Q&As: Employer of Record (EOR) Performance Improvement Review Process

This document includes Vaya Health's (Vaya's) responses to questions providers posed about the EOR Performance Improvement Review Process that began in August 2023. It is intended to serve as a resource for EORs undergoing the review process. If you have additional questions, email QualityAssuranceTeam@vayahealth.com.

General Process

Why are the reviews and this process needed now?

EOR Performance Improvement Reviews are required under the NC Innovations Waiver. This is a new process for Vaya, and we have been preparing our review tools and processes for several months. The reviews are happening now because our tools and processes have been approved.

You mentioned the tool was just approved today (July 18, 2023). This is difficult to understand, since these elements you're discussing are things you will require from us for the past year. What do you mean that the tool was just approved today?

The review tools are based on EOR rules and requirements that have been in place for several years. After the Quality Management (QM) Department developed the review tools, Vaya leadership conducted an internal approval process to ensure they met our organization's standards.

When will these reviews begin officially?

In the second half of August 2023.

How will you select EORs for review?

We will review all EORs over the next 12-15 months. The scheduling of the reviews will be based primarily on how long an EOR has been self-directing services.

Is this review specific to EORs, or are providers also going to have this type of review?

This process is specific to EORs. We review providers through different processes.

You are requiring elements that were not required when many of us were with other MCOs prior to Vaya. Since we were not told about these requirements when we were moved to Vaya, how will you handle this?

These requirements are not specific to Vaya and come from sources like the Innovations Waiver, Clinical Coverage Policies, and the NCDHHS Records Management and Documentation Manual, so we have to hold EORs to them. However, we will also work with EORs to correct any errors moving forward.

Please clarify/describe the Care Manager's role in these reviews, if any.

Typically, the care manager can offer general support. The Community Navigator can serve a larger role and help the EOR prepare for the review (for example, by verifying that all requested documentation is available or identifying what documentation is already in Vaya's possession).

As a newer EOR who has never had a review of records, I am feeling that it would be helpful if all of this information could be turned into an action check list. Is there a clear, easy way to go through and ensure our records are as expected?

The review tools can easily be used as checklists. They will be available on the [Individual and Family Directed Services (IFDS)](#) page of Vaya's website.

How will we get the tool?

The tools will be available on the [IFDS](#) page of Vaya's website. We will also attach them to your review scheduling email before your review takes place.

Many people may feel intimidated by this process. How will you ensure they are not?

We understand that this may feel intimidating, especially because it is new and unfamiliar. But our intention is to make this a collaborative process. We know EORs are busy and focused on making sure their family member's needs are met. So, if issues are identified during the review, we will work with you to determine how to address them appropriately. This is one reason we will only be providing technical assistance for your initial review. As much as possible, we want this to be a positive experience for everyone.

Submission of Documents

How will QM review the EOR's documentation?

QM will include instructions for documentation submission in a notification letter after your review is scheduled. You will submit documentation using the Monitoring Document Upload Tool or through encrypted email.

For the full review, will you be asking for a full year's worth of the items covered in the training? Or will the review include periodic, specific time frames?

No, we will request a full year's worth of documentation. The review will cover a three-month period. We will give you the date range when we schedule your review.

Are you saying you will need EORs to scan and submit three months of service documentation as well as other requested forms documentation? That is a very large stack of paper – at least 100 pages.

During the first review for each EOR, we will not request all service documentation for the three-month period under review. QM will pull a sample of 20 dates of service for a full review and five dates for a modified review. We will provide the sample dates of service approximately one week before your scheduled review.

For clarity, will you be asking for 20 specific entries of documentation or 90 days of service documentation that you will then review for 20 specific dates?

We will provide the 90-day date range at the time the review is scheduled. Then, we will provide the specific dates of service in your review sample about a week before your review. This will be the process for the first time each EOR is reviewed.

How many dates are included in your random sample?

The sample will include 20 dates of service in a full review and five dates of service in a modified review.

How far back will you take the sample dates from?

No more than one year.

Privacy of Member and Staff Records

Scanning in and submitting confidential information from our staff members seems against policy. How do we get around that?

