

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 4, 2023

Nicole Comeaux, Director
Medical Assistance Division
Human Services Department
1 Plaza La Prensa
Santa Fe, NM 87507

Dear Director Comeaux:

The Centers for Medicare & Medicaid Services (CMS) is granting New Mexico 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 assessing the state's HHCS environment, developing town hall presentations, providing stakeholder outreach to providers, selecting to use the same vendor that was used for Personal Care Services (PCS) implementation, and working to finalize contracts with the EVV vendor to include HHCS.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including system configuration issues when aligning Managed Care Organizations' (MCOs) home health processes and institutional claims processing.

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