

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

September 5, 2019

Ms. Stephanie Muth
Texas Health and Human Services Commission
4900 Lamar Boulevard
Austin, TX 78751

Dear Ms. Muth:

I am writing to inform you that CMS is granting Texas 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 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting a review of existing EVV capabilities, modifying its existing Medicaid Management Information System contract to enhance EVV operations, selecting EVV vendors, and piloting the EVV system. The state has also conducted several stakeholder engagement activities, including maintaining an EVV-dedicated website and convening ongoing meetings with managed care organizations, providers, Medicaid members, and Consumer Directed Services (CDS) participants.

In addition, your state has encountered unavoidable delays when implementing its EVV system. These delays include legislation requiring the state to develop an open model and the need to address stakeholder concerns regarding onboarding, training, and policy. Other delays include complexities in allocating CDS employer funding for EVV devices and changes made to EVV business requirements as a result of stakeholder feedback received during pilot evaluation sessions, which has led to delays in EVV system onboarding and training for the state's expanded EVV vendor pool.

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 or contact your CMS Regional Office.

Sincerely,
/s/

Ralph F. Lollar, Director
Division of Long Term Services and Supports