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**DATE:** July 12, 2024

**CalEVV Information Notice:** 24-01

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

**SUBJECT:** CalEVV Data Integrity Guidelines

## **I. PURPOSE**

The purpose of this CalEVV Information Notice (IN) is to define guidelines for ensuring data integrity processes are upheld by caregivers, providers, and Jurisdictional Entities (JE).

## **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 Welfare and Institutions Code, 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.
- Authorizes DHCS and its partners to implement the CalEVV system through Provider Bulletins and Letters, such as this one.

CalEVV implemented a self-registration process which requires impacted providers to input agency contact information and JE association(s) into the

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<sup>1</sup> [Section 12006\(a\) of the 21st Century Cures Act](#)

<sup>2</sup> [Welfare and Institutions Code section 14043.51](#)

CalEVV system. A JE is the local entity with the direct relationship with the state department. JEs authorize and pay providers for services and provide oversight of service delivery. During the CalEVV self-registration process, providers must enter all applicable JE associations. Following registration and once all associated JEs are listed, JEs will be able to see and review providers' EVV visit data. This helps the state ensure providers are adhering to EVV requirements. CalEVV data contains Protected Health Information (PHI) and/or Personal Identifiable Information (PII), making it highly critical to associate only with the JEs they contract with.

Listing an incorrect JE that a provider does not contract with and then submitting EVV data to that JE constitutes a violation of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.<sup>3</sup> Consequences of this violation may result in the imposition of monetary penalties against the organization/business and/or disenrollment from Medi-Cal.

### **III. POLICY**

HIPAA privacy regulations require health care providers and organizations, as well as their business associates, to develop and follow procedures that ensure the confidentiality and security of PHI and PII when it is created, received, maintained, transmitted, used, disclosed, and/or aggregated. This applies to all forms of PHI and PII including but not limited to paper, oral, and electronic. Furthermore, only the minimum health information necessary to conduct business is to be used or shared.

HIPAA applies to all caregivers, providers, and JEs involved in health care that are required to participate in CalEVV. It is everyone's responsibility to protect confidential information.

If a caregiver, provider, or JE believes data has been compromised, they must immediately complete the DHCS Privacy Incident Report via the Privacy Incident Reporting Portal.<sup>4</sup> After submitting the form, a confirmation email will be sent to the individual who submitted the report. Video instructions on completing the form can be found on YouTube.<sup>5</sup> DHCS will work with the impacted entities to investigate and remediate all privacy breaches and complaints involving unauthorized access or disclosure of PHI and PII.

If a provider or JE shares EVV visit data and the data is compromised or an unauthorized recipient receives the EVV visit data, then the provider or JE that identifies the data breach must file an incident report.

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

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<sup>3</sup> [U.S Department of Health and Human Services Health Information Privacy](#)

<sup>4</sup> [DHCS Privacy Incident Report Portal](#)

<sup>5</sup> [DHCS Instructional Private Incident Reporting Video on YouTube](#)