

**AGENCY DATA MANAGEMENT SYSTEMS
CHAPTER 65G-12**

- 65G-12.001 Definitions
65G-12.002 Electronic Visit Verification

65G-12.001 Definitions.

- (1) “Agency” means the Agency for Persons with Disabilities.
- (2) “Client” means a person determined eligible by the Agency for Persons with Disabilities (“Agency”) for services under Chapter 393, Florida Statutes.
- (3) “Consumer-Directed Care Plus Program” or “CDC+ Program” means a consumer-directed program that provides an alternative to the Medicaid State Plan and the Home and Community-Based Services Medicaid Waiver (also known as the iBudget Waiver). The CDC+ Program operates under the authority of section 1915(j) of the Medicaid State Plan Amendment of the Social Security Act and is governed by Title 42 of the Code of Federal Regulations, Part 441, and Sections 409.221, 393.0661(3)(e), and 393.0662(2), F.S.
- (4) “Electronic Visit Verification” or “EVV” means a system under which visits conducted as part of personal care services or home health care services are electronically verified.
- (5) “Home and Community-Based Services Waiver” or “HCBS Waiver” means services authorized by 42 U.S.C. 1396n(c) of the federal Social Security Act and Section 409.906, F.S., that provides a package of Medicaid-funded home and community-based supports and services to eligible persons with developmental disabilities who live at home or in a home-like setting.
- (6) “Home Health Services” are medically necessary services that are provided in the home of the eligible client and include such activities as private duty nursing, skilled nursing, physical therapy, occupational therapy, speech-language pathology services, and medical supplies that require an in-home visit for set-up. This does not include any service or supply provided in a licensed facility.
- (7) “Personal Care Services” means individual assistance with or supervision of essential activities of daily living for self-care, including ambulation, bathing, dressing, eating, grooming, and toileting, and other similar services that are incidental to the care furnished and essential to the health, safety, and welfare of the client if no one else is available to perform those services. For purposes of this rule chapter, “personal care services” include personal supports, personal care assistance, and respite services, as defined in Rules 59G-13.070 and 13.088, Florida Administrative Code. This does not include any service provided in a licensed facility.
- (8) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501, 393.066(8) FS. Law Implemented 42 U.S.C. 1396b(1), 393.066(2) FS. History—New 6-17-20.

65G-12.002 Electronic Visit Verification.

- (1) Pursuant to the 21st Century Cures Act of 2016, 42 U.S.C. 1396b(1), as a condition for payment from the Agency, providers of personal care services and home health services that require an in-home visit pursuant to the HCBS Waiver or the CDC+ program shall use the Agency-designated Electronic Visit Verification (“EVV”) system to verify the following:
- (a) The type of service performed;
 - (b) The individual receiving the service;
 - (c) The date of the service;
 - (d) The location of service delivery;
 - (e) The individual providing the service; and
 - (f) The time the service begins and ends.
- (2) Providers of personal care services shall use the Agency-designated EVV system by November 1, 2020.
- (3) Providers of home health services shall use the Agency-designated EVV system by December 31, 2022.
- (4) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501, 393.066(8), 120.54(6) FS. Law Implemented 42 U.S.C. 1396b(1), 393.066(2) FS. History—New 6-17-20.