

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



Disabled & Elderly Health Programs Group

November 3, 2022

Sarah Fertig
State Medicaid Director
Division of Health Care Finance
Department of Health & Environment
900 South Jackson Avenue, Suite 900N
Topeka, KS 66612

Dear Director Fertig:

The Centers for Medicare & Medicaid Services (CMS) is granting Kansas 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 analyzing EVV options used by other states, determining the impact of different EVV models on stakeholders, identifying an EVV model, and issuing a Request for Proposal (RFP) for a vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including challenges with vendor selection. The state has decided to re-bid using the original RFP necessitating additional time to secure a vendor.

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 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,

Mary Marchioni, Acting Deputy Director
Division of Long-Term Services and Supports