

Trump Signs Law Delaying Caregiver Check-In Mandate

by Courtney Perkes | August 1, 2018

President Donald Trump has signed into law bipartisan legislation that will delay until 2020 the start of a Medicaid requirement that personal care attendants electronically check in when they assist people with disabilities.

The one-year delay of what's known as electronic visit verification, or EVV, was sought by a number of disability rights groups largely because of concerns about privacy and the timeline for states to comply with the mandate which was originally slated to take effect in January 2019. While praising the new law, some advocates said they want to see more legislation passed to narrow the reach of EVV.

"We were grateful to see that the EVV delay legislation became law," said Nicole Jorwic, director of rights policy for The Arc. "It's a good first step of fixing the underlying issues that we have seen around implementation at the state level around the country."

Trump signed the legislation late Monday, but advocacy groups plan to strategize on what comes next.

"Disability organizations are going to put our heads together and start thinking about ways to continue the work with legislators around finding a better solution to protect the civil rights of people with intellectual and developmental disabilities," Jorwic said.

While many states are still working on their rollout plans, Ohio [launched](#) a controversial system that uses repurposed military-grade cellphones with GPS that are supposed to be carried by clients whenever and wherever they receive disability services.

In the spring, the Centers for Medicare and Medicaid Services [issued](#) guidance that addressed privacy, saying that states are not required to use GPS tracking. But states also have wide latitude on what type of technology to use.

“We are going to need to work with Congress on a bill to address the most egregious concerns,” said Alison Barkoff, director of advocacy for the Center for Public Representation. “The biggest concerns on the privacy front are the requirement that the location be tracked. We’d like for Congress to prohibit the use of things like GPS.”

The requirement for EVV was part of the 21st Century Cures Act which was passed by Congress in late 2016. The intent was to curb Medicaid fraud by verifying when services were provided. CMS has said one goal is to ensure more consistent, higher quality care but that those changes could create “uncertainty for an individual who is used to things being done a certain way.”

The new law signed this week also requires CMS to hold at least one public meeting by the end of the year to solicit feedback on EVV from patients, caregivers and state health officials.