

Explanation of Changes from 29-LS1287\A to 29-LS1287\W

Version W addressed one main change.

1. Upon reviewing the bill as it had been written, I'd realized that home and community based and personal care attendant services are NOT always provided in the home but that sometimes they are provided in other settings. The language change on version W addresses the need for more flexibility with language to accommodate the various settings where services may be provided. The addition of language to allow for "other approved settings" addressed that issue.

Changes from 29-LS1287\W to 29-LS1287\E

Version E keeps the change made in version W and adds a few others as follows:

1. Prior to requesting a hearing over this bill, SDS inquired of our office about the development of the new system they appear to have thought they were to develop in light of language used in versions A and W of this bill. The changes to version H make it clear that the Department shall procure an electronic visit verification system and not develop one of their own. The development of a system would be costly and the Department alerted me on March 16, 2016 that this bill would likely have a \$5 million dollar fiscal note, this lead us to understand that they had not understood the intent of this bill. In addition, the changes in version H also add a stipulation that the system must allow providers to electronically document the service in near real-time where it is technically feasible. This will allow us to address allowing more flexibility in remote areas with no telephone, cell phone or computer access. It has been discovered that vendors appear to offer another solution for those settings that actually is entered after the visit occurs. These vendors offer a unique number to assure that the above information is collected and stored when technology solutions are not feasible. The bill ensures that any vendor must be capable of meeting these requirements.
2. The PCA providers have raised issues with a third party employment relationship concern that has been addressed by the Federal Department of Labor and our office felt the need to place assurances in the bill that address this issue. We do not intend to replace the role of the PCA provider or Home and Community based provider agencies in the role of employer. In order to address that concern, we changed the language of the bill in order to ensure the providers still have the ability to be alerted to concerns that need to be managed by the agency. Therefore it seems advisable to add language that requires the vendor to alert the provider agency of any gaps or missed appointments in order for them to remediate the issue. The state also should have the option to receive these alerts and the new CS addresses that issue.
3. The final change addresses integration concerns that agencies raised. Some claim to have proprietary systems that they feel will no longer be usable with a vendor based EVV system. The final version E adds a new section that addresses this by requiring the vendor to integrate any existing EVV systems into the vendor solution.
4. We had leg legal define "real time" as "within a couple of minutes of the occurrence". This was done in order to identify any gaps in service or to allow adult protective service issues to be identified as early as possible for the most vulnerable beneficiaries.