



Disabled and Elderly Health Programs Group

December 27, 2019

Mr. Nathan Checketts
Utah Department of Health
PO Box 143101
Salt Lake City, UT 84114

Dear Mr. Checketts:

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) is granting approval of Utah'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 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by completing an environmental scan, selecting an EVV model, and receiving approval for an Advance Planning Document to develop a system for analyzing EVV data. The state has also conducted several stakeholder engagement activities, including convening a public meeting, inviting numerous stakeholders to participate in the EVV development process, and publishing articles regarding EVV compliance in the state's Medicaid bulletin.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including budgetary constraints which limited the number of staff available for EVV activities, challenges engaging small providers and hard-to-reach populations (e.g., in rural or frontier areas), and delays in integrating financial management service agencies into the EVV system.

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 or contact the CMS Denver Field Office.

Sincerely,
/s\

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