

The Texas Health and Human Services Commission (HHSC) is amending Section 7040, Alternative Device, of the Electronic Visit Verification (EVV) Policy Handbook. The amendments will be effective October 1, 2023, with the implementation of the new state provided EVV system vendor contract with HHAeXchange. HHSC is reducing the use of alternative devices to modernize the EVV program, increase program integrity, and reduce state EVV contract costs. This change helps to align Texas with national EVV practices while still maintaining limited alternative devices for exceptional circumstances. HHSC will be phasing out alternative devices as an HHSC-approved clock in and clock out method for both state provided EVV system users and program providers and FMSAs approved as a proprietary system operator (PSO). HHSC is providing this policy so that program providers, financial management services agencies (FMSAs), and consumer directed services (CDS) employers can begin the process of transferring members to other clock in and clock out methods. HHSC will provide the details and schedule prior to beginning the phase out.

Below are some resources for members, service providers, and CDS employees for obtaining assistance with internet or phone services.

- The Affordable Connectivity Program is a Federal Communications Commission (FCC) program that may save people money on internet services and computers. Visit the [Affordable Connectivity Program](#) website for more information.
- The Lifeline program is designed to help qualified low-income individuals pay the monthly cost of basic telephone service. Visit the [Texas Lifeline Program](#) website for more information.

There may be other resources available for members, service providers and CDS employers. Check with your local community assistance centers, and/or city and county offices for assistance.

## **7040 Alternative Devices**

An alternative device is an HHSC-approved electronic device that allows a service provider and CDS employee to clock in and clock out of the EVV system from the member's home.

A program provider, CDS employer or service provider must explain to the member the purpose of the alternative device and how the alternative device works.

The alternative device produces codes that identify the precise date and time service delivery begins and ends. Codes from alternative devices provided by the

state provided EVV system vendor expire seven days from the date of the EVV visit. Codes from alternative devices must be entered into the EVV system before they expire by calling a toll-free number or using the mobile device application provided by the state provided EVV system vendor.

The service provider or CDS employee may use any phone type (landline, mobile, etc.) to call the toll-free number and enter the alternative device codes. A service provider **may not** use a member's mobile phone.

A CDS employee **may** use a CDS employer's mobile phone with the CDS employer's permission.

**Note:** A proprietary system operator (PSO) may offer different types of alternative devices. All alternative devices must support the collection of critical data elements. HHSC must approve any alternative device used by the PSO before use. Refer to 5060 EVV Proprietary System General Operations and 4400 Data Collection.

The alternative device must always remain in the member's home even during an evacuation. If the alternative device does not remain in the home, visit transactions may be subject to recoupment and the payer may make a Medicaid fraud referral to the HHS Office of the Inspector General.

The program provider or FMSA must ensure the alternative device is returned to the appropriate entity when the equipment is no longer used.

### **Limitations on the Number of Alternative Devices Available to Program Providers and FMSAs from the State Provided EVV System Vendor**

HHSC limits the number of free alternative devices each program provider and FMSA may order from the state provided EVV system vendor for assignment to members. The number of free alternative devices available to each program provider or FMSA is calculated based on the program provider or FMSA's member census and is capped at the greater of one alternative device or 7.5% of their member census.

Below are some examples of the calculation of the number of free alternative devices a program provider or FMSA may order:

- A program provider or FMSA with a census of 1,525 members will be able to order up to 114 free alternative devices available for assignment to members ( $1,525 \times 7.5\% = 114.4$ , rounded to 114).
- A program provider or FMSA with a census of 1,956 members will be able to order up to 147 free alternative devices available for assignment to members ( $1,956 \times 7.5\% = 146.7$ , rounded to 147).



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- A program provider or FMSA with a census of eight members will be able to order one free alternative device for assignment to a member ( $8 \times 7.5\% = .6$ , rounded to one).
- A program provider or FMSA with a census of five members will be able to order one free alternative device for assignment to a member ( $5 \times 7.5\% = .4$ , rounded to zero; however, each program provider or FMSA will have access to at least one free alternative device).

HHSC may periodically review and adjust the number of free alternative devices each program provider or FMSA may order, as necessary.

**Note:** The limitation policy on the number of alternative devices does not currently apply to program providers or FMSAs who have been approved as a PSO.

Program providers and FMSAs who use the state provided EVV system may, if they chose, purchase additional alternative devices from the state provided EVV system vendor. The state provided EVV system vendor will set the purchase price for the additional alternative devices.

Program providers and FMSAs must develop internal policies on the equitable distribution of both free and purchased alternative devices.

If a member is eligible for an alternative device but does not receive one based on the FMSA's internal policies, a CDS employer may choose to use funds from the Employer Support Services portion of their budget to purchase an alternative device.

### **Ordering Alternative Devices from the State Provided EVV System Vendor**

Program providers and FMSAs who use the state provided EVV system may only order an alternative device when the member meets certain criteria. The criteria apply whether a program provider or FMSA is using one of the free alternative devices or purchasing an alternative device from the state provided EVV system vendor.