Vaya's new Monitoring Document Upload Tool is encrypted to protect confidentiality. Documents submitted by email must be sent through encrypted email.

If an EOR is concerned about protecting the employee information, could they block any important info such as an SSN?

If we can identify the document as specific to a staff person through other information, we do not need to be able to see their SSN.

You have stated multiple times that staff information must be kept private. That should also include reviewers having this information. The staff files should not be looked at by Vaya representatives without the EOR present to ensure the information is kept secure.

All Vaya staff are held to strict standards for securing and protecting the privacy of records. The standards we follow in this process adhere to Vaya Policies and Procedures, federal privacy requirements in HIPAA and 42 C.F.R. Part 2, and confidentiality rules outlined in NC Administrative Code.

Documentation Requirements

Is there a sample service grid document on Vaya's website, along with a modified grid document?

A grid template is available in the Appendices to the NCDHHS Records Management and Documentation Manual, which can be found on the NCDHHS website at https://www.ncdhhs.gov/rmanddm-appendix-3rd-edition-9-1-16-2/download

Is there a form that can be used for the Service Note/Grid Note staff signatures log?

The sample grids in the Appendices to the NCDHHS Records Management and Documentation Manual (linked above) include signature log sections.

If an EOR is not using an EHR (electronic health record), will electronic signatures still be acceptable?

In general, no. Paper records must have handwritten signatures. However, there were COVID-19 flexibilities for signatures that may have been in effect during the months included in your review sample. We will factor that in and can discuss it when your review is scheduled.

If an EOR uses paper records, should each employee have their own sheet of notes, or can all employees make their notes on one sheet for the date they worked?

These notes can be on separate sheets or on the same grid. However, the entries and times/duration for each staff member must be clearly indicated.

I currently use paper documentation. Is there an electronic health system that you could recommend?

Unfortunately, we are not able to make such recommendations.

Will digital signatures be sufficient if the EOR uses an electronic health record (EHR) for the notes?

Yes.

I routinely sign Vaya documents with an electronic signature. Does Vaya maintain an electronic signature file similar to what is required of EORs?

The requirement to keep a list of all current staff who are authorized to use electronic signatures on file pertains to signatures in an EHR and applies to service providers.

We are in the process of converting to electronic record keeping. Anything I should keep in mind?

When considering an electronic health record (EHR)/electronic medical record (EMR) system, verify that the system meets the electronic security and signature requirements we discussed in the training. This includes having a secure login for staff (that requires passwords to be changed in regular intervals) and a dated signature that does not allow the signed documentation to be altered (only amended). We recommend you maintain paper templates for service notes or grids as backup, so if the electronic system isn't available to staff at the time services are provided (such as during a power outage), service documentation can still be completed within the 24-hour window for timely submission and to produce the most accurate documentation of services. Any paper service documentation completed when the electronic system is not accessible must be uploaded into the electronic record or filed in a paper record.

There are several elements you have mentioned about documentation that have never been required in the years I have been an EOR. A few examples are client ID number on every page of documentation (the name has only been required); duration (the start and stop time were required, but we have never been asked to write down the total number of hours); reasons for corrections on paper documentation; staff signature file (I've never ever heard of this); etc. Can you verify through Medicaid that these elements are required for EORs?

All these requirements are from the NCDHHS Records Management and Documentation Manual (APSM 45-2), available at https://www.ncdhhs.gov/rmanddm-3rd-edition-9-1-16/download. The requirements in this manual apply to all publicly funded mental health, intellectual/developmental disabilities, and substance use services.

There were elements you mentioned that are required on documentation. Do we have to log the time range and the total number of hours?

You may document time range, total time (duration), or both.

Employees/Staffing

I've always requested a pre-employment background check, but I've never been asked to obtain a driving record before. Is this a request going forward from the date of the training, or should EORs ask their FSSA (Financial Support Service Agency) to run a retrospective driving record?

Request driving records for your current staff, and request them going forward as new staff are hired.

If staff are not driving the member, is the driving record still required?

No, but it needs to be clear in the staff member's personnel file that they are not transporting the member. You must also clarify how the member is being/would be transported if/when needed during the staff member's service hours.

