DEPARTMENT OF HEALTH & SOCIAL SERVICES

PROPOSED CHANGES TO REGULATIONS

ELECTRONIC VISIT VERIFICATION SYSTEM

- 7 AAC 105. Medicaid Provider and Recipient Participation.
- 7 AAC 125. Medicaid Coverage; Personal Care Services and Home Health Care Services.
- 7 AAC 127. Community First Choice Personal Care Services.

PUBLIC REVIEW DRAFT
October 12, 2020.

COMMENT PERIOD ENDS: November 23, 2020

Please see the public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.

2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.

3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.

4. When the word "including" is used, Alaska Statutes provide that it means "including, but not limited to."

5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7 Health and Social Services.

Chapter 105. Medicaid Provider and Recipient Participation.

7 AAC 105.230. Requirements for provider records.

7 AAC 105.230(f) is amended to read:

(f) A provider who maintains all or part of the provider's records in an electronic format shall ensure that the data required to be maintained by this section is available and accessible **under this chapter or** if requested under 7 AAC 105.240(a). **The electronic records include the use of an electronic visit verification system required under 7 AAC 125.070 and 127.053.**

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(Eff. 2/1/2010, Register 193; am 6/7/2018, Register 226; am 2/6/2020, Register 233; am____/____/____, Register____).

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Chapter 125. Medicaid Coverage; Personal Care Services and Home Health Care Services.

7 AAC 125 is amended by adding a new section to read:

7 AAC 125.070. Electronic visit verification. (a) A provider of personal care services is required to use an electronic visit verification (EVV) system that is either provided or approved by the department. If a provider decides to use its own EVV system or vendor, that system must include the following data at the time of service delivery and report to the state's EVV system:

(1) name of the agency;

(2) identity of the rendering provider;

(3) identity of the recipient;

(4) location of the service;

(5) date of the service;

(6) start and stop times of the service; and

(7) type of service provided.

(b) A provider of personal care services

(1) may not submit a claim for payment under 7 AAC 125 Personal Care without also submitting the EVV data to support each claim; and

(2) must affirm the accuracy of each EVV submission, review and resolve, at least every quarter, any exceptions in the EVV system they use, and

(3) must repay to the department any identified overpayment within 90 days;

(4) must coordinate and upload all aggregate data into the department's EVV system on a daily basis or at another frequency specified by the department, if the provider is not using the department's EVV system.

(c) for purposes of this section, "EVV" means electronic visit verification.

(Eff. ____/____/____, Register____).

Authority:

Chapter 127. Community First Choice Personal Care Services.

7 AAC 127 is amended by adding a new section to read:

7 AAC 127.053. Electronic visit verification. (a) A provider of Community First Choice personal care services is required to use an electronic visit verification (EVV) system that is either provided or approved by the department. If a provider decides to use its own EVV system or vendor, that system must include the following data at the time of service delivery and report to the state's EVV system:

(1) name of the agency;

(2) identity of the rendering provider;

(3) identity of the recipient;

(4) location of the service;

(5) date of the service;

(6) start and stop times of the service; and

(7) type of service provided.

(b) A provider of Community First Choice personal care services

(1) may not submit a claim for payment under 7 AAC 127 Community First Choice personal care services without also submitting the EVV data to support each claim; and

(2) must affirm the accuracy of each EVV submission, review and resolve, at least every quarter, any exceptions in the EVV system they use, and

(3) must repay to the department any identified overpayment within 90 days;

(4) must coordinate and upload all aggregate data into the department's EVV system on a daily basis or at another frequency specified by the department, if the provider is not using the department's EVV system.

(c) for purposes of this section, "EVV" means electronic visit verification.

(Eff. ____/____/____, Register____).

Authority: