



Disabled and Elderly Health Programs Group

November 21, 2019

Mr. Henry Lipman
Office of Medicaid Business and Policy
New Hampshire Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301-6521

Dear Mr. Lipman:

I am writing to inform you that CMS is granting approval of New Hampshire'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 issuing a Request for Proposals (RFP) for a consultant to assist with defining EVV requirements and developing a RFP for vendor selection. The state indicated that the consultant contract will include stakeholder engagement activities, including soliciting feedback from external stakeholders through public forums, surveys, and other means proposed by its contractor. The state has also launched an EVV website. CMS recommends that the state follow the promising practices for training, communication, and education outlined in CMS' May 16, 2018 Informational Bulletin when carrying out its stakeholder engagement activities.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including a delay in procuring its consultant due to a change in department contract staff and the diversion of staff to work on opioid issues. This delayed stakeholder engagement activities and defining EVV requirements. The state also cited budget/legislative appropriation issues, indicating that although proposed, the state budget for FY 2020 did not include funding for EVV.

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