



**COLORADO**

Department of Health Care  
Policy & Financing

## **MINUTES**

### **Electronic Visit Verification Privacy Subcommittee Monthly Stakeholder Meeting**

303 East 17th Avenue

7th Floor - Conference Room 7B

Denver, CO 80203

Wednesday, June 14, 2018 at 12:30 pm - 1:30 pm

#### **1. Call to Order**

Danielle Walker, EVV Policy Specialist called the meeting to order at 12:30 pm.

#### **2. Roll Call**

Linda Whitt – parent; John Bannister – EVV Project Manager; Jenn Gross – Legal; Emilie – ADA; Abigail Nightly – Director of Advocacy; Jennifer – Evergreen Home Health; Matt; Alex Koloskus – Home Health Program Administrator; Jody Davison – EVV Project Coordinator;  
[On PHONE]: Beth Cooper – Banner Home Health; Phil Gibson; Jennette Archive – ABC Home Health Care Pueblo; Respect Home Health; Allison Robino; Allison Polk; Joanna Polacka; Andrew Lane – Pathways Home Healthcare.

#### **3. Meeting Notes**

##### **A. Meeting Purpose**

Identify concerns related to privacy with EVV implementation  
Provide the department reasonable recommendations to ensure privacy

##### **B. Why EVV is Required**

CURES Act  
Avoiding penalty of reduced funding

##### **C. Department EVV System**

Mobile App  
Web Portal  
Telephony

Our mission is to improve health care access and outcomes for the people we serve  
while demonstrating sound stewardship of financial resources.

[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)



## D. Privacy Law

Alex – HIPPA review: What is process, liability, etc.

HB 1128 Passed – CO specific statute strengthening consumer protection data laws, effective 9/1/18

- Additional protections
- Expands definitions of PHI to include PII

## E. Top privacy concerns from prior meeting & Responses

### 1. Requirement of GPS

- Requirement of GPS: NOT required per CMS, but will be *available* on Sandata product
- *Tracy*: if someone doesn't want GPS... Telephone landline based on home phone number (unsure if it can be a participant's cell number yet), or third option: uploading through edit portal
- *Danielle*: – will dig deeper on GPS as a privacy concern
- Q: *Linda*: if host home provider is working with an agency and using cell phone, do they have to use GPS? NO – they can turn it off. The app does not allow GPS to be turned off independently
- *Jennifer Evergreen home health*: How does the third option show actual location and prevent fraud? (good question – *Tracy* – awaiting for CMS to provide more guidance on that)
- *Linda* – providers purpose is often get them access into the community: the store, the park, ... it's their job to do this. We don't want pinging of their entire life going on
- *Danielle* – it really shows how complex this process is. So the department is working as best as possible to accommodate shifting needs. Thank you for sharing this

### 2. How will service detail collected through EVV be stored and kept safe?

- *Jenn / Legal*: - every member of the workforce, all of HCPF is required to do full HIPAA training and it's included in all contracts.
- "All Medicaid Data, EVV related or not, is stored on secure servers that are managed and maintained by Sandata, DXC, and IBM. All the departments contracted vendors are responsible for ensuring the data meets state cyber and HIPAA requirements"
- *Tracy* added – Sandata uses what is considered the "industry gold standard" for encryption and for transmission of data. Everything adheres to standards recommended by Health and Human Services (HHS) on a national level (best practices)

### 3. Does EVV require microphone, photo, or video monitoring?

- No, the CO EVV system will not require a mic, photo, or video recording.
- These types of data cannot functionally be uploaded into the CO EVV system.
- Why are you contracting with a company that does this, if our system is not set up for it?
  - There are several systems existing in the market already independently operating. Third party vendors have their own business requirements and can opt to do so.
  - Colorado is adhering to the minimum requirement – capture the six data points

- *Linda*: we're being told that it won't do this, but the programs and devices will have this ability (GPS, Mic, and Camera). Why??
  - Under what scenarios would you suspect that this would be turned on?
    - *Linda*: would like to see a system in place that did not have this functionality at all
    - *Tracy* – Sandata is not providing the devices, so the rules for how these devices will be used are set by the Department with recommendations to agencies using third party EVV systems
    - *Jennifer*: suggested that language be changed to state that Colorado will not ALLOW this data, instead of Colorado will not REQUIRE this data type to be collected
    - However (*Alex*) we don't regulate third parties – they could do this. Believes the language has already been updated to say ALLOW
    - *Danielle* – assumes that most providers that don't already have EVV system will select Sandata's product

#### 4. HIPAA and Breakcrumbing

- Our system is not capable of doing this.
- No additional comments
- More coming after contract is executed. We will make sure that the language provides this reassurance
  - Tracy: has been working on the contract. Hope to be signed by July 1<sup>st</sup>.

#### F. Open Ask for New Concerns

None

#### G. Scenarios

##### 1. Attendant phone dies and no landline is available?

- Attendant phone dies and no landline is available?
  - *Tracy* – ability to update info inside portal post-visit
  - If phone dies during visit?
    - Same

##### 2. I don't have a smartphone or landline?

- Many people don't want any devices in their home
  - Web portal (reminder – this is only for in-home services)

##### 3. How will location be confirmed if GPS is not used?

- *Jennifer w Evergreen*: their nurses use laptops that aren't on wi-fi, and then update at the end
- *Tracy* - three options
  - You can capture location with GPS if you opt for it
  - Using the telephonic option, enter in a code that equals the location

- Enter after the fact
- Rule around this have not been written yet

#### 4. Locations are to be varied for several reasons; what will requirements be for location?

- *Danielle* – we've seen similar scenarios in other states as a learning opportunity that will affect policy decisions
  - *Danielle* – what do you think makes sense?
    - *Linda* – balance freedoms with fraud preventions – federal employees wouldn't like to have their GPS on so that taxpayers can track their locations
    - Quality providers are few, low paid, and already hard to track
    - *Danielle* reminded soft launch – wont be disrupted by billing process
    - *Danielle* asked what would you like to see for location capture?
      - *Tracy* – when it comes to location: It's mandated to be recorded. That's it. No further guidance on if it needs to correlate with any other data, be the same at check in = check out, no enforcement on other restrictions
    - *Alex* - we don't know if the location can just say "School", "Community", "Hospital" etc. Not specific to address or GPS.

#### 5. Attendant loses phone or tablet?

- *Tracy* – data never stored in actual device. It's sent in real time, not resting in device.
  - Attendant can report phone as lost to Sandata. They'll shut down her credentials until further notified. (Safeguards in place if lost stolen)
  - *Jen / Legal* – if you have a device you're using for (HCPF) department purposes, immediate notification of privacy officer and OIT and they'll do a remote wipe. You do lose everything on your phone and it goes back to factory settings
    - *Jen* – can Sandata lock out just their app without doing a full device wipe.
      - *Danielle* – reminder of encryption meeting/exceeding standards. To feel more comfortable that we're doing all we can to provide that sense of security

## H. Open Call for Privacy Questions

None

## I. Next Steps

Full stakeholder meeting

June 19

Privacy FAQ

Still seeking CMS guidance and reaching out to other states to establish best practices for implementation

Danielle pressed the importance of meetings

Individualized FAQ's released per stakeholder guidance

We do bi-weekly calls with 20-30 states to establish best practices – discuss them at full stakeholder meeting

**Q:** is everyone aware of the delay bills?

**A:** Yes, but soft launch is on timeline

## **J. Adjourn**

Reach out to [EVV@state.co.us](mailto:EVV@state.co.us)

Utilize EVV website [www.colorado.gov/hcpf/evv](http://www.colorado.gov/hcpf/evv)