Is Acumen aware of the driving record requirement? Are they pre-authorized to bill for them?

Acumen started running those reports in May 2023 at Vaya's direction.

Isn't supervision of staff a monthly requirement?

No, there is no minimum frequency required for supervision. Supervision frequency should be based on the staff member's needs, which is why it must be specified in the supervision plan.

Backup Staffing

When I contact the backup provider, I simply review the plan and document the call. This is what I've been instructed to do since I became an EOR in 2016. Is this still sufficient for a review?

Yes, that is acceptable for the review.

Can current staff provide backup staffing for each other? For example, an EOR has three staff. One staff calls in sick, and another staff member covers the shift.

Yes, staff that work different times/shifts can provide backup for one another.

Is there a specific form to document quarterly backup staffing reviews?

No, there is not a specific form required for this review.

Where is the spreadsheet for backup staffing incidents?

It's on the Forms page of Vaya's Provider Central website. You can access it directly here: https://providers.vayahealth.com/resources/backup_staffing_form

Some of these requirements (e.g., backup staffing plan, training delays, etc.) have been met by new RADSE (Relative as Direct Support Employee) staffing flexibilities under Appendix K. How is this review process going to incorporate Appendix K flexibilities?

Vaya will honor all Appendix K flexibilities that were in place/active at the time of the dates of service under review.

Incident Reporting

If a member has self-injurious behaviors, should they be recorded as an incident even if they occur daily (for example, head banging)?

Yes. Self-injurious behavior is considered a reportable Level I incident. However, it does not have to be entered into the IRIS system unless the behavior results in an injury requiring more than first aid treatment.

Is there a form for the quarterly incident report? Where is it?

Yes, the Quarterly Provider Incident Report form is available on the [Forms](#) page of Vaya's Provider Central website. You can access it directly here: https://providers.vayahealth.com/resources/qm-11-form-blank_template_2021

Is it correct that we are supposed to file Quarterly Incident Reports even if we have never ever had any incidents?

Yes, you must submit a Quarterly Incident Report even if there are no incidents. Simply enter "0" where the number of incidents is requested.

Is the Quarterly Incident Report part of the Self Review Tool?

No, it is a separate report document used for reporting incident trends only.

Please clarify: Although the two reports are not the same, the Quarterly Incident Report is filled out through the quarterly self review process, correct?

No, that is not correct. These are two separate documents and processes.

Should we go back and fill out quarterly incident reports for the past year?

You can do that for the sake of having them completed, but the reviewer will verify whether the forms were submitted within required timelines.

Will EORs who came from Cardinal be penalized for late incident reports when Vaya didn't inform us?

We would need to discuss that during the review, but again, our intent is to identify areas that need improvement and to help you find ways to address them.

Specific Services

Are Respite services required to be EVV (electronic visit verification) compliant?

No.

Since Supported Living is a daily rate, how should the duration be documented? There are too many starts and stops of service throughout the days, depending on a member's level of independence.

Supported Living is a per diem service and does not require duration. It is billed as 1 unit. However, documentation of duration is required for Supported Living Periodic services.

Miscellaneous

Can you explain why there will be a Teams meeting before the review?

The Teams meeting takes place on the morning of the review. It is an opening conference intended to provide a brief overview of the process, identify any missing documentation (if applicable), and answer any questions the EOR and/or Representative may have.

Regarding the service deviation requirement, should those who are working as EOR/RADSE be documented in self review if it has not currently been reported that way?

Yes, service deviations must be included in the quarterly self reviews. They should also be noted on the service documentation.

We do not have access to authorization forms for all individual services. This has been required in previous audits. Is this something you require? Are we still required to have those authorizations on file?

Yes, the service authorizations should be in the member's record.

What is an FSSA?

A Financial Support Services Agency.

Where is the EOR Health and Safety Checklist located so that we can use this?

The checklist is available on the IFDS page of Vaya's website. You can access it directly here: www.vayahealth.com/resources/appendix-m-eor-health-safety-checklist

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Will the tool include every element you have mentioned?

Yes. The July 18, 2023, training was designed to go over the Performance Improvement Review process and the requirements reviewers will check for during it.