

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 17, 2022

Lisa Lee, Commissioner
Department for Medicaid Services
275 East Main Street 6W-A
Frankfort, KY 40621

Dear Commissioner Lee:

The Centers for Medicare & Medicaid Services (CMS) is granting Kentucky 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 stakeholder meetings, selecting to use the existing Open Vendor model for HHCS, issuing a Request for Proposal (RFP) for and selecting a new vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including stakeholder concerns and performance issues with the vendor used for Personal Care Services (PCS) leading to the state making a decision to procure a new 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,

Ryan Shannahan, Deputy Director
Division of Long-Term Services and Supports