

## **EVV Good Faith Effort Exemption Requests**

Section 12006(a) of the 21<sup>st</sup> Century Cures Act (Cures Act) mandates that states implement electronic visit verification (EVV) for all Medicaid personal care services by January 1, 2019, or otherwise be subject to incremental federal medical assistance percentage (FMAP) reductions. The Cures Act includes a provision that allows states to delay implementation of EVV for up to one year if they can demonstrate they have made a good faith effort to comply and have encountered unavoidable delays.

- Requests for good faith effort exemptions should be submitted between July 1, 2018 – November 30, 2018.
- It is recommended that the state's request include:
  - Actions the state has performed to adopt EVV and meet the requirements at Section 12006(a) of the Cures Act
  - Proposed EVV model (go to: <https://www.medicaid.gov/federal-policy-guidance/downloads/cib051618.pdf> for more information on EVV models)
  - Unavoidable system delays/barriers (if you have any questions on what may constitute an unavoidable delay or barrier please email [EVV@cms.hhs.gov](mailto:EVV@cms.hhs.gov) or contact your CMS Regional Office)
  - Description of the state's stakeholder engagement process
- The state may include its request in a letter addressed to Ralph Lollar, Director of the Division of Long-Term Services and Supports, and signed by the State Medicaid Director, or in an email sent from or including the State Medicaid Director. Please send requests to the EVV mailbox at [EVV@cms.hhs.gov](mailto:EVV@cms.hhs.gov) with the subject line “[State Name] EVV Good Faith Effort Exemption Request.” The EVV mailbox will acknowledge receipt of the letter. Only one request per state should be submitted.
- Within 30 days of receipt of the state's request the CMS EVV mailbox will send a letter attached in an email and signed by the Director of the Division of Long-Term Services and Supports confirming that the state's request has been approved. If the state's request is not approvable, CMS will inform the state of the reason(s) the request was not approved and will offer to schedule a conference call with the state. The state will have the opportunity to revise and resubmit its request.

**Please be advised that the Cures Act provision on good faith effort exemptions does not provide CMS with authority to delay the FMAP reductions for more than one year. If you have any questions please email [EVV@cms.hhs.gov](mailto:EVV@cms.hhs.gov) or contact your CMS Regional Office.**