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GOVERNOR

August 2, 2023

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: ELECTRONIC VISIT VERIFICATION: PROVIDER COMPLIANCE IN THE SELF-DETERMINATION PROGRAM

In accordance with [Section 12006\(a\) of the 21st Century Cures Act](#), states are required to implement electronic visit verification (EVV) for personal care and home health care services that require an in-home visit by a provider. The identified regional center personal care and home health care services subject to EVV can be found in the guidance issued [July 8, 2022](#). Self-Determination Program (SDP) services are subject to the same compliance date in the guidance issued [April 18, 2023](#).

The SDP allows consumers to choose how their services will be arranged using a variety of qualified providers. This arrangement determines who will be the employer of record for any direct staff person delivering services.

The employer of record for the direct staff person determines who is responsible for EVV compliance.

- Co-Employer Services, where the financial management services (FMS) provider is the employer of record for the direct staff, the FMS is responsible for EVV compliance.
- Sole Employer Services, where the consumer or their legal representative is the employer of record, the consumer can choose to use the EVV system provided by their selected FMS, or they can choose to be fully responsible for EVV.
- Bill payer services, where a vendor, an agency or a company is the employer of record, the vendor, agency, or company is responsible for EVV compliance.
  - In this instance, the EVV visit record must be tied to the FMS vendor number under which that service is invoiced to the regional center.

When the FMS is not the employer of record, they must provide the following information to the employer of record:

- Relevant service code, unique client identifier (UCI) and vendor number information, as needed.
- Make available their EVV data collection system to consumers who are the employer of record if the consumer chooses to use that system.
- EVV resources to other employers of record.

Regional Center Executive Directors  
August 2, 2023  
Page two

Enclosure A is an EVV Bill Payer Provider Agreement form which can be used by FMS providers with the providers of bill payer services to share EVV information and agreement regarding their EVV requirements. Enclosure B is a flyer with information on bill payer services and upcoming bill payer office hours to discuss and answer questions about EVV in the SDP. Information regarding EVV including Frequently Asked Questions and additional resources for providers can be found on the [Department's EVV webpage](#).

We appreciate you sharing this correspondence with regional center staff involved in EVV and the SDP activities. If you have any questions regarding this correspondence, please contact [EVV@dds.ca.gov](mailto:EVV@dds.ca.gov).

Sincerely,

*Original Signed by:*

VICKI SMITH  
Deputy Director  
Policy and Program Development

Enclosures

cc: Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Association of Regional Center Agencies  
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