

Disabled and Elderly Health Programs Group

September 26, 2019

Ms. Melisa Byrd
District of Columbia Department of Health Care Finance
One Judiciary Square
441 4th Street, NW
Washington, DC 20001

Dear Ms. Byrd:

I am writing to inform you that CMS is granting approval of Washington D.C.'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 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 and issuing a Request for Proposals (RFP) to select an EVV vendor. The state has also conducted stakeholder engagement activities, including convening multiple sessions with providers that included individuals, family caregivers, and managed care organizations. CMS also notes that the selected EVV vendor will be required to develop a communications plan, which will include a regularly updated EVV website.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including a six month delay during the RFP procurement process due to a protest filed by one of the proposal submitters.

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,

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