

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

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December 1, 2022

Henry Lipman  
Medicaid Director  
Division of Medicaid Services  
129 Pleasant Street, Brown Building  
Concord, NH 03301

Dear Director Lipman:

The Centers for Medicare & Medicaid Services (CMS) is granting New Hampshire 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 21<sup>st</sup> Century Cures Act (Cures Act). Specifically, your state has made a good faith effort to comply with EVV requirements by issuing a request for proposal (RFP) for a consultant to assist with EVV requirements, conducting stakeholder engagement, selecting an Open Vendor model, modifying the Medicaid Management Information System (MMIS) quality assurance vendor's contract to include EVV, and by selecting a vendor.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including delays with procurement related to department staff workload challenges and challenges with funding for the EVV project through the state's biennial budget process.

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](mailto:EVV@cms.hhs.gov).

Sincerely,

Ryan Shannahan, Deputy Director  
Division of Long-Term Services and Supports