

**DATE:** November 28, 2023

**CalEVV Information Notice: 23-01**

**TO:** All Department of Health Care Services (DHCS) California Electronic Visit Verification (EVV) impacted Medi-Cal providers

**SUBJECT:** California EVV Live-In Caregiver Exemption Guidelines

**I. PURPOSE**

The purpose of this California EVV (CalEVV) Information Notice (IN) is to define a Live-In Caregiver and to provide guidelines to Medi-Cal caregivers in determining whether they qualify as a Live-In Caregiver to be exempt from the EVV requirements. Welfare & Institutions Code (WIC) section 14043.51(f) provides DHCS authority to implement EVV through Information Notice.

**II. BACKGROUND**

Section 12006(a) of the 21st Century Cures Act, signed into law on December 13, 2016, added section 1903(l) to the Social Security Act (the Act), mandating that states require EVV for Medicaid-funded Personal Care Services (PCS) and Home Health Care Services (HHCS) for in-home visits by a provider.<sup>1</sup> EVV is required for PCS and HHCS under all Medicaid authorities provided under the State plan (or under a waiver), including services provided under section 1905(a)(24), 1915(b), 1915(c), 1915(i), 1915(j), 1915(k), 1905(a)(7) of the Act or under a waiver under section 1115.

State law also requires implementation of EVV in accordance with the WIC, section 14043.51<sup>2</sup> as follows, in part:

- DHCS is authorized to implement an EVV solution as required by federal law, in collaboration with other governmental entities.
- Providers rendering Medi-Cal services subject to EVV must comply with EVV requirements established by DHCS and partners or be subject to non-compliance actions.

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<sup>1</sup> Section 12006(a) of the Cures Act is available at:

<https://www.medicaid.gov/sites/default/files/federal-policy-guidance/downloads/cib051618.pdf>

<sup>2</sup> Welfare and Institutions Code section 14043.51 is available at:

<https://leginfo.ca.gov/>



In California, EVV has been implemented separately for two populations: (1) agency providers of PCS and HHCS, and (2) individual providers following the self-directed model who provide In-Home Supportive Services (IHSS) and/or Waiver Personal Care Services (WPCS). This IN applies only to agency providers of PCS and HHCS. Individual WPCS and IHSS providers are not subject to this IN, but instead should see the policies and guidance published by the California Department of Social Services (CDSS)<sup>3</sup>.

### **LIVE-IN CAREGIVER DEFINITION**

A caregiver is considered a “Live-In Caregiver” if the caregiver regularly remains in the member’s home for more than 24 hours at a time, during which they are available to provide any of the authorized PCS and HHCS. This includes but is not limited to Registered Nurses, Licensed Vocational Nurses, Home Health Aides, Personal Assistance Services, Respite Services and Supported Living Services.

### **III. POLICY**

Caregivers who meet the definition are exempt from the EVV requirements only for the care they provide to the members with whom they live with and provide services more than 24 hours. If that same caregiver provides services to other or additional members with whom they do not live with and/or to whom they provide care for less than 24 hours, they are required to register with EVV and submit EVV visit information for those members. Please see the list of EVV Provider Types and Codes<sup>4</sup> on the DHCS EVV website<sup>5</sup> to determine which providers are impacted by EVV requirements.

Live-In Caregivers who are exempt from CalEVV compliance must complete the [\*\*Electronic Visit Verification \(EVV\) Exemption Form for Live-In Caregiver\*\*](#). By completing and submitting the Exemption Form, Live-In Caregivers are attesting they are exempt from EVV requirements and therefore do not need to register with CalEVV. Caregivers must inform DHCS by email [EVV@dhcs.ca.gov](mailto:EVV@dhcs.ca.gov) when they are no longer a Live-In Caregiver.

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<sup>3</sup> California Department of Social Services (CDSS) at <https://www.cdss.ca.gov/inforesources/ihss/evv>

<sup>4</sup> The EVV Provider Type, Procedure and Place of Service Codes is available at: <https://www.dhcs.ca.gov/provgovpart/Documents/EVV-Provider-Types-and-Codes-November.pdf>

<sup>5</sup> DHCS EVV webpage: <https://www.dhcs.ca.gov/provgovpart/Pages/EVV.aspx>

For any questions regarding this CalEVV Information Notice or EVV program,  
please email [EVV@dhcs.ca.gov](mailto:EVV@dhcs.ca.gov).

**Original Signed By,**

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