

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 24, 2023

Stephen Smith, Director
Division of TennCare
310 Great Circle Road
Nashville, TN 37243

Dear Director Smith:

The Centers for Medicare & Medicaid Services (CMS) is granting Tennessee 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 analyzing data specific to the state's Home Health Agencies (HHAs) to understand the landscape for EVV implementation, having the Managed Care Organizations (MCOs) conduct townhall meetings and delivering EVV training to HHAs, selecting to use a Managed Care Plan (MCP) Choice model and by the MCOs completing their vendor selections.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including delays related to Legislative requirements for approval of MCO contracts before implementation. The state is also experiencing challenges with smaller EVV vendors that serve HHA providers and their interoperability with the MCO data aggregators which have also not yet reached production.

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