

**FINAL REGULATORY FLEXIBILITY ANALYSIS AND
SUMMARY OF LEGISLATIVE STANDING COMMITTEE COMMENTS**

January 24, 2024

CR 23-045

Department of Health Services

DHS 10, 101, 105, 106, and 107, relating to electronic visit verification (EVV) requirements for certain Medical Assistance services.

Final Regulatory Flexibility Analysis or Summary:

The rule is anticipated to have a significant economic impact due to the cost of operating the EVV program within the agency. There are about 2,200 providers providing in-home personal care and home health services across the state that will be subject to these new EVV requirements, but the state provides an EVV system and comprehensive training to all provider agencies and workers at no cost. Additionally, the Department's EVV Customer Care team is offering personalized support for all administrators and workers at any step of the EVV process at no charge. Administrative costs related to change management are anticipated but indeterminable. An agency may choose to purchase an alternate EVV system and would incur additional costs for the alternate EVV system. An agency that opts to use an alternative EVV system may incur costs for training staff to use the alternate EVV system and the cost of additional technology for staff to use the alternate system, as applicable.

Comments of Legislative Standing Committees:

Governor Evers approved the rule for submittal to the Legislature on October 12, 2023. The rule was submitted to the Legislature for review on October 18, 2023. The Assembly Committee on Health, Aging and Long-Term Care took no action on the rule and referred to the Joint Committee for Review of Administrative Rules (JCRAR) on December 4, 2023. On November 29, 2023, the Chair of the Senate Committee on Health, Senator Rachael Cabral-Guevara, requested a meeting. The Department met with Senator Cabral-Guevara on December 12, 2023, and no additional action was taken by the Senate Committee on Health following that meeting. The rule was referred to JCRAR on December 18, 2023. JCRAR took no action on the rule on January 17, 2024, and the rule completed legislative review without any objections.