



Disabled and Elderly Health Programs Group

November 5, 2019

Dr. Matthew Van Patton
Director, Division of Medicaid & Long-Term Care
Nebraska Department of Health and Human Services
301 Centennial Mall South, 3rd Floor, PO Box 95026
Lincoln, NE 68509-5026

Dear Mr. Van Patton:

I am writing to inform you that CMS is granting approval of Nebraska's electronic visit verification (EVV) good faith effort exemption request. CMS has determined that your state's request is in accordance with 12006(a)(4)(B) of the 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by selecting an EVV model, engaging in the RFP process for EVV vendors and making necessary changes to two sections of the Nebraska Administrative Code for Home and Community Based Services and Personal Care services to allow for the inclusion of basic EVV language. The state has also engaged stakeholders by including EVV in the LTSS LTC redesign monthly/bimonthly discussions with stakeholders since the initial EVV planning phase; establishing coordination between the Project team, Organizational Change Management lead and the Deputy Director of Communications to ensure a thorough communication plan and follow through with communication updates, and maintaining a dedicated EVV web page and mailbox.

In addition, your state has encountered unavoidable delays when implementing its EVV system including public comment hearings not being completed in time for EVV language to be reviewed for regulation updates as well as procurement delays due to the need to coordinate between multiple departments and the creation of new procurement documents due to the fact that existing documents weren't suitable for EVV requirements.

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. 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