

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

January 24, 2023

Mike Levine, Acting Assistant Secretary
Masshealth
One Ashburton Place
11th Floor, Suite 1109
Boston, MA 02108

Dear Acting Assistant Secretary Levine:

The Centers for Medicare & Medicaid Services (CMS) is granting Massachusetts 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 facilitating meetings with ten states and conducting research to perform an environmental scan, holding stakeholder meetings and dialogue sessions with providers and selecting an Open Vendor Model.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including challenges related to the Public Health Emergency (PHE), issues with procuring a vendor solution that could not meet critical terms of the contract, and issues with turnover in staffing and leadership.

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