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ANCOR Fuels Introduction of Bipartisan Legislation Delaying Electronic Visit Verification Medicaid Penalties Under 21st Century Cures Act

New Bill Would Defer EVV Statute Until 2020, Marking Significant Step for Provider Organizations and the Individuals They Serve

Alexandria, VA – Today, the U.S. Senate and U.S. House both introduced bipartisan legislation designed to delay implementation of the Electronic Visit Verification (EVV) provision of the 21st Century Cures Act and require public input from stakeholders. The bill—led by Senators Lisa Murkowski (R-AK) and Sherrod Brown (D-OH) and co-sponsored by a range of Democrats and Republicans in the Senate and House—marks a key part of ANCOR’s strategy to ensure its 1,400 members and thousands of other provider agencies are not forced to curtail services delivered to individuals with intellectual and developmental disabilities (I/DD). ANCOR applauds Senators Murkowski and Brown, as well as the many congressional champions of the bill: Senator Rob Portman (R-OH), Senator Dan Sullivan (R-AK), Senator Diane Feinstein (D-CA), Senator Patty Murray (D-WA), Senator Amy Klobuchar (D-MN), Senator Tina Smith (D-MN), and on the House side Representative Jim Langevin (D-RI), Representative Steve Stivers (R-OH), Representative Don Young (R-AK) and Representative Diana DeGette (D-CO).

EVV refers to a variety of electronic systems (including cell phones, landlines and mobile devices) used to ensure that home health and similar services are indeed delivered to patients when service providers bill for those services.

Currently, the 21st Century Cures Act mandates EVV implementation by January 2019, despite the fact that the Centers for Medicare and Medicaid Services (CMS) only issued guidance on the provision last week. Furthermore, CMS-issued guidance, while clarifying many previously unknown questions, still leaves too many questions unanswered. ANCOR has been leading federal advocacy on the EVV provision since 2016 because the tight timeframe for implementation, coupled with the numerous details that still demand clarification and the lack of input from the public, have made EVV far too risky a proposition for organizations that provide around-the-clock services to people with I/DD.

The legislation is a start to alleviating some of the above concerns by delaying the imposition of penalties for EVV noncompliance until January 1, 2020. Such a delay will allow more time for state Medicaid agencies and service providers to make sense of the provisions and plan for a thoughtful implementation. In addition, the bill would require a federal public notice and comment period, thereby welcoming input from the public on the implementation of EVV—a move ANCOR considers essential given how much is at stake.

“The stakes are so high and so is the potential for disaster,” says Esme Grewal, ANCOR’s Vice President of Government Relations. “Providers and people with disabilities are not receiving the information they need to understand who this is going to affect, how it is going to be integrated into their service delivery and who is going to pay for it. We need more time to figure out some of these important questions without rushing into a situation that will undoubtedly affect the quality and stability of I/DD supports and services.”

I/DD community supports and services include assisting people with I/DD with finding employment, performing tasks of daily living and residential supports. These supports are funded by fixed Medicaid rates which providers cannot negotiate, and in many states rates have not changed in over a decade. Because of these funding limitations, the Medicaid penalties and the unaddressed costs prompted by the EVV legislation could affect the stability of supports and services for people with disabilities. Read more about Electronic Visit Verification and how it affects I/DD supports and services at [ANCOR’s EVV Resource & Action Center](#).

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About ANCOR

The American Network of Community Options and Resources (www.ancor.org) is a national trade association representing more than 1,400 private providers of community living and employment supports and services to more than a million individuals with disabilities. Our prime goal is to be the indispensable leader, resource and advocate for a diverse private disability services network that ensures full citizenship and engaged community participation for people with disabilities of all ages.