

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Medicaid Benefits and Health Programs Group

March 21, 2024

Dinorah Collazo Ortiz, Executive Director
PR Medicaid Program, Department of Health
PO Box 70184
San Juan, PR 00936-8184

Dear Executive Director Collazo Ortiz:

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) has reviewed your territory's Electronic Visit Verification (EVV) Compliance Survey, submitted to determine whether Puerto Rico meets the requirements specified in section 1903(l) of the Social Security Act (the Act), as added by section 12006(a) of the 21st Century Cures Act, for home health care services (HHCS).

Puerto Rico has indicated that it does not render home health care services under any of the applicable Medicaid authorities specified in section 1903(l) of the Act. Therefore, there are no services for which to require the utilization of an EVV system, and no service claims against which to apply statutorily-mandated reductions in the federal medical assistance percentage (FMAP) for EVV noncompliance.

Section 1902(a)(10)(D) of the Act indicates that home health services authorized at 1905(a)(7) are mandatory services for any beneficiary entitled to nursing facility care. Your indication in the EVV Compliance Survey that no section 1905(a)(7) home health care services are being provided may indicate a compliance issue with Medicaid requirements. Outside of EVV implementation activities, CMS will engage with Puerto Rico to discuss this issue.

Please also be aware that as Puerto Rico adds home health care services and provides the mandatory home health benefit under any authority specified in the Cures Act, the territory will need to comply with EVV requirements upon implementation of such authority, or be subject to the mandated FMAP reductions. I have included the territory's current EVV Compliance Survey submission with this correspondence. If you have any questions about this correspondence, please feel free to contact the CMS EVV mailbox at evv@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy, Director
MBHPG