed on the “View Provider” screen in eXPRS. Approved **individual** exceptions will be viewable by any CME; however, the individual for whom the exception was granted for will be visible only to the CME that created the exception and any CME who has a current Case Management CPA for the individual that is identified in the exception.

### **Time entry for PSWs with approved exceptions**

PSWs with exceptions to using eXPRS will continue to turn in paper timesheets to the CME for time entry.

PSWs with **global** exceptions to using eXPRS Mobile-EVV solution will continue to use the eXPRS-Desktop site for all the PSW’s time entry. The PSW will not have to select a reason code for any Service Delivered that is entered on eXPRS-Desktop because eXPRS will recognize the global exception for the PSW.

PSWs with **individual** exceptions to using eXPRS Mobile-EVV will enter their time in the eXPRS-Desktop site for that individual. The PSW will have to select a reason code for

time entry that is entered on eXPRS-Desktop for the individual identified in the exception.

If a PSW with an **individual** exception serves other individuals, the PSW must use eXPRS Mobile-EVV for time entry for individuals that do not have an approved exception.

### **Concerns about PSW exception requests**

There will be situations where the CME disagrees with the information that is being provided by the PSW to support an exceptions.

CMEs do not need to conduct investigations into the validity of the reports from PSWs. If there are concerns that the PSW is seeking an exception using false information the CME must report to ODDS using the [ODDS.ProviderActionRecommendation@state.or.us](mailto:ODDS.ProviderActionRecommendation@state.or.us) email box.

Any documentation or anecdotal information that supports the CME's concerns are to be provided with the report to ODDS.

ODDS will contact the PSW directly to gather documentation about their reason for requesting an exception. ODDS will review the documentation and determine if the exception is approved or denied based on review of the CME and PSW evidence.

### **PEAA renewals and exceptions:**

PSWs who have an approved exception to using the Mobile-EVV solution will need to provide ongoing evidence when they submit a renewal PEAA. The reminder message of when the PEAA expires in eXPRS will be updated to reflect the need for ongoing documentation to support the exception to using the Mobile-EVV solution. The documentation will need to be submitted to ODDS along with the renewal PEAA. CME's will not need to enter renewal exception requests but may communicate updates or changes to the PSWs and/or individual's circumstances surrounding the need for an exception.

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