

# DEPARTMENT OF HEALTH



## PROPOSED CHANGES TO REGULATIONS.

### MEDICAID ELECTRONIC VISIT VERIFICATION (EVV) REQUIREMENTS FOR HOME HEALTH CARE & SPECIALIZED PRIVATE-DUTY NURSING SERVICES.

- 7 AAC 105. Medicaid Provider and Recipient Participation.
- 7 AAC 125. Medicaid Coverage; Personal Care Services and Home Health Care Services.
- 7 AAC 130. Medicaid Coverage; Home and Community-Based Waiver Services.



### PUBLIC REVIEW DRAFT July 11, 2022.

**COMMENT PERIOD ENDS: August 26, 2022.**

**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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *then new or replaced text is not bolded or underlined*.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.**

The introductory language of 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, **7 AAC 125.350, 7 AAC 127.053**, [AND 127.053] **and 7 AAC 130.285**. A provider's electronic data storage system must

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(Eff. 2/1/2010, Register 193; am 6/7/2018, Register 226; am 2/6/2020, Register 233; am 2/12/2021, Register 237; 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 125.350. Electronic visit verification.** (a) A provider of home health services under 7 AAC 125.310 shall 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 at the time of service delivery, and report to the state's EVV system, the following data:

- (1) the name of the agency;
- (2) the identity of the rendering provider;
- (3) the identity of the recipient;
- (4) the location of the service;
- (5) the date of the service;
- (6) the start and stop times of the service; and
- (7) the type of service provided.

(b) A provider of home health services under 7 AAC 125.350

- (1) may not submit a claim for payment of home health services under 7 AAC 125.310 without also submitting the EVV data to support the claim;
- (2) must affirm the accuracy of each EVV submission, and must review and resolve, at least every calendar quarter, any exceptions in the EVV system that the provider uses;
- (3) must repay to the department any identified overpayment within 90 days; and
- (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) In this section, "EVV" means electronic visit verification.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register\_\_\_\_).

**Authority:**

**Chapter 130. Medicaid Coverage; Home and Community-Based Waiver Services.**

**7 AAC 130.285. Specialized private-duty nursing services.**

7 AAC 130.285 is amended by adding a new subsection to read:

(d) A provider of specialized private duty nursing services under this section shall 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 at the time of service delivery, and report to the state's EVV system, the following data:

- (1) the name of the agency;
- (2) the identity of the rendering provider;
- (3) the identity of the recipient;
- (4) the location of the service;
- (5) the date of the service;
- (6) the start and stop times of the service; and
- (7) the type of service provided.

7 AAC 130.285 is amended by adding a new subsection to read:

(e) A provider of specialized private duty nursing services under this section

(1) may not submit a claim for payment of specialized private duty nursing under this section without also submitting the EVV data to support the claim;

(2) must affirm the accuracy of each EVV submission, and must review and resolve, at least every calendar quarter, any exceptions in the EVV system that the provider uses;

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

(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.

7 AAC 130.285 is amended by adding a new subsection to read:

(f) In this section, "EVV" means electronic visit verification.

(Eff. 2/1/2010, Register 193; am 7/1/2013, Register 206; am 11/5/2017, Register 224; am 4/24/2020, Register 234; am 3/31/2021, Register 238; am\_\_\_\_/\_\_\_\_/\_\_\_\_, Register\_\_\_\_\_.

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040