

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 14, 2022

Sarah Aker, Director
South Dakota Department of Social Services
700 Governors Drive
Pierre, SD 57501

Dear Director Aker:

The Centers for Medicare & Medicaid Services (CMS) is granting South 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 an environmental scan of the state's current EVV systems and of its HHCS providers, planning stakeholder outreach meetings, selecting an EVV vendor and working with that vendor to expand functionality to HHCS.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including issues with system interoperability as the current EVV system also functions as a case management system for one of the waiver programs. The state also anticipates that information technology (IT) work on the SD Medicaid Management Information System (MMIS) may be delayed by current IT priorities to implement Medicaid Expansion in SD.

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