

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



**Disabled & Elderly Health Programs Group**

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September 18, 2019

Ms. Laurel Karabatsos  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203-1818

Dear Ms. Karabatsos:

I am writing to inform you that CMS is granting approval of Colorado's 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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by completing an environmental scan, modifying an existing contract to include EVV, and implementing work plans. The state has also conducted several stakeholder engagement activities, including conducting four monthly stakeholder meetings and maintaining an EVV website and inbox.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the need to update its system to operationalize an exemption for live-in caregivers.

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](mailto: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