

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

August 19, 2019

Ms. Cynthia E. Beane
West Virginia Department of Health and Human Resources
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, WV 25301

Dear Ms. Beane:

I am writing to inform you that CMS is granting West Virginia 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 environmental scanning, soliciting information from providers and other states, assessing EVV systems currently in use, evaluating the state's vendor relationships, and preparing to issue a Request for Proposals (RFP). The state has also conducted several stakeholder engagement activities, including issuing a survey to key stakeholders such as providers and beneficiaries, regularly convening stakeholder meetings, and maintaining a website and dedicated EVV mailbox.

In addition, your state has encountered unavoidable delays when implementing its EVV system, specifically that when preparing for RFP issuance, additional time was required to develop EVV requirements that ensured the needs of the state and stakeholders were taken into consideration. This has led to delays in other key implementation activities, such as selecting a vendor and developing work plans.

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,

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