



Disabled and Elderly Health Programs Group

November 25, 2019

Mr. Stephen Groff
Division of Medicaid & Medical Assistance
Delaware Department of Health and Social Services
1901 N. Dupont Highway, PO Box 906, Lewis Building
New Castle, DE 19720

Dear Mr. Groff:

I am writing to inform you that CMS is granting approval of Delaware'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, issuing a Request for Proposals (RFP) for an EVV vendor, evaluating vendor proposals, and recommending an EVV vendor to state leadership and contracting staff. The state has also conducted several stakeholder engagement activities, including convening multiple stakeholder meetings, developing an EVV section on the state's website, establishing an EVV mailbox, and attending provider association meetings.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including a lengthened RFP process due to the volume of questions received from prospective vendors and staffing changes. Delays in procurement and contracting have led to delays in carrying out work plans for the design, development, and implementation of the system.

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