



Disabled and Elderly Health Programs Group

December 20, 2019

Mr. Dennis R. Schrader
Maryland Department of Health
201 West Preston Street, Room 525
Baltimore, MD 21201

Dear Mr. Schrader:

I am writing to inform you that CMS is granting approval of Maryland'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 contracting with a vendor to develop the state's EVV system and beginning to incorporate additional functionality for personal support services provider through the state's 1915(c) waivers. The state has also conducted several stakeholder engagement activities, including providing information and soliciting feedback during the state's bimonthly advisory council, issuing letters to beneficiaries explaining the EVV system and how to provide feedback, and sharing a monthly newsletter via an email listserv of EVV users.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the need to develop a more robust IT system that supports comprehensive billing for both EVV and non-EVV services simultaneously, which has been delayed in order to address stakeholder concerns identified during a pilot phase for the system.

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