

Electronic Visit Verification (EVV) Live-in Caregiver Exemption Attestation

Electronic Visit Verification (EVV) is a federally mandated solution which electronically verifies that home and community-based services are delivered to the client. States are permitted to exempt live-in caregivers from EVV requirements for services provided to the client within the shared home. **This form is intended to document that a worker resides with the participant. If the worker does not reside with the participant, this form should not be used.**

PARTICIPANT INFORMATION	
Full Name (First, Last):	Palco ID:
Physical Address:	City/State/Zip:

WORKER INFORMATION	
Full Name (First, Last):	Palco ID:
Physical Address:	City/State/Zip:

A live-in caregiver permanently or for an extended period of time resides in the same residence as the NJ FamilyCare/Medicaid member receiving services. Live-in caregiver status is determined by meeting requirements established by the U.S. Department of Labor (DOL), internal Revenue Service or any state rules on EVV exemption.

DOL Determination¹

- "Permanently" – the worker resides on the same premises as the individual they are providing services to permanently by living, working, and sleeping on premises seven days per week and have no home of their own.
- "Extended Periods of Time" – the worker resides on the same premises as the individual they are providing services to for an extended period of time by living, working, and sleeping on premises for five days a week (120hrs or more) OR by spending less than 120 hours per week working and sleeping on premises, but spending five consecutive days or nights residing on premises.

IRS Requirements:

- The worker is receiving payments under a qualifying state NJ FamilyCare/Medicaid program as defined in [IRS notice 2014-7²](#) for care provided to a participant in the participants home.

Attestation:

☐ **Exempt.** I am a live-in worker and meet one of the definitions of live-in caregiver status.

Documentation of live-in caregiver status must be collected and maintained by the self-directing participant. **You may be asked to furnish valid documentation as outlined below at any time by**

¹ Department of Labor Application of the Fair Labor Standards Act to Domestic Service, Final Rule; Fact Sheet #79B: Live-in Domestic Service Workers Under the Fair Labor Standards Act (FLSA)

² https://www.irs.gov/irb/2014-04_IRB#NOT-2014-7

Palco or the Managed Care Organization. Failure to provide valid proof of live-in status may result in the recoupment of payment for services. Live-in caregiver status is established by the member/caregiver relationship and only pertains to relationships where documentation has been provided and approved.

Permissible Supporting Documentation (Minimum of 1): Copy of both state ID's showing shared residency; address listed on tax returns; automobile registration; voter registration card, utility or other household bill showing individuals address; bank account statement; or NJ FamilyCare/Medicaid records. All documentation must be current or have a date within the last three months if asked to furnish.

Consent:

By signing below, both the participant and worker (collectively, "parties") attest that the information provided is true and accurate. Both Parties attest that the participant receiving services and the worker live in a shared home and meet the definitions as outlined above. All information provided on this form is accurate and true. I agree to notify Palco immediately if this shared living arrangement ever changes in the future, resulting in the worker and participant residing separately. When this happens, the worker must begin meeting the EVV requirements immediately and must submit a Palco EVV Registration Form.

Participant/Authorized Representative Signature

Worker Signature

Date

Date