



Disabled and Elderly Health Programs Group

December 12, 2019

Ms. Beth Kidder
Florida Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 8
Tallahassee, FL 32308

Dear Ms. Kidder:

I am writing to inform you that CMS is granting approval of Florida'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 selecting an EVV vendor and implementing the majority of tasks on its work plan. The state has also conducted several stakeholder engagement activities, including publishing frequently asked questions on its website, maintaining an EVV mailbox, disseminating EVV newsletters, and convening multiple stakeholder meetings.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including system interoperability issues due to privacy and security concerns, the need for more requirement analysis and system design sessions than originally planned, and extensive configuration modifications that needed to be made to the vendor's off-the-shelf solution.

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. Additionally, because the state indicated it is not requesting a good faith effort exemption for the 1905(a)(24) state plan personal care benefit, Florida is advised to complete the EVV compliance tool for this specific authority by December 31, 2019. We note that should the state wish to add 1905(a)(24) to its good faith effort exemption request, you can do so by updating page three of your application to indicate "yes" for that authority. If you have any questions please email EVV@cms.hhs.gov or contact your CMS Regional Office.

Sincerely,
/s/

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