



December 8, 2017

The Honorable Mike Duffey
Chair, Joint Committee on Agency Rule Review
Ohio House of Representatives
77 S. High St., 13th Floor
Columbus, OH 43215

Dear Chairman Duffey,

Thank you for taking the time to discuss our concerns regarding the Ohio Department of Medicaid's (ODM) proposed rule OAC 5160-1-40 on Electronic Visit Verification (EVV), which is scheduled to be reviewed at the December 11, 2017 JCARR meeting.

ODM will begin implementing EVV in January 2018 to verify the location and time of home care visits for individuals needing medically necessary services. The Council is supportive of EVV's goals to reduce fraud of in-home Medicaid services, but we have been concerned that the way ODM is implementing the rule is unnecessarily burdensome.

We have been working with ODM to address our concerns related to the financial and operational impact the rule will have on our members. In fact, as a result of the rule hearing on November 17, the department revised the rule to allow more flexibility for agencies already using EVV to come into compliance as well as removed language requiring the times recorded for verified visits to match times on claims in order for the claims to be paid.

We appreciate ODM's willingness to address our concerns. While we still have several concerns with the rule, ODM has assured us they will continue to work with us to identify solutions to these issues. We are hopeful ODM will incorporate changes as needed into a subsequent version of the rule when they add PASSPORT, Medicaid Managed Care and developmental disability services in 2018.

We will continue to keep you apprised of any developments on this rule including any changes we deem necessary in future revisions of this rule. Given the need for system testing to begin, at this time, we are asking that the rule be allowed to move forward as revised.

Sincerely,

Joe Russell
Executive Director

CC: Members of JCARR
JCARR Director Larry Wolpert

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