



Electronic Visit Verification

Guidance for FMSAs When CDS Employers Do Not Perform EVV Responsibilities

Texas Health and Human Services Commission (HHSC) issued the following guidance for Financial Management Services Agencies (FMSAs) to use as an optional process when a Consumer Directed Services (CDS) employer does not perform their Electronic Visit Verification responsibilities as documented on [Form 1722, Employer's Selection for EVV Responsibilities](#).

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Corrective Action Plan Processes for FMSAs

According to [40 Texas Administrative Code \(TAC\) §41.319\(a\)\(2\)](#), an FMSA may require the CDS employer or Designated Representative (DR) to develop a written corrective action plan (CAP) related to employer responsibilities, such as incomplete, inaccurate or late documentation of service delivery. Therefore, an FMSA may initiate corrective action if a CDS employer does not perform their EVV responsibilities for two or more consecutive payroll cycles within a year. When taking these corrective actions, the FMSA must follow the steps below.

Prior to requesting corrective action plans, the FMSA must:

- Ensure the CDS employer can perform their EVV responsibilities, by:
 - Providing the employer and employees access to the EVV system.
 - Reviewing how to complete required EVV training.
 - Review their EVV processes.
 - ◇ For example, the FMSA would review how to perform visit maintenance based on the option selected on Form 1722.
- Inform the employer of the available resources if they are having technology concerns.



- Keep all supporting documentation showing how the FMSA helped the CDS employer to perform their EVV responsibilities.
- Inform the CDS employer, in writing, of each failure to perform their EVV responsibilities, and keep a copy of the written notification.

For Option 1 or Option 2 Selections on Form 1722

- The FMSA must notify the CDS employer and copy their Case Manager or Service Coordinator in writing, within five business days, that they are not performing their employer responsibilities related to EVV. The written notification must include:
 - A list of each failure to perform their EVV responsibilities.
 - A summary of actions taken by the FMSA to help the CDS employer perform their EVV responsibilities.
 - The FMSA's request for a CAP by including [Form 1741, Corrective Action Plan](#).
- To assist the CDS employer with the completion of the CAP, the FMSA must ensure a current Form 1741 is provided and includes the following elements:
 - Specific actions for the CDS employer to complete that will help them to perform their EVV responsibilities.
 - Indication that either Option 1 or 2 be changed to Option 3, if the CDS employer does not meet the requirements of the CAP. This information must be noted in the Corrective Action Plan column on Form 1741.
- The FMSA must keep documentation that the CAP was sent to the Service Planning Team.

What if the CDS employer complies with the requirements of the CAP?

The CDS employer's selection for EVV Visit Maintenance Responsibilities on Form 1722 will remain as Option 1 or Option 2. The FMSA must keep the CAP and supporting documentation in the CDS employer's records.



What if the CDS employer fails to return or complete the requirements of the CAP?

The FMSA may proceed with changing the CDS employer's selection (Option 1 or 2) to Option 3 if the CDS employer does not:

- Approve and return Form 1741 within 10 calendar days.
- Complete the actions described in the CAP.
- Complete the actions by the assigned due dates.

The FMSA must notify the CDS employer and Case Manager or Service Coordinator of the change and file the CAP and supporting documentation in the CDS employer's records.

How to change the CDS employer's selected option on Form 1722

The FMSA must request that the CDS employer complete a new Form 1722 within five calendar days after the FMSA requests the form. When providing the new form to the CDS employer, the FMSA may pre-select Option 3 and pre-fill the effective date of the change in the field titled, "I agree that the selections made on this form will become effective on." The effective date of the change must be no earlier than the first documented instance of non-compliance.

- If the CDS employer does not complete and return the new Form 1722 within five days, the FMSA must:
 - Document that the CDS employer was provided Form 1722 but did not submit a completed form by the due date.
 - Perform EVV visit maintenance, as described in Option 3.

For Option 3 Selection or Default to Option 3 on Form 1722

- The FMSA must notify the CDS employer and copy their Case Manager or Service Coordinator in writing, within five business days, that they are not performing their EVV responsibilities. The written notification must include:
 - A list of each failure to perform their EVV responsibilities.
 - A summary of actions taken by the FMSA to help the CDS employer perform their EVV responsibilities.
 - The FMSA's request for a CAP by including [Form 1741, Corrective Action Plan](#).



- To assist the CDS employer or DR with the completion of the CAP, the FMSA must ensure a current Form 1741 is provided and includes the following elements:
 - Specific actions for the CDS employer to complete that will help them perform their EVV responsibilities; and
 - Indication of the consequence if the CDS employer does not meet the requirements of the CAP.
 - ◇ The consequences of not meeting the requirements of the CAP must be noted in the Corrective Action Plan column on Form 1741. Consequences may include:
 - A delay in payment to CDS employees, if the FMSA is unable to accurately perform visit maintenance on the CDS employer's behalf due to the CDS employer's noncompliance.
 - Leaving the CDS option for EVV required services and moving to the agency service delivery option for those services.
- The FMSA must keep documentation that the CAP was sent to the Service Planning Team.

What if the CDS employer complies with the requirements of the CAP?

The FMSA only needs to keep the CAP and supporting documentation in the CDS employer's records.

What if the CDS employer fails to return or complete the requirements of the CAP?

The FMSA may proceed with the consequences identified in the CAP if the CDS employer does not:

- Complete and return Form 1741 within 10 calendar days.
- Complete the actions described in the CAP.
- Complete the actions by the assigned due dates.



The FMSA must keep the CAP and supporting documentation in the CDS employer's records and perform the following:

1. Contact the CDS employer's program Case Manager or Service Coordinator to request a service planning team meeting.
2. Initiate an involuntary termination of EVV-required services from the CDS option. The FMSA must follow the requirements of [40 TAC §41.407, Termination of Participation in the CDS Option](#).

Resources

- The Federal Communications Commission is offering an Emergency Broadband Benefit that helps families and households struggling to afford internet service during the COVID-19 pandemic. [Visit the FCC's Emergency Broadband Benefit webpage for more information.](#)
- The Lifeline program is offered by the FCC and helps make communications services more affordable for people with low income. [Visit the Lifeline Support for Affordable Communications webpage for information about eligibility requirements.](#)

Contact Information

- For EVV inquiries, email EVV Operations at EVV@hhs.texas.gov.
- For CDS policy inquiries, email CDS Policy at CDS@hpsc.state.tx.us.