



July 27, 2022

Kevin Bagley, Director  
Division of Medicaid and Long-Term Care  
Nebraska Department of Health and Human Services  
301 Centennial Mall South, 5<sup>th</sup> Floor  
P.O. Box 95026  
Lincoln, NE 68509-5026

Dear Director Bagley:

The Nebraska Department of Health and Human Services (DHHS) has requested certification of its Electronic Visit Verification (EVV) module retroactive to its implementation date of December 13, 2020.

In response to the state's request, the Centers for Medicare & Medicaid Services (CMS) performed a comprehensive review and assessment of the EVV module on May 26, 2022. This was an assessment of information technology system functionality and does not reflect a comprehensive determination of state compliance with all federal Medicaid policy regulations.

**DECISION**

In accordance with 42 Code of Federal Regulations (CFR) 433.116, and based on this review, CMS approves the state's request for certification retroactive to the implementation date of December 13, 2020. As a result, Nebraska is eligible to request 75 percent Federal Financial Participation (FFP) retroactive to the first day in the calendar quarter following the implementation date of December 13, 2020.

This decision is based upon CMS's comprehensive review of Nebraska's Netsmart EVV module, on May 26, 2022, including all documentation provided by Nebraska, discussions with Nebraska and vendor staff, and observations prior to, during, and after the CMS review.

To formally request approval to claim funds associated with the operation of the EVV system, the state must submit an Operational Advance Planning Document (OAPD) along with this certification letter. Should the state need to claim FFP beyond the two-year timely filing limit, the state must submit this certification letter with a good cause waiver for approval before requesting the funds beyond the two-year limit.

Please note that this system must continue to function in compliance with all applicable federal regulations and sub-regulatory requirements to continue to qualify for enhanced FFP for

operations expenditures for this system. CMS reserves the right to request data pertaining to system operations at any time, per 42 CFR 433.119, to validate that the systems remain compliant.

A detailed report is contained as an enclosure to this letter (Nebraska EVV Certification Review Report). All comments, observations, and recommendations in the report were determined and discussed with Nebraska staff during the virtual review on May 26, 2022.

**BACKGROUND**

The Nebraska DHHS contracted with Netsmart and, after meeting with stakeholders and reviewing several options, chose to develop an Open Choice Model for their EVV system for populations receiving Personal Care Services (PCS). In addition to the EVV system, the vendor implemented a data aggregator for providers who choose to use their own EVV solution. The Nebraska DHHS EVV solution encompasses 3,116 providers who serve a beneficiary population of 13,277 participants.

The system was implemented on December 13, 2020, and Nebraska requested approval of 75 percent FFP for costs associated with operation retroactive to the first day in the calendar quarter following the implementation date.

The following certification team performed the review conducted virtually on May 26, 2022:

*Table 1. CMS Certification Team*

<b>Role</b>	<b>Reviewer Name</b>	<b>Organization</b>
CMS Medicaid Enterprise Systems (MES) Certification Lead	Eugene Gabriyelov	CMS
CMS MES Nebraska State Officer	Shakil Khan	CMS
Certification Task Lead	Ruchira Puri	MITRE
Certification Analyst	Muhammad Sungkar	MITRE
Certification Analyst	Lisa Opdycke	MITRE
Certification Analyst	Jonathan Jiang	MITRE
Certification Analyst	Susan Arday	MITRE
Certification Analyst	Dr. Juliet Thomas	MITRE
Certification Analyst	Julie Galloway Mabeus	MITRE
Privacy and Security Subject Matter Expert	Scott Bayles	MITRE
Privacy and Security Subject Matter Expert	Susan Prince	MITRE

The criteria and information used as a basis for the certification pre-visit, virtual reviews, and subsequent evaluations were sourced from the following:

- 21st Century Cures Act (Cures Act), Sec. 12006
- Americans with Disabilities Act, Title II
- Rehabilitation Act of 1973, Sec. 504

- Civil Rights Act of 1964, Title VI
- Affordable Care Act (ACA), Sect. 1557
- Health Insurance Portability and Accountability Act (HIPAA)
- Section 1903(a)(3) and 1903(r) of the Social Security Act (the Act)
- 36 CFR Part 1194
- 42 CFR Part 433
- 45 CFR Part 80
- CMS Policies, including EVV Certification Version 1.0
- CMS EVV Certification Intake Form
- Advance planning documents, request for proposals, and contracts for the original procurement

We wish to extend our special thanks to Nebraska's Medicaid leadership, staff, and contractor staff, who prepared for the review and provided technical assistance and insight during the certification process. The cooperation your staff extended to each member of the certification team is very much appreciated.

Sincerely,

Eugene Gabriyelov, Acting Deputy Director  
Division of State Systems

On Behalf of Edward Dolly  
Director, Division of State Systems

Enclosure:

- Nebraska EVV Certification Review Report
- Nebraska EVV Intake Form