



Disabled and Elderly Health Programs Group

May 20, 2021

Cynthia Beane, Commissioner
Bureau for Medical Services
350 Capitol Street, 251
Charleston, WV 25301

Dear Ms. Beane:

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 from April 1, 2021, and determined, based on information you provided, that West Virginia meets the requirements specified in section 1903(l) of the Social Security Act, as added by section 12006(a) of the 21st Century Cures Act (the Cures Act), for personal care services rendered as of April 1, 2021, in all applicable authorities available within your state. These authorities include:

- Section 1905(a)(24) state plan personal care benefit
- Section 1915(c) home and community based services waivers

This determination supplements the prior determination set forth in the letter issued by CMS to the state on December 31, 2020. Because your state has attested to compliance with EVV requirements, CMS will not apply federal medical assistance percentage (FMAP) reductions to personal care service expenditures for services rendered as of April 1, 2021, 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 personal care 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.

Sincerely,

Alissa Mooney DeBoy
Director, DEHPG