



Disabled and Elderly Health Programs Group

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December 9, 2019

Ms. Nicole Comeaux  
New Mexico Medical Assistance Division  
Department of Human Services  
PO Box 2348  
Santa Fe, NM 87504-2348

Dear Ms. Comeaux:

I am writing to inform you that CMS is granting approval of New Mexico'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, modifying an existing contract to expand EVV, and selecting an EVV vendor. The state has also conducted several stakeholder engagement activities, including disseminating member letters, issuing a survey, conducting regional presentations, and publishing Frequently Asked Questions.

In addition, your state has encountered unavoidable delays when implementing its EVV system, in that the state is currently in the process of replacing its existing Medicaid Management Information System (MMIS), which has been delayed due to changes in scope and the need for additional review and approval. The state also experienced delays due to system interoperability issues.

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