

Disabled and Elderly Health Programs Group

October 30, 2019

Ms. MaryAnne Lindeblad
Director,
Washington Health Care Authority
626 8th Avenue, PO Box 45502
Olympia, WA 98504-5050

Dear Ms. Lindeblad:

I am writing to inform you that CMS is granting approval of Washington'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 21st Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by initiating pilot of the EVV system, developing EVV requirements for providers, developing/modifying provider contracts to include these requirements and increasing rates for providers to include EVV costs. The state has also conducted several stakeholder engagement activities including engaging with representative client and self-advocate groups, creating a strategic workgroup to advise on EVV and self-direction, and holding regular meetings with labor-union representatives, developmental disability advocacy groups and other stakeholder groups while conducting outreach and consultation with Tribal partners.

In addition, your state has encountered unavoidable delays when implementing its EVV system including ongoing work with stakeholders on how to address concerns related to live-in caregivers which has delayed finalizing contract requirements for providers. The state also needs to make alterations to its current location capturing requirements in response to CMS guidance and needs additional time to design, test, and implement any changes needed to the data aggregator.

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,

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