

SENATE BILL NO. 198—SENATOR KIECKHEFER

MARCH 2, 2015

Referred to Committee on Health and Human Services

SUMMARY—Requires an agency to provide personal care services in the home to adopt an electronic visit verification system under certain circumstances. (BDR 40-830)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; requiring an agency to provide personal care services in the home to adopt an electronic visit verification system under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an agency to provide personal care services in the home
2 to provide certain medical services to persons with disabilities and certain
3 nonmedical services to assist elderly persons and persons with disabilities with the
4 activities of daily living. (NRS 449.1935) **Section 2** of this bill defines the term
5 “electronic visit verification system” as an automated system that verifies that
6 services are provided and documents the time at which the provision of services
7 begins and ends. **Section 3** of this bill requires an agency to provide personal
8 services in the home that receives payment pursuant to the State Plan for Medicaid
9 to adopt an electronic visit verification system that meets certain requirements to
10 monitor services provided pursuant to the State Plan for Medicaid. **Section 4** of this
11 bill requires an agency to provide personal care services in the home that adopts
12 such a plan to: (1) adopt a disaster recovery plan that meets certain requirements;
13 (2) provide training and technical support concerning the electronic visit
14 verification system to employees; (3) provide notice of the requirement to adopt an
15 electronic visit verification system to employees and recipients of services; and (4)
16 complete certain forms prescribed by the Division of Health Care Financing and
17 Policy of the Department of Health and Human Services documenting the use of an
18 electronic visit verification system.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless*
5 *the context otherwise requires, “electronic visit verification*
6 *system” means an automated system that verifies that services are*
7 *provided and documents the time at which the provision of*
8 *services begins and ends.*

9 **Sec. 3.** *An agency to provide personal care services in the*
10 *home that receives any payment pursuant to the State Plan for*
11 *Medicaid shall adopt an electronic visit verification system and*
12 *use the electronic visit verification system to document all services*
13 *for which the agency receives such payment. The electronic visit*
14 *verification system must:*

15 1. *Record, without limitation, the name of each employee of*
16 *the agency to provide personal care services in the home who*
17 *provides services, the name of each person receiving services, the*
18 *date and time at which the provision of services begins and ends,*
19 *the location at which services are delivered, any modification*
20 *made to the data originally reported by an employee and any other*
21 *information required by the Division;*

22 2. *Allow the person receiving services to verify that the*
23 *information recorded pursuant to subsection 1 is accurate;*

24 3. *Be accessible at all times to allow each employee of the*
25 *agency to provide personal care services in the home who provides*
26 *services to input the information described in subsection 1 and*
27 *allow a supervisor of the employee to track the provision of*
28 *services, schedule appointments and respond immediately to any*
29 *missed appointments;*

30 4. *Securely upload data into the billing systems maintained by*
31 *the Division in a format that is accessible and searchable by*
32 *employees of the Division;*

33 5. *Have reliable means to back up all data maintained by the*
34 *electronic visit verification system and recover such data in the*
35 *event of a system malfunction or disaster; and*

36 6. *Comply with all applicable standards adopted pursuant to*
37 *the Health Insurance Portability and Accountability Act of 1996,*
38 *Public Law 104-191, the most recent version of the Medicaid*
39 *Information Technology Architecture Framework released by the*
40 *Centers for Medicare and Medicaid Services of the United States*
41 *Department of Health and Human Services and any other*
42 *requirements prescribed by the Division.*



1 **Sec. 4.** *An agency to provide personal care services in the*
2 *home that adopts an electronic visit verification system pursuant*
3 *to section 3 of this act shall:*

4 1. *Adopt a disaster recovery plan that complies with all*
5 *applicable standards adopted pursuant to the Health Insurance*
6 *Portability and Accountability Act of 1996, Public Law 104-191.*

7 2. *Provide training and technical support for each employee*
8 *who uses the electronic visit verification system which must*
9 *include, without limitation, a help desk to answer questions*
10 *concerning the use of or problems with the electronic visit*
11 *verification system.*

12 3. *Notify each employee of the agency to provide personal*
13 *care services in the home who provides services for which the*
14 *agency receives payment pursuant to the State Plan for Medicaid*
15 *and each person who receives such services of the requirements of*
16 *section 3 of this act using a letter prescribed by the Division.*

17 4. *Complete and submit a form prescribed by the Division*
18 *certifying that the agency to provide personal care services in the*
19 *home has met the requirements of section 3 of this act.*

20 5. *Complete and maintain at the administrative office and*
21 *each local office of the agency to provide personal care services in*
22 *the home a form prescribed by the Division setting forth the*
23 *manner in which the agency has met the requirements of section 3*
24 *of this act. The agency to provide personal care services in the*
25 *home shall make the completed form available for inspection by*
26 *the Division at any reasonable time and furnish copies to the*
27 *Division upon request.*

28 **Sec. 5.** *The Division may adopt any regulations to carry out*
29 *the provisions of sections 2 to 5, inclusive, of this act.*

30 **Sec. 6.** This act becomes effective:

31 1. Upon passage and approval for the purpose of adopting any
32 regulations and performing any other preparatory administrative
33 tasks necessary to carry out the provisions of this act; and

34 2. On January 1, 2016, for all other purposes.



