

**Medicaid Benefits and Health Programs Group**

---

November 2, 2023

Theodore Mermigos, Director  
Division of Medicaid and Medical Assistance  
1901 North Dupont Highway  
Lewis Building  
New Castle, DE 19720

Dear Director Mermigos:

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) has reviewed your state's Electronic Visit Verification (EVV) Compliance Survey submission and determined, based on information you provided, that Delaware meets the requirements specified in section 1903(l) of the Social Security Act, as added by Section 12006(a) of the 21<sup>st</sup> Century Cures Act (the Cures Act), for home health care services rendered in all applicable authorities available within your state. These authorities include:

- Section 1905(a)(7) Home Health Care Services
- Section 1915(c) Home and Community Based Services (HCBS) Waivers
- Section 1915(i) HCBS State Plan Option
- Section 1115 Demonstrations

Because your state has attested to compliance with EVV requirements, CMS will not apply federal medical assistance percentage (FMAP) reductions to home health service expenditures for the authorities listed above. Please be advised, however, that CMS reserves the right to apply FMAP reductions as required by the Cures Act should evidence indicate the state has not implemented its EVV system in accordance with the state's attestation in the EVV Compliance Survey. In addition, if the state adds any home health care services to its service system that are not listed above, it must update its EVV Compliance Survey submission.

I have included the state's approved EVV Compliance Survey submission with this letter. If you need assistance, please feel free to contact the CMS EVV mailbox at [evv@cms.hhs.gov](mailto:evv@cms.hhs.gov).

Sincerely,

Alissa Mooney DeBoy, Director  
MBHPG