

Disabled and Elderly Health Programs Group

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December 17, 2019

Mr. Dan Tsai  
Massachusetts Department of Health and Human Services Office of Medicaid  
1 Ashburton Place, 11<sup>th</sup> Floor, Room 1109  
Boston, MA 02108

Dear Mr. Tsai:

I am writing to inform you that CMS is granting approval of Massachusetts' 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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting an environmental scan, modifying an existing contract to include EVV, selecting an EVV vendor, and developing comprehensive work plans. The state has also conducted several stakeholder engagement activities, including convening public listening sessions, maintaining an EVV website and mailbox, and providing written and face-to-face education to consumers and their families.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including ongoing contract negotiations with its EVV vendor, the need to develop solutions to issues identified by stakeholders, and complexities around system interoperability.

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](mailto: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