

## **EVV UPDATE: Requests from States for Good Faith Effort Exemptions**

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, 2020 and for all Medicaid home health care services by January 1, 2023, 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. This notice provides states with information regarding the process to request a good faith effort exemption.

- CMS will accept requests for good faith effort exemptions for HHCS beginning July 1, 2022. CMS strongly encourages states to submit good faith effort exemption requests by November 1, 2022.
- States are required to use the form titled “Good Faith Effort Request Form – Home Health Care Services” when submitting their requests. [Click here](#) to access the form.
- Only the State Medicaid Agency Director or his/her designee can submit this form.
- Please send completed forms 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 form. Only one form per state should be submitted.
- 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 whether 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).**