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CONSENT CALENDAR

December 19, 2017

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Subject: The State Implementation of *The 21st Century CURES Act Section 12006*

RECOMMENDATION:

That the Council urges the state to implement an Electronic Visit Verification System that respects the privacies of consumers and minimizes the burden on individual caregivers.

BACKGROUND:

The 21st Century CURES Act Section 12006, adopted by the Congress on December 13, 2016, requires all states to implement an Electronic Visit Verification (EVV) system for in-home personal care services. The EVV system must be effective by January 1, 2019 in order to secure Medicaid funding from the Federal Medical Assistance.

The use of EVV system is designed to electronically verify (i) the type of service performed; (ii) the individual receiving the service; (iii) the date of the service; (iv) the location of service delivery; (v) the individual providing the service; and (vi) the time the service begins and ends.

The use of the EVV system can potentially cause complications for home caregivers who do not have proper training. Given that the EVV puts personal caregivers under the constant pressure of reporting to the government, EVV can likely affect the relationship between a caregiver and a consumer, shifting the focus away from the consumers. The EVV could also pose an invasion to the privacy of those consumers.

The 21st Century CURES Act did not specify what type of EVV system shall be implemented. As a result, each state has the freedom to implement an EVV system which protects individuals' privacies and minimizes the burden on individual service providers. This includes an EVV system without geo-tracking and voice recording features. We urge the state of California to implement an EVV system that does not invade the privacy of consumers.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

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Related link: <https://www.congress.gov/bill/114th-congress/house-bill/34/text>

