



Disabled and Elderly Health Programs Group

September 11, 2019

Ms. Carol Steckel
Kentucky Cabinet for Health & Family Services
275 East Main Street, 6 West A
Frankfort, KY 40621

Dear Ms. Steckel:

I am writing to inform you that CMS is granting approval of Kentucky'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 environmental scanning to identify state needs, conducting a provider survey on EVV preferences, networking with other states, and preparing to issue a Request for Proposals (RFP) for an EVV vendor. CMS notes that stakeholder education and communication will be delegated to its EVV vendor and that the state's RFP includes requirements that align with promising practices for training, communication, and education outlined in CMS' May 16, 2018 Informational Bulletin.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including a delay in approving the RFP due to the level of interagency coordination required to ensure the needs of reviewing agencies were met. This has led to delays in selecting an EVV vendor and implementing the state's stakeholder engagement plan.

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. The state indicated that their current timeline will not allow them to meet the January 1, 2021 implementation date, and that they request CMS' approval to proceed under the auspices of the good faith effort exemption request. 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