

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

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January 4, 2023

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

Dear Commissioner Beane:

The Centers for Medicare & Medicaid Services (CMS) is granting West Virginia 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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting an EVV environmental scan for HHCS, conducting stakeholder outreach, selecting an open/hybrid EVV model, and awarding a contract for a vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including delays with provider enrollment and administrative integration of the EVV and Medicaid Management Information System (MMIS).

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](mailto:EVV@cms.hhs.gov).

Sincerely,

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