Before a program provider or FMSA orders an alternative device, they must ensure the member or consumer directed services (CDS) employer meets certain criteria in order to be assigned an alternative device.

For members using the Agency Option or Service Responsibility Option (SRO), an alternative device may be assigned to a member if:

- the member's service provider does not have a smartphone or tablet; and

- the member does not have a landline or does not allow the service provider to use their landline.

For members using the consumer directed services (CDS) option, an alternative device may be assigned to a CDS employer if:

- the CDS employee does not have a smartphone or tablet;
- the CDS employer does not have a landline or does not allow the CDS employee to use their landline; and
- the CDS employer does not allow the CDS employee to use their smart phone or tablet.
  - Note: if the CDS employer purchased or pays for a landline, smartphone, or tablet with CDS funds from their Employer Support Services budget, they may not refuse to allow the CDS employee to use the smartphone or tablet.

Program providers and FMSAs should submit a request to order an alternative device per the state provided EVV system vendor's ordering process on the [HHAExchange website](#) within five business days of determining a member meets the criteria. They must follow the state provided EVV system vendor's process for ordering an alternative device.

The state provided EVV system vendor has five business days to process and ship the alternative device to the requestor upon receipt of a complete order, up to the total number of alternative devices available for a program provider and FMSA. Depending on the shipping method, it may take additional days to deliver the order.

Using the EVV vendor electronic ordering method, program providers, FMSAs on behalf of CDS employers, or CDS employers can:

- Order a new or replacement alternative device
- Track orders for the alternative device
- Manage, assign and un-assign alternative devices
- Manage shipping addresses

If a clock in or clock out method is not available for use prior to the delivery of an alternative device, the service provider or CDS employee must document the EVV visit and submit service delivery documentation to the program provider or FMSA according to program policy. The program provider, FMSA, or CDS employer must manually enter visit data in the EVV system within the visit maintenance time frame. Refer to Section 7010, Manually Entered EVV Visits.

### **Installing Alternative Devices**

The program provider, CDS employer, service provider or CDS employee must:

- ask the member where to place the alternative device in the member's home. The alternative device must:
  - be in a location where it is always accessible to the service provider or CDS employee;
  - be placed in a location that will not result in damage to the alternative device;
  - not be placed in a location that may be dangerous to a member or cause damage to the member's home; and
- install the alternative device by placing the device in the member's home for use by the service provider or CDS employee.

### **Malfunctioning Alternative Devices**

The service provider or CDS employee must notify the program provider or CDS employer immediately if the alternative device malfunctions or fails to generate codes.

Alternative devices that malfunction will be replaced by the state system EVV vendor free of charge if it is determined the issue with the alternative device is out of the control of the program provider, FMSA, CDS employer or member. The malfunctioning alternative device must be returned before the replacement is shipped. Contact the state provided EVV system vendor to request a replacement.

When the service provider notifies the program provider or the CDS employee notifies the CDS employer the alternative device has malfunctioned:

- The service provider or CDS employee must use another clock in and clock out method to document the EVV visit per program requirements or submit service delivery documentation to the program provider, FMSA or CDS employer for manual entry of an EVV visit. If the program provider, FMSA, or CDS employer creates a manual visit transaction due to a malfunctioning device they should use Reason Code 210-F, Alternative device not available. Refer to 1400 Failure to use an EVV System.
- The program provider, FMSA or CDS employer that uses the state provided EVV system must contact the state provided EVV system vendor to report the malfunctioning device and order a replacement alternative device within five business days of being notified the device is malfunctioning.
- A program provider or FMSA approved as a PSO must order a replacement alternative device within five business days of being notified the device is malfunctioning.

If the alternative device is lost or damaged due to deliberate action or negligence of the member, service provider, or CDS employee, the program provider or FMSA may be charged for a replacement. HHSC, TMHP, and the state provided EVV system vendor are not responsible for lost or damaged alternative devices.

If the alternative device is damaged or lost by a member, the program provider, FMSA or CDS employer must request a meeting as required by program policy to discuss the use of the alternative device with the member. The program provider or FMSA must document in the member's case file each time the alternative device is damaged or lost.

If the program provider, FMSA or CDS employer fails to complete the actions regarding a lost or damaged device, they may be responsible for the lost or damaged alternative device.

### **Return of Alternative Devices**

The program provider or FMSA must return the alternative device to the state provided EVV system vendor when they no longer need a device for a specific member, such as when the member no longer needs an alternative device, or they transfer to a new program provider or FMSA.

It is the responsibility of the program provider or FMSA to get the device back from the member and they must not charge the member for the return of the alternative device.

### **Phase Out of Alternative Devices**

HHSC will be phasing out the use of alternative devices for both program providers and FMSAs who use the state provided EVV vendor system and those approved as a PSO. Once the phase out is complete alternative devices will no longer be an HHSC-approved method for the service providers to clock in and clock out.