



Disabled and Elderly Health Programs Group

December 23, 2019

Mr. Adam Proffitt
Division of Health Care Finance
Kansas Department of Health and Environment
900 SW Jackson Avenue, Suite 900
Topeka, KS 66612

Dear Mr. Proffitt:

I am writing to inform you that CMS is granting approval of Kansas' 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 initiating work plans to update its existing EVV system to ensure all applicable personal care services are included. The state has also conducted several stakeholder engagement activities, including soliciting feedback from stakeholders on ways the current system could be improved and conducting regular trainings.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the need for additional time to ensure any new stakeholders using the EVV system will have opportunities for training and input. The state also cited the length of time required for coordinating information exchange between the state's EVV vendor, the state's data systems, and managed care organizations.

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,
/s/

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