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

October 18, 2022

Stephanie Stephens
Chief Medicaid and CHIP Services Officer
Texas Health and Human Services Commission (HHSC)
4900 Lamar Boulevard
Austin, TX 78751

Dear Stephanie Stephens:

The Centers for Medicare & Medicaid Services (CMS) is granting Texas approval of the Home Health Care Services (HHCS) electronic visit verification (EVV) good faith effort exemption request. 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 the HHCS, EVV requirements by continuing to hold stakeholder meetings, building the state's technology infrastructure to support recognizing proprietary EVV systems as compliant if the EVV system meets the Cures Act requirements for the HHCS documentation, and enhancing the EVV aggregator, claims systems and supporting systems to include HHCS in EVV.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including closing the current EVV contract on August 31, 2023, transitioning to a new system that is projected to go live on August 1, 2023, and as a result further delaying the onboarding of HHCS providers until they can be onboarded onto the new EVV system.

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,

Ralph F. Lollar, Director
Division of Long-Term Services and Supports