

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

November 3, 2022

Cheryl Roberts
Acting Director
Virginia Department of Medical Assistance Services
600 East Broad Street
Richmond, VA 23219

Dear Acting Director Roberts:

The Centers for Medicare & Medicaid Services (CMS) is granting Virginia 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 engaging in stakeholder meetings with provider associations and collaborating with other stakeholders to issue a companion guide to identify reporting requirements for EVV. The state has also decided to mirror the model it is using for Personal Care Services (PCS) for HHCS implementation.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including implementing a new Medicaid Enterprise System (MES) and needing to develop system enhancements to accommodate EVV requirements.

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,

Mary Marchioni, Acting Deputy Director
Division of Long-Term Services and Supports