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PAST PRESIDENT  
Alaska

May 1, 2020

Representative Diana DeGette  
2111 Rayburn House Office Building  
Washington, DC 20515

Representative Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

Dear Representatives DeGette and Upton:

On behalf of ADvancing States, I am writing you regarding the [21st CENTURY CURES 2.0](#) concept paper released on April 27th, 2020. Specifically, I am writing to express our concerns about the proposed electronic visit verification (EVV) policy contained within the concept paper. ADvancing States represents the 56 officially designated state and territorial agencies on aging and disabilities. Our members oversee the implementation of a wide range of long-term services and supports programs including Medicaid.

The concept paper states that it would, "remove geo-tracking and biometrics within EVV systems." This would be an extremely challenging statutory change given that the mandate has been in effect since 2016 and since this time states have been working to clarify program specs, develop and administer procurements, and award contracts. These processes are lengthy and expensive. Presently, only one state is fully compliant with the Act, which demonstrates how time consuming it is to become completely operational. A change at this juncture would require states to significantly alter their design specifications at great cost in terms of staff time and contracting fees. It would also make it nearly impossible for them to be compliant before funding penalties begin in 2021. This would therefore result in further costs to states due to reduced Federal matching funds.

Additionally, given the requirement to electronically verify the place of service, it is extremely hard to understand how a system would allow free movement around the community without GPS. ADvancing States received Federal guidance that voice verification could only be used to verify location if it is done from a fixed landline and/or in conjunction with a fixed-location device that can verify where the provider is dialing from. We recognize that there are concerns with privacy related to GPS information, but we are extremely concerned that removing the ability to use GPS would ultimately limit the ability of individuals to leave their homes and prevent free movement in the community.

We appreciate the opportunity to provide feedback on this concept paper. If you have any questions regarding this letter, please feel free to contact Damon Terzaghi at [dterzaghi@advancingstates.org](mailto:dterzaghi@advancingstates.org) or 202-674-8582.

Sincerely,



Martha Roherty  
Executive Director  
ADvancing States