

Disabled and Elderly Health Programs Group

December 2, 2019

Ms. Jen Steele
Louisiana Department of Health and Hospitals
628 North 4th Street
Baton Rouge, LA 70802

Dear Ms. Steele:

I am writing to inform you that CMS is granting approval of Louisiana'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 issuing a Request for Information, modifying an existing contract to include EVV and piloting the EVV system. The state has also conducted several stakeholder engagement activities, including maintaining an EVV website and mailbox and convening in-person meetings and trainings with providers, self-direction employers, and case management agencies.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including system interoperability issues with regards to services provided through the Early and Periodic Screening, Diagnostic and Treatment benefit and the need to develop an alternate self-direction solution as a result of CMS' August, 2019 guidance on web-based electronic timesheets.

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