



The Arc of Illinois Requests Use of the Live-in Caregiver Exemption from Illinois's Implementation of Electronic Visit Verification (EVV)

April 7, 2023

The Arc of Illinois is pleased that the Division of Developmental Disabilities (DDD) has announced it will be hosting four (4) feedback sessions in the month of April to hear from interested stakeholders regarding the implementation of [Electronic Visit Verification](#) (EVV).

EVV is a federal mandate passed by Congress in 2016 via the 21st Century Cures Act that requires states to implement technology-based systems to verify personal care and home health care services provided during home visits. For purposes of the intellectual and developmental disabilities (IDD) system, this will specifically impact Personal Support Worker (PSW) services.

The Centers for Medicare and Medicaid Services (CMS) issued specific guidance for self-directed programs to ensure EVV systems and policies adhere to the [CURES Act principles](#) (as outlined in Section 1903(1)(5)(A)) defining that EVV must be “minimally burdensome ... and not impede the way care is delivered.” CMS later issued [guidance](#) indicating that EVV does not apply to situations in which the caregiver providing the services and the beneficiary live together. States may choose to implement EVV in those instances.

EVV requires real-time data entry. Because of the nature of live-in caregiving, and the often-immediate needs of the individual requiring support, real-time entry will be nearly impossible in many circumstances. Ultimately, families will face the need to edit EVV entries repeatedly throughout the day to comply with requirements. If shift entries are edited to reflect accuracy, that shift would be an “exception” and would not be EVV compliant. Additionally, continually having to edit shifts would be considered “burdensome” and certainly would impede the way care is delivered.

Several states have chosen to implement a live-in caregiver exemption. By electing to use a live-in caregiver exemption, Illinois would be engaging in best practice.

The Arc of Illinois is strongly advocating for a live-in caregiver exemption. This will alleviate the unnecessary burden of family members repeatedly clocking in and out at their own home when they are providing PSW services for an individual who also lives in their home.

Illinois is in the process of determining whether the live-in caregiver exemption will be implemented for this population. We understand that compromise may be necessary to find a solution that will be mutually beneficial for families and the state. The Arc of Illinois respectfully requests the opportunity to formally engage in discussions related to the policy for live-in exemption.

Please share your comments, questions, or how this might impact your family by emailing: DHS.DDDEVV@Illinois.gov

There are three more Listening Sessions coming up:

Feedback Session 2

Date: Tuesday, April 11, 2023

Time: 5:00 p.m. - 6:00 p.m.

Registration: [Cisco Webex Meetings - Register Meeting](#)

Feedback Session 3

Date: Wednesday, April 19, 2023

Time: 3:30 p.m. - 4:30 p.m.

Registration: [Cisco Webex Meetings - Register Meeting](#)

Feedback Session 4

Date: Friday, April 28, 2023

Time: 9:00 a.m. - 10:00 a.m.

Registration: [Cisco Webex Meetings - Register Meeting](#)

--- Amie Lulinski, PhD, Executive Director