

HB 1090 with HCA 1 -- ELECTRONIC TRACKING SYSTEM

SPONSOR: Morris

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Children and Families by a vote of 9 to 0.

This bill requires an individual receiving personal care assistance services to allow the personal care attendant to use his or her telephone for electronic visit verification (EVV) if the use does not add cost to the consumer. Refusing to allow the personal care attendant use of his or her telephone for this purpose will be grounds for termination of service.

The bill requires any personal care assistance service vendor to have, maintain, and use an EVV system by July 1, 2016. The system will be used for reporting and verifying services authorized by the Department of Health and Senior Services and for submitting reimbursement claims to the MO HealthNet Division. The minimum requirements for the system are specified in the bill.

This bill requires the Departments of Health and Senior Services, Social Services, and the Office of Administration to issue a report of findings to the General Assembly and Governor no later than June 30, 2016 to determine the effectiveness of utilizing the EVV system to reduce fraud and abuse of the MO HealthNet program. If the report of findings does not verify a reduction in fraud and abuse of the MO HealthNet program from using the EVV system, the requirement will no longer be in effect.

HCA 1: Removes the provision that a consumer refusing to allow the personal care attendant to use his or her telephone for EVV is grounds for termination of service; extends the deadline for compliance with the provisions of the bill to July 1, 2017; makes a technical change; and adds an emergency clause

PROPOSERS: Supporters say that the goals of EVV are fraud prevention and cost savings. If this is actually working, they are in support. The pilot program has not shown to prevent fraud or increase cost-savings and instead has just been expensive for businesses. The law says attendants must use a telephone-based system but there are newer, better technologies that are not phone-based. The Department of Health and Senior Services says its fine with different technology, however Missouri Medicaid Audit and Compliance within the Department of Social Services is not OK with it, so reimbursement is getting dinged. For larger providers, telephony makes sense financially. Most of the providers in Missouri are not large providers, thus telephony is a huge cost to them. One provider tried telephony 12 years ago and it was a total

disaster. Phone signals are not reliable, many clients don't have land lines and are often very limited in their cell phone minutes. If a client is on the phone when the attendant arrives, the attendant cannot clock in until the client is off of the phone. As a result, attendants have sometimes had to wait half an hour before clocking in. Telephony does not prevent fraud and abuse and is cost prohibitive for small businesses. There are 690 home care providers in Missouri and only 72 actually have working telephony systems today. The mandate goes into effect in a few months and only 10% of the industry is prepared for it.

Testifying for the bill were Representative Morris; Missouri Council For In-house Services; Susan Haralson, Premier Home Health Care; Missouri Alliance For Home Care; and Kevin Godsey, Paraquad.

OPPONENTS: Those who oppose the bill say that they are early adopters of telephony. They bill in 15 minute increments and the yearly appropriation is \$800 million which equals 175 million units of service. Telephony prevents overbilling. When a personal care attendant clocks-in, he or she gets get paid for exactly what they worked, no more and no less. Current paper systems always have 8-12, perfectly round numbers billed. But that is not the reality they've seen using telephony. There has already been a five-year delay, why is more time needed? Those who oppose the bill are not opposed to electronic visit verification but don't think the mandate should be delayed any longer; at this time it is just good practice for a business.

Testifying against the bill was Integrity Home Care.