Electronic visit verification good faith effort exemption request fact sheet

Agencies in states that aren’t expected to meet the initial Jan. 1, 2019, deadline for implementation of electronic visit verification (EVV) may want to reach out to state officials to ask for a delay, according to the National Association for Home Care & Hospice. Below is a fact sheet from CMS with details on what should be included in a state’s request for a delay. (See story, p. 3.)

Section 12006(a) of the 21st Century Cures Act (Cures Act) mandates that states implement electronic visit verification (EVV) for all Medicaid personal care services by Jan. 1, 2019, or otherwise be subject to incremental federal medical assistance percentage (FMAP) reductions. The Cures Act includes a provision that allows states to delay implementation of EVV for up to one year if they can demonstrate they have made a good faith effort to comply and have encountered unavoidable delays.

- Requests for good faith effort exemptions should be submitted between July 1, 2018, and Nov. 30, 2018.
- It is recommended that the state’s request include:
  - Actions the state has performed to adopt EVV and meet the requirements at Section 12006(a) of the Cures Act
  - Proposed EVV model (go to: https://www.medicaid.gov/federal-policy-guidance/downloads/cib051618.pdf for more information on EVV models)
  - Unavoidable system delays/barriers (if you have any questions on what may constitute an unavoidable delay or barrier please email: EVV@cms.hhs.gov or contact your CMS Regional Office)
  - Description of the state’s stakeholder engagement process
- The state may include its request in a letter addressed to Ralph Lollar, director of the division of long-term services and supports, and signed by the state Medicaid director, or in an email sent from or including the state Medicaid director. Please send requests to the EVV mailbox at: EVV@cms.hhs.gov with the subject line “[State Name] EVV Good Faith Effort Exemption Request.” The EVV mailbox will acknowledge receipt of the letter. Only one request per state should be submitted.
- Within 30 days of receipt of the state’s request the CMS EVV mailbox will send a letter attached in an email and signed by the director of the division of long-term services and supports confirming that the state’s request has been approved. If the state’s request is not approvable, CMS will inform the state of the reason(s) the request was not approved and will offer to schedule a conference call with the state. The state will have the opportunity to revise and resubmit its request.

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.

Source: CMS