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

Cynthia MacDonald
Assistant Commissioner and Medicaid Director
Health Care Administration
Minnesota Department of Human Services
P.O. Box 64984
St. Paul, MN 55164-0984

Dear Director MacDonald:

The Centers for Medicare & Medicaid Services (CMS) is granting Minnesota 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 research on other state models and implementation for an environmental scan, holding stakeholder meetings to build a share understanding of issues related to EVV implementation, selecting an open vendor model, and implementing work plans with the selected vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including a lack of state funding that impeded the department's ability to hire staff required to develop an EVV solution, delays related to stakeholder engagement, issues with interoperability of the EVV system with existing technology systems and application of EVV to self-directed services.

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