



Disabled and Elderly Health Programs Group

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November 5, 2019

William Snyder  
Director, Medical Services  
South Dakota Department of Social Services  
700 Governors Drive, Kneip Building  
Pierre, SD 57501-2291

Dear Mr. Snyder:

I am writing to inform you that CMS is granting approval of South Dakota'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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by selecting an EVV model, updating provider contracts to include an EVV clause, and selecting the two vendors the state identified it needed to meet the requirements. The state also worked with an EVV vendor to complete a custom case management system to validate claims, assist with presenting improper payments and streamline EVV data. In addition, the state engaged stakeholders by surveying 100% of personal care recipients under DDD, holding monthly calls with Family Support Coordinators, working with the IT system vendor to test the EVV platform with participants and holding several EVV activities/events for provider feedback.

Your state has encountered unavoidable delays when implementing its EVV system including the need to coordinate between two vendors and challenges with interfacing the new case management system with the state's existing MMIS system, large staff turnover which required the training of new employees, and the need for key EVV team members to split time between EVV and CMS CAP recommendations.

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