

Disabled and Elderly Health Programs Group

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December 19, 2019

Ms. Jennifer Langer Jacobs  
Division of Medical Assistance and Health Services  
New Jersey Department of Human Services  
7 Quakerbridge Plaza, PO Box 712  
Trenton, NJ 08625-0712

Dear Ms. Langer Jacobs:

I am writing to inform you that CMS is granting approval of New Jersey'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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting an environmental scan, issuing a request for proposals (RFP) for an EVV vendor, and beginning the vendor selection process. The state has also conducted several stakeholder engagement activities, including conducting quarterly and ad hoc meetings with stakeholders, requesting stakeholder input on the state's RFP, and presenting EVV at stakeholder meetings with families and caregivers. The state intends to use the time afforded by the good faith effort extension to further engage stakeholders via focus groups with families and caregivers.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the state's extensive RFP review and approval process, which invited input from stakeholders, and the need to conduct additional stakeholder engagement activities with individuals who self-direct their services.

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](mailto: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