



Disabled and Elderly Health Programs Group

December 5, 2019

Ms. Karen Kimsey
Virginia Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, VA 23219

Dear Ms. Kimsey:

I am writing to inform you that CMS is granting approval of Virginia'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 identifying an EVV model, modifying an existing contract to include EVV, and initiating work plans. The state has also conducted several stakeholder engagement activities, including establishing an EVV webpage and email address, disseminating provider bulletins and member letters, and conducting numerous webinars and stakeholder meetings.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including the state's promulgation process for regulations, which is necessary for requiring providers to submit EVV information with their claims. The state also cited the need for increased outreach to providers to ensure their EVV systems are capable of transmitting EVV information to the state.

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 your CMS Regional Office.

Sincerely,
/s\

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