

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Disabled & Elderly Health Programs Group

October 28, 2022

Sally Kozak
State Medicaid Director & Deputy Secretary
Office of Medical Assistance Programs
Health and Welfare Building
625 Forester Street
Harrisburg, PA 17120

Dear Director Kozak:

The Centers for Medicare & Medicaid Services (CMS) is granting Pennsylvania approval of the electronic visit verification (EVV) good faith effort exemption request for Home Health Care Services (HHCS). CMS has determined that your state's request is in accordance with [12006\(a\)\(4\)\(B\)](#) of the 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting ongoing meetings with stakeholders that allowed for implementation updates, choosing an Open Vendor Model and working with the state's contractors to develop the state's EVV system including the development of the aggregator, and implementing change orders for HHCS.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including needing to update the current EVV system to include HHCS and integrating alternate EVV providers with the state EVV aggregator, and needing additional time to conduct its soft launch of the EVV system.

Because your state has sufficiently demonstrated it has made a good faith effort to comply with EVV requirements and has encountered unavoidable delays, CMS will not apply federal medical assistance percentage (FMAP) reductions in calendar year 2023. 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.

Sincerely,

Ralph F. Lollar, Director
Division of Long-Term Services and Supports