

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

January 27, 2023

Gary A. Smith
Medicaid Director
Department of Human Services
1303 Hospital Ground
St. Thomas, United States Virgin Islands 00802

Dear Director Smith:

The Centers for Medicare & Medicaid Services (CMS) is granting the U.S. Virgin Islands 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 an environmental scan, choosing the State-Mandated External Vendor Model, and by modifying the existing contract.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including economic devastation caused by several natural disasters including Hurricanes Irma, Maria and Jose which impacted habitation on the islands.

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,

Ryan Shannahan, Deputy Director
Division of Long-Term Services and Supports