



Disabled and Elderly Health Programs Group

January 19, 2021

Tricia Roddy
Acting Medicaid Director
Office of Innovation, Research, and Development
Maryland Department of Health
201 West Preston Street, Room 224
Baltimore, Maryland 21201

Dear Ms. Roddy:

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 the information you provided, that Maryland does not meet the requirements specified in section 1903(l) of the Social Security Act, as added by Section 12006(a) of the 21st Century Cures Act, for personal care services rendered in some or all applicable authorities available within your state. The non-compliant programs include Section 1915(c) home and community based services waivers.

The state reported to CMS that the initial roll-out of EVV for self-directed services was unsuccessful and therefore the state is re-procuring an EVV solution in 2021. The state also identified additional services in its 1915(c) waivers that the state needs to onboard onto its EVV system. The state anticipates achieving compliance by 12/31/2021. CMS will work with the state to ascertain the level of EVV compliance on a waiver-by-waiver basis. The state is advised to resubmit the survey as additional waivers come into compliance.

Because your state has not demonstrated that it complies with all EVV requirements as specified by the statute, CMS must apply federal medical assistance percentage (FMAP) reductions to personal care service expenditures for the authorities and/or programs listed above, beginning in the first calendar quarter of 2021, consistent with the requirements of 1903(l)(1)(A) of the Act. For each quarter during which the state is not compliant, FMAP will be reduced by 0.5 percentage points for calendar quarters in 2021; by 0.75 percentage points for calendar quarters in 2022; and by 1 percentage point for calendar quarters in 2023 and each year thereafter.

It is important to note that FMAP reductions will only be applied to personal care service expenditures for non-compliant authorities. Based on the state's survey response, the following authorities are compliant and will not incur FMAP reductions:

- Section 1905(a)(24) state plan personal care benefit
- Section 1915(k) Community First Choice state plan option
- Section 1115 demonstrations

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Because FMAP reductions are assigned each quarter, you are encouraged to review your survey information on a quarterly basis and update your response when you achieve compliance in any or all authorities to ensure FMAP reductions are lifted in a timely manner. Should the state deliver personal care services in any additional Medicaid authorities other than listed above at a point in the future the state is also responsible for updating its compliance survey. I have included the state's current 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