



Disabled and Elderly Health Programs Group

December 12, 2019

Ms. Caprice Knapp
North Dakota Department of Human Services
600 E. Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

Dear Ms. Knapp:

I am writing to inform you that CMS is granting approval of North Dakota'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 an environmental scan, procuring an EVV solution, and preparing to issue a request for proposals (RFP) for a data aggregator. The state has also conducted several stakeholder engagement activities, including posting information about EVV on the state's website, issuing a survey, and convening stakeholder meetings at various locations across the state. The state will also be conducting quarterly engagement opportunities for beneficiaries, caregivers, and other stakeholders.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the length of time required for the procurement process, which included public notice, a public comment period, and a protest period. The state also indicated that two major projects, MMIS certification and EVV implementation, were occurring at the same time, which contributed to a lack of available staff resources.

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