



Disabled and Elderly Health Programs Group

September 26, 2019

Ms. Michelle Probert
Maine Department of Health and Human Services
221 State Street
Augusta, ME 04333

Dear Ms. Probert:

I am writing to inform you that CMS is granting approval of Maine'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 modifying an existing EVV contract to include EVV and implementing work plans. The state has also conducted several stakeholder engagement activities, including convening multiple provider forums, sending a letter to all beneficiaries notifying them of EVV, and establishing an EVV webpage and dedicated mailbox.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the need to address technical and operational concerns raised by providers, delays in providers implementing system requirements, and system interoperability issues for providers interfacing with the state vendor.

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