



Disabled and Elderly Health Programs Group

January 4, 2021

Donna Frescatore
New York State Department of Health
99 Washington Avenue, Suite 211
Albany, New York 12210

Dear Ms. Frescatore,

I am writing to inform you that the Centers for Medicare & Medicaid Services (CMS) has reviewed your state's Electronic Visit Verification (EVV) Compliance Survey submission and determined, based on information you provided, that New York meets the requirements specified in section 1903(l) of the Social Security Act, as added by Section 12006(a) of the 21st Century Cures Act (the Cures Act), for personal care services rendered in all applicable authorities available within your state. These authorities include:

- Section 1905(a)(24) state plan personal care benefit
- Section 1915(c) home and community based services waivers
- Section 1915(k) Community First Choice state plan option
- Section 1115 demonstrations

Because your state has attested to compliance with EVV requirements, CMS will not apply federal medical assistance percentage (FMAP) reductions to personal care service expenditures for the authorities listed above. Please be advised, however, that CMS reserves the right to apply FMAP reductions as required by the Cures Act should evidence indicate the state has not implemented its EVV system in accordance with the state's attestation in the EVV Compliance Survey. In addition, if the state adds any personal care authorities to its service system that are not listed above, it must update its EVV Compliance Survey submission.

I have included the state's approved EVV Compliance Survey submission with this letter. If you need assistance, please feel free to contact the CMS EVV mailbox at evv@cms.hhs.gov.

Sincerely,

Alissa Mooney DeBoy, Director