

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

December 1, 2022

Caprice Knapp, Director
Division of Medical Services
Department of Human Services
600 East Boulevard Avenue Dept. 325
Bismarck, ND 58505-0250

Dear Director Knapp:

The Centers for Medicare & Medicaid Services (CMS) is granting North Dakota 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 stakeholder outreach to HHCS providers, selecting an EVV model, issuing a Request for Proposal (RFP) for a data aggregator and amending that contract to include HHCS.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including needing additional time to update the state's EVV solution and data aggregator to implement for HHCS and requiring additional time for the submission, review and approval of its Implementation Advanced Planning Document (IAPD).

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