

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

Mike Randol
State Medicaid Director
Public Health & Human Services
PO Box 4210, 111 North Sanders
Helena, MT 59620

Dear Director Randol:

The Centers for Medicare & Medicaid Services (CMS) is granting Montana 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 provider outreach to determine their use of EVV solutions, holding listening sessions, selecting an Open Vendor/Provider Choice Model, and issuing a Request for Proposal (RFP) for a vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including issues with legislative appropriations for EVV funding, pandemic related issues with resource allocation; and issues related to Montana's initial RFP.

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