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DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (Division 9 added by Stats. 1965, Ch. 1784.)

PART 2. ADMINISTRATION [10500 - 10985] (Part 2 added by Stats. 1965, Ch. 1784.)

CHAPTER 4.7. Electronic Visit Verification System [10835 - 10836] (Chapter 4.7 added by Stats. 2019, Ch. 27, Sec. 31.)

10835. The State Department of Social Services shall develop and implement an electronic visit verification system (EVV system) for the In-Home Supportive Services program, pursuant to this chapter. For purposes of this chapter, "electronic visit verification system" or "EVV system" means a system as described in subsection (l) of Section 1396b of Title 42 of the United States Code, as added by the federal 21st Century Cures Act (Public Law 114-255).

(Added by Stats. 2019, Ch. 27, Sec. 31. (SB 80) Effective June 27, 2019.)

10836. In developing and implementing the EVV system, the department shall adhere to all of the following general principles:

- (a) The EVV system shall be developed and implemented in a manner and timeframe that avoids payment of the federal financial participation penalties, as described in the federal 21st Century Cures Act.
- (b) Consistent with the requirements of the federal 21st Century Cures Act, the EVV system shall be developed through a collaborative stakeholder process, and be as minimally burdensome to providers and consumers as is necessary to comply with the federal mandate to implement electronic visit verification.
- (c) Consistent with the United States Supreme Court decision in *Olmstead v. L.C. ex rel. Zimring* (1999) 527 U.S. 581, the EVV system shall not infringe upon the rights of In-Home Supportive Services program consumers.
- (d) The department shall collaborate with stakeholders to identify the least intrusive manner to record the location of in-home supportive service delivery at the time service begins and ends each day, to the extent necessary to comply with the federal 21st Century Cures Act and related federal guidance.
- (e) To the maximum extent possible, the EVV system shall leverage the existing electronic and telephonic timesheet systems.
- (f) The EVV system shall utilize the maximum flexibility allowed by the federal government in the definitions of the terms "personal care services," "location of services," and "start and stop time of each service."
- (g) The department shall not implement a violations policy or process for in-home supportive service providers as part of electronic visit verification. Social workers shall continue to do individual assessments, and information from electronic visit verification shall not be used to reduce a consumer's hours.
- (h) Consistent with the requirements of the federal 21st Century Cures Act, in-home supportive service providers and recipients shall be provided with training on the use of the EVV system.
- (i) Consistent with the requirements of the federal 21st Century Cures Act and related federal guidance, live-in in-home supportive service providers shall not be subject to electronic visit verification requirements.

(Amended by Stats. 2021, Ch. 85, Sec. 25. (AB 135) Effective July 16, 2021.)