

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



Disabled and Elderly Health Programs Group

October 22, 2019

Ms. Dawn Stehle
Arkansas Department of Human Services
PO Box 1437, Mail Slot S-201
Little Rock, AR 72203-1437

Dear Ms. Stehle:

I am writing to inform you that CMS is granting approval of Arkansas' electronic visit verification (EVV) good faith effort exemption request. CMS has determined that your state's request is in accordance with section 1903(1)(4)(B) of the Social Security Act, as added by section 12006(a) of the 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting a review of other states' EVV implementation activities, selecting an EVV vendor, developing a technical approach, and piloting the EVV system. The state has also conducted several stakeholder engagement activities, including consulting industry groups representing personal care providers and launching an EVV website. In addition, the state will engage providers and beneficiaries through in-person meetings, webinars, and direct technical assistance throughout the pilot, rollout, and final implementation of the EVV system. Stakeholders will also have the opportunity to provide public input during the state's rulemaking process for EVV.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including two protests received prior to awarding its EVV contract, the need for staged, regional implementation to allow sufficient time for provider engagement and training (as requested by stakeholders), and issues identified during the pilot phase that need to be resolved.

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 2020. 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. Therefore, if the state is not fully compliant by January 1, 2021, FMAP reductions will be applied beginning in the first quarter of 2021 and every quarter thereafter until the state achieves compliance. If you have any questions please email EVV@cms.hhs.gov or contact your CMS Regional Office.

Sincerely,

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Ralph F. Lollar, Director
Division of Long Term Services and Supports