

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**

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December 29, 2023

Emily Zalkovsky  
Chief Medicaid and CHIP Services Officer  
Texas Health and Human Services Commission (HHSC)  
4900 Lamar Boulevard  
Austin, TX 78751

Dear Director Zalkovsky:

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 Texas 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 services
- Section 1915(c) home and community based services waivers
- Section 1915(i) home and community based services state plan benefit
- 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 care 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 authorities 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