

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-26-  
12 Baltimore, Maryland 21244-1850



**Disabled & Elderly Health Programs Group**

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August 23, 2019

Mr. Patrick Tigie  
State of Rhode Island, Executive Office of Health and Human Services  
3 West Road, Virks Building  
Cranston, RI 02920

Dear Mr. Tigie:

I am writing to inform you that CMS is granting Rhode Island approval of its 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 environmental scanning, selecting an EVV model, and updating an existing EVV vendor contract to include an aggregator for providers choosing their own EVV vendors and to include all service codes necessary to comply with EVV requirements. The state has also conducted several stakeholder engagement activities, including maintaining an EVV website and convening ongoing meetings with providers, managed care organizations, fiscal intermediaries, and beneficiaries.

In addition, your state has encountered unavoidable delays when implementing its EVV system, most notably that some providers have not selected which EVV system or third party vendor they will be utilizing. This has led to delays in provider integration with the state aggregator, piloting the EVV system, stakeholder meetings, and implementing work plans. To ensure the state is able to meet EVV requirements by January 1, 2021, CMS recommends the state require the use of its state solution for providers who do not respond with their system choice by a given date. Other delays cited by the state included logistical issues for self-directed services and technical issues identified by managed care organizations.

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](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