

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

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October 28, 2022

Kate Massey  
Director, Medical Services Administration  
Michigan Department of Health and Human Services  
400 S. Pine Street, 7th Floor  
Lansing, Michigan 48933

Dear Director Massey:

The Centers for Medicare & Medicaid Services (CMS) is granting Michigan 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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by conducting an environmental scan, validating internal and external systems that will be required to integrate into the EVV system, standardizing policy and processes that will decrease the burden on providers, conducting statewide stakeholder meetings, and developing and issuing the request for proposal (RFP) for an EVV vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including procurement activity delays when EVV project resources were required to support Michigan's Public Health Emergency (PHE) response to the pandemic. As a result of the delay, Michigan began incurring Federal Medicaid Assistance Percentage (FMAP) penalties for Personal Care Services (PCS) and decided to combine the implementation of both PCS and HHCS once the PHE activities became more manageable for the state.

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](mailto:EVV@cms.hhs.gov).

Sincerely,

Ralph F. Lollar, Director  
Division of Long-Term Services and Supports