

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Medicaid Benefits and Health Programs Group

July 27, 2023

Jacey Cooper, State Medicaid Director
Director's Office, MS 0000
P.O. Box 997413
Sacramento, CA 95899-7413

Dear Director Cooper:

The Centers for Medicare & Medicaid Services (CMS) is granting California approval of the electronic visit verification (EVV) good faith effort exemption request for Home Health Care Services (HHCS). 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 conducting an environmental scan of existing state systems via a provider survey, conducting stakeholder meetings, selecting the open vendor model and selecting a vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including needing additional time to add additional service codes for therapies and home health codes as well as implementing EVV for Community-Based Adult Services Emergency Remote Services (CBAS ERS).

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 2023. 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.

Sincerely,

Ryan Shannahan, Acting Director
Division of Long Term Services and Supports