



NASDDDS

National Association of State Directors of Developmental Disabilities Services



April 6, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
U.S. Capitol Building, Room: S-230
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
Hart Senate Office Building, Room: 419
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
U.S. Capitol Building, Room: H-232
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
U.S. Capitol Building, Room: H-204
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

On behalf of the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities Services, and ADvancing States, we are writing to request state administrative relief in the next legislation regarding coronavirus disease 2019 (COVID-19). Specifically, **we request a delay in the deadline for implementing Electronic Visit Verification (EVV) requirements that were included in the 21st Century Cures Act.** Our associations collectively represent the government agencies responsible for administering a wide range of publicly funded health care and long-term services and supports (LTSS) for older adults and people with disabilities in every state and territory.

As our nation collectively works to address the pandemic, it is requiring our members in every state to reassign their staff and divert their limited administrative resources towards this pressing issue. The current situation requires extensive efforts from the state agencies to develop and submit necessary federal waivers, monitor service closures, establish alternate delivery mechanisms, implement back-up plans, and respond to individual members who are in crisis. Perhaps most importantly, our members are trying to sustain the essential provider networks within the states to protect ongoing access to essential LTSS. Providers across the country are also taking extraordinary measures to ensure continuity of services and the EVV mandate is a burden that distracts from their core work and requires financial and staff resources to implement.

Because of these unexpected strains on the program administration and our service systems overall, staff at state agencies and providers are unable to spend time operationalizing new federal requirements and will therefore be unable to meet the deadlines originally anticipated in federal and state planning. As you know, the 21st Century Cures Act requires states to implement EVV for personal care services (PCS) requiring an in-home visit no later than January 1, 2020 and for home healthcare services no later than January 1, 2023. The original deadline for EVV PCS was 2019; however, Congress passed a one-year

reprieve in response to delays in federal guidance that limited state ability to meet this timeline. Over the past several years, states have worked diligently to implement EVV despite unclear requirements and shifting federal guidance. Due to these challenges, much work remains before the systems become operational. However, at this juncture, state policy and program staff must spend their time addressing the immediate crisis and EVV cannot be a priority.

One of the proposals considered for the third COVID relief bill included a delay of EVV until 6 months after the end of the pandemic. While we believe that this was a helpful proposal and encourage Congress to include a delay, a delay to a specific date could help with planning and resource allocation purposes. We recommend a delay of no less than one year until January 1, 2021.

Recommendation: Delay the effective date of the Cures Act EVV penalties by one year or, at a minimum, no less than 6 months until the pandemic ends.

We appreciate the ongoing bipartisan efforts to address COVID-19. We and our members remain committed to assuring that the health and welfare of the individuals we serve are maintained. If you have any questions regarding this letter, please feel free to contact Damon Terzaghi at dterzaghi@advancingstates.org.

Sincerely,



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Cc: Members of the U.S. Senate
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