

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 28, 2022

Kevin Bagley
Division of Medicaid and Long-Term Care
Nebraska Department of Health and Human Services
301 Centennial Mall South
Lincoln, Nebraska 68509

Dear Director Bagley:

The Centers for Medicare & Medicaid Services (CMS) is granting Nebraska 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 planning a project kickoff meeting to inform stakeholders of the implementation plan, selecting an EVV model, and electing an approach of aggregating state EVV data with Managed Care Organization (MCO) vendor data.

In addition, your state has encountered unavoidable delays when implementing its EVV system, including needing to align EVV system integration with overall managed care plan implementation.

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