

Disabled and Elderly Health Programs Group

January 7, 2021

Stephanie Azar
Alabama Medicaid Agency
508 Dexter Avenue
Montgomery, AL 36104-5624

Dear Ms. Azar:

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) has reviewed your state's Electronic Visit Verification (EVV) Compliance Survey submission and determined, based on information you provided, that Alabama meets the requirements specified in section 1903(l) of the Social Security Act, as added by Section 12006(a) of the 21st Century Cures Act (the Cures Act), for personal care services (PCS) rendered in all applicable authorities available within your state. These authorities include:

- Section 1915(c) home and community based services waivers
- Section 1915(j) self-directed personal attendant care services

Because your state has attested to compliance with EVV requirements, CMS will not apply federal medical assistance percentage (FMAP) reductions to personal care service expenditures for the authorities listed above. Please be advised, however, that CMS reserves the right to apply FMAP reductions as required by the Cures Act should evidence indicate the state has not implemented its EVV system in accordance with the state's attestation in the EVV Compliance Survey. In addition, if the state adds any personal care authorities to its service system that are not listed above, it must update its EVV Compliance Survey submission.

CMS notes that in the EVV Compliance Survey, the state indicated that it currently uses 1915(c) home and community based services waivers to meet the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) mandate to provide medically necessary personal care services to individuals under the age of 21. The state is aware that services qualifying under EPSDT may not be limited to individuals receiving 1915(c) waiver services. EPSDT requires individuals under the age of 21 to receive any 1905(a) service that is determined by the state to be medically necessary, including personal care. As such Alabama is making preparations to transfer the provision of personal care services to 1905(a)(24) state plan PCS in 2021, to comply with EPSDT requirements. CMS requests the state update its survey response to indicate the state's compliance with EVV requirements for 1905(a)(24) PCS when it begins rendering services through this authority. CMS will continue discussions with Alabama separate and apart from EVV implementation to ensure EPSDT responsibilities are met.

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I have included the state's approved EVV Compliance Survey submission with this letter. If you need assistance, please feel free to contact the CMS EVV mailbox at evv@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy, Director