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State/Territory Name:  VIRGINIA

State Plan Amendment (SPA) #:  20-0002

This file contains the following documents in the order listed:

1) Approval Letter
2) CMS 179 Form/Summary Form (with 179-like data)
3) Approved SPA Pages
October 6, 2020

Karen Kimsey, Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, VA  23219

RE: Virginia State Plan Amendment 20-0002

Dear Ms. Kimsey:

The Centers for Medicare & Medicaid Services (CMS) has reviewed Virginia’s State Plan Amendment (SPA) 20-0002, Electronic Visit Verification.

The purpose of this State Plan Amendment is to comply with the federal 21st Century CURES Act which requires states to implement electronic visit verification for personal care services by January 1, 2021.

This SPA is acceptable. Therefore, we are approving SPA 20-0002 with an effective date of September 1, 2020. Enclosed is the approved SPA page and signed CMS-179 form.

If you have any questions concerning this information, please contact me at (816) 426-6417, or your staff may contact Margaret Kosherzenko at Margaret.Kosherzenko@cms.hhs.gov or (215) 861-4288.

Sincerely,

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Emily McClellan
TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL
OR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER
   2 0 0 0 2

2. STATE
   Virginia

3. PROGRAM IDENTIFICATION TITLE
XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

4. PROPOSED EFFECTIVE DATE
   9/1/2020

5. TYPE OF PLAN MATERIAL (Check One)
   □ NEW STATE PLAN    □ AMENDMENT TO BE CONSIDERED AS NEW PLAN    ☑ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/ REGULATION CITATION
   42 CFR 440

7. FEDERAL BUDGET IMPACT
   a. FY 2020
   b. FY 2021

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
   Revised Pages: Attachment 3.1-A&B, Supplement 1, page 6.4.3

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
   Same as Box 8

10. SUBJECT OF AMENDMENT
    Electronic Visit Verification (EVV)

VERNOR'S REVIEW (Check One)
   □ GOVERNOR'S OFFICE REPORTED NO COMMENT
   □ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
   □ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

   ☑ OTHER, AS SPECIFIED
   Secretary of Health and Human Resources

12. SIGNATURE OF STATE AGENCY OFFICIAL

13. TYPED NAME
    Karen Kimsey

14. TITLE
    Director

15. DATE SUBMITTED
    9/1/2020

16. RETURN TO
    Dept. of Medical Assistance Services
    600 East Broad Street, #1300
    Richmond VA 23219
    Attn: Regulatory Coordinator

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED
    September 1, 2020

18. DATE APPROVED
    September 30, 2020

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL
    September 1, 2020

20. SIGNATURE OF REGIONAL OFFICIAL

21. TYPED NAME
    James G. Scott

22. TITLE
    Director, Division of Program Operations

23. REMARKS

Instructions on Back
K. Personal care services under EPSDT.

1. Service definition. EPSDT Personal Care Services are designed to assist eligible children under the age of 21 with activities of daily living (ADLs) and instrumental activities of daily living (IADLs). These services may be provided either through an agency-directed or consumer-directed (CD) model. Services are provided in accordance with 42 CFR 440.167.

2. Service components may include: (i) Assistance with ADLs: bathing, dressing, toileting, transferring, eating/feeding, ambulation and bowel and bladder incontinence. Assistance can include hands on care, prompting, verbal cueing, multiple reminders and/or supervision of these tasks.

The individual’s need for medically necessary personal care services shall be documented by a physician, physician’s assistant or nurse practitioner in the Plan of Care, and updated as the individual’s need for assistance changes or at a minimum of once every 12 months.

The state assures compliance with the Electronic Visit Verification System (EVV) requirements for personal care services (PCS) by January 1, 2021 in accordance with section 12006 of the 21st Century CURES Act.

Individuals choosing to receive services through the consumer-directed model shall choose a Consumer Directed Services Facilitator (SF) to provide training and guidance to the individual or their designee so that they can serve as an Employer of Record (EOR). An EOR is responsible for hiring, training, supervising, and firing personal care assistants. If the individual is under 18 years of age, the parent or responsible adult shall serve as the EOR. An EOR cannot be the paid caregiver, personal care assistant, or SF. An EOR can only serve on behalf of one individual. The only exception to this is that an EOR can serve on behalf of multiple individuals if the individuals reside at the same address, but only if these individuals do not receive services from the EOR at the same time.