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Stephen Patrick
Deputy Director
Ohio Department of Medicaid
P.O. Box 182709, 5th Floor
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Dear Stephen;

Thank you for the opportunity to provide public comments on the proposed Ohio Home Care Waiver Amendment. As the federally-authorized and state-designated system to protect and advocate for the rights of Ohioans with disabilities, Disability Rights Ohio (DRO) brings a unique perspective to the proposed Electronic Visit Verification (EVV) system requirements.

EVV requires individuals to be given a device, similar to a smart phone, which allows providers to log the time of a visit with an individual. With implementation of the rule set to begin in January 1, 2018, DRO would like to address three points related to the Amendment in an attempt for clarity and to ensure people with disabilities receive the best possible care in integrated, community-based settings, consistent with their rights under the Americans with Disabilities Act and the Supreme Court's decision in *L.C. v. Olmstead*.

Privacy and Community-based Care

The devices that will be given to individuals will contain a GPS tracking system that stores location information in the Ohio Department of Medicaid (ODM) database. The storing of GPS information by the ODM creates issues for both providers and an individual's privacy. If a provider provides care outside of the home while the individual is engaged in activities out in the community, the device will be required to leave the home and follow the individual. Individuals may use multiple providers within one day, and some individuals would need to keep the device on them at all times if they are active in their community (which ODM should strongly encourage and support), leading to the storing of location information individuals and providers may not wish to disclose.

When implementing this policy, ODM should consider flexibility in where and how these devices are used. If individuals choose to keep the device at home, as to refrain from having the device report their location, they should be allowed to make this decision and have the ability to report the information of when a visit occurred once an individual returns home.

Flexibility, Provider Retention

The current plans allow providers and individuals the flexibility to provide care when needed. With the implementation of EVV, it is unclear whether individuals and providers will be allowed the same kind of flexibility in schedule. Flexibility is essential to providing quality care to individuals with disabilities, and ODM should safeguard this flexibility in an individual's schedule when implementing EVV.

To ensure that providers understand how the new system works and how it will be implemented, ODM should also establish training that reviews and educates providers on the flexibility the new EVV system could provide. Without flexibility in schedule and care individuals are at risk of losing their current providers, a problem that is already occurring due to other regulatory efforts and inadequate compensation. There is also confusion regarding what constitutes a "visit" for providers. To ensure clarity, ODM should fully inform both providers and individuals on the proper use of the device and how to correctly input, or make changes to, visit hours.

Accountability

EVV has the ability to provide accountability for providers. Accountability can lead to higher quality care and effective care for individuals with disabilities. By using a device that logs time in real-time, providers are less likely to be able to fraud the current system. There are already documented cases of individuals not receiving the care they need in the time they need it. There are also cases of providers using the current system to bill for hours where care was not provided.

Higher accountability for providers can lead to fewer instances of abuse, neglect, and fraud in the system. By limiting the ability for abuse, neglect, and fraud individuals with disabilities will be able to receive higher quality care in a more effective and efficient system. These quality health outcomes lead to allowing individuals with disabilities the ability to live full and productive lives in their communities.

Conclusion

As this process moves forward, ODM should continue to engage stakeholders, individuals, and providers. The implementation of EVV should ensure individuals and providers the flexibility in schedule to enable them to be active members of their communities, protection of an individual's privacy, the retention of providers through proper education on the use of the new devices, and accountability for providers to prevent abuse, neglect, and fraud.

Thank you for the opportunity to provide public comment on the proposed Ohio Home Care Waiver Amendment. We ask ODM to consider carefully the concerns of individuals, providers, and stakeholders as the implementation of this rule moves forward and help ensure people with disabilities are able to live and work in their communities. If you have any questions or want to discuss this matter further, please contact Jordan Ballinger, extension 135.

Respectfully,



Michael Kirkman
Executive Director