

Centers for Medicare & Medicaid Services
Electronic Visit Verification
Good Faith Effort (GFE) Request Form – Personal Care Services

Instructions

Section 12006(a) of the 21st Century Cures Act (Cures Act) mandates that states implement electronic visit verification (EVV) for all Medicaid personal care services by January 1, 2020, or otherwise be subject to incremental federal medical assistance percentage (FMAP) reductions.

The Cures Act includes a provision that allows states to delay implementation of EVV for up to one year if they have encountered unavoidable delays but can demonstrate they have made a good faith effort (GFE) to comply with the Cures Act. Please be advised that the Cures Act provision on GFE exemptions does not provide CMS with authority to delay the FMAP reductions for more than one year.

Please note the following information before completing this form:

- Requests for GFE exemptions should be submitted by November 30, 2019 for PCS.
- Only the State Medicaid Agency Director or his/her designee can submit this form.
- This document is designed to be used electronically. It consists of the following sections. Section 2 and 3 must be completed in its entirety to be considered for GFE.
 - Section 1: Acronyms and Resources
 - Section 2: GFE Request Form
 - Section 3: State Medicaid Director Signature
- To correctly fill out the document electronically, please follow the following tips:
 - For each response, click or tap on the box.
 - The open response questions have no character limits. Type as much or as little as you believe adequately answers each question. To enter text, click on the box, delete the placeholder text, and begin typing your response.
 - For “yes/no” and date-specific answers, click on the drop-down arrow to the right of the answer box and select the appropriate answer. Be sure the click outside the box after completing the question to ensure that the answer does not change.
 - Save the document often to avoid losing work!

If you have any questions, please email EVV@cms.hhs.gov or contact your CMS Regional Office.

Section 1. Acronyms and Resources

List of commonly used acronyms in this file

APD	Advance Planning Document
CFC	Community First Choice
EVV	Electronic Visit Verification
GFE	Good Faith Effort
HCBS	Home and Community-Based Service(s)
IAPD	Implementation Advance Planning Document
PAPD	Planning Advance Planning Document
PAS	Personal Assistance Service(s)
PCS	Personal Care Service(s)
SMA	State Medicaid Agency
SSA	Social Security Act

CMS EVV resources website link:

Click here to view detailed discussions of EVV models and section 12006 21st Century Cures Act requirements.

<https://www.medicaid.gov/medicaid/hcbs/guidance/electronic-visit-verification/index.html>

Section 2. Good Faith Exemption (GFE) Request Form

A. Basic State data

Date of Submission: 10/30/2019

State: New York

State Medicaid Agency (SMA) Requesting GFE: New York State Department of Health

SMA Contact Information

Name: Lana Earle

Title: Director, Division of Long Term Care

Email: Lana.Earle@health.ny.gov

Phone: 518-408-6655

Indicate the Social Security Act (SSA) Authority and service type SMA requests GFE consideration:

Authority	PCS
Section 1905(a)(24) state plan personal care benefit	Yes
Section 1915(c) HCBS waivers	Yes
Section 1915(i) HCBS state plan option	No
Section 1915(j) self-directed PAS	No
Section 1915(k) CFC state plan option	Yes
Section 1115 demonstration projects	Yes

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B. GFE Request Detail

1. Has the state chosen an EVV model? No
 - a. If yes to above, please indicate the model chosen. [Choose the EVV model type.](#)
 - b. If the model option chosen is “other”, describe the model in detail here: [Click or tap here to enter text.](#)
 - c. If no to above response, please indicate when the state anticipates selecting a model. Date will be in month/year format. [01/2020](#)
2. Has the state submitted an APD? Yes If yes, please complete 2.a through 2.c.
 - a. Type of APD submitted: PAPD
 - b. Date of APD submission: **3/7/2018**
 - c. Most recent APD approval date from CMS (if available): **3/18/2018**
 - d. If no to above response, explain why the state has not submitted an APD. [Click or tap here to enter text.](#)
3. When is the state's expected implementation date for PCS? [12/2020](#)

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4. In the table on the following page, please describe the state's progress towards EVV implementation to date. If you do not see a relevant answer, please choose "other" and write the specific implementation status in the "detailed description of the implementation stage" column. Please add additional rows or attach additional documentation as needed. There are no character limits in each cell.

This section includes seven parts.

- **Implementation Stage:** States can choose from a CMS-defined list of EVV implementation stages. However, CMS does not expect that all states will define implementation stages in the same way. Therefore, if the state has a different implementation stage, please go to the "other" cell and describe in detail what the implementation stage is.
- **Detailed Description of the Implementation Stage:** Describe the state's current implementation process for this stage if it is in progress. If the state has completed this specific implementation stage, describe the activities that have been completed. States are free to attach any additional documents and reference these files in the description for further information.
- **Not Applicable:** Check the box if the stage listed is not applicable to the state.
- **Is this stage delayed?** Mark "Yes" or "No" depending on if the specific implementation stage is delayed. If "Yes", fill out step 6 in the pages below.
- **Date Completed:** If implementation stage was completed, select the date in which the stage was complete.
- **If in process, anticipated date of completion:** If the stage is in progress, mark the expected date of implementation.
- **Additional Information:** There is an extra field included below the table to include more specific details and information about the state's unique implementation process.

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Implementation Stage	Detailed Description of the Implementation Stage	Check if not applicable (N/A)	Is this stage delayed? If yes, complete step 5.	Date Completed	If in the process, anticipated date of completion
Planning - Environmental scanning	<p>State's Action Plan During the Environmental Scanning phase, the State will analyze the Cures Act EVV requirements, hold meetings with DOH and partner agency staff to discover potential programmatic and budget impacts, assess potential recipient, plan, and provider involvement, review EVV implementations throughout the State (including the OMIG's VO program), and analyze EVV planning and implementation projects in other states. The State will also request a budget allocation to assist in the planning and implementation of EVV. Results of the Environmental Scanning phase will be used to inform future meetings with other state agencies and stakeholder throughout the rest of the design and implementation phases.</p> <p>Target Timeline: 2017 - 2019</p> <p>This Stage is Complete.</p> <p>Key Accomplishments to date: State Agency Stakeholder Sessions (December 2017 – Ongoing) The Department of Health (DOH) held State agency stakeholder sessions that included DOH's Division of Long Term Care (DLTC), Division of Operations and Systems (DOS), Office of People with Developmental Disabilities (OPWDD) and Office of the Medicaid Inspector General (OMIG) to assess the impact of the EVV requirements on affected state agencies/departments. Through these sessions, the State was able to better understand the various programs and consumers impacted by the EVV requirements and develop and establish a collaborative approach to the consistent implementation of EVV across the State for all stakeholders.</p> <p>NYSDOH and State agency stakeholders participated in and continue to participate in CMS calls and webinars to</p>	<input type="checkbox"/>	No	8/2019	
			No	12/2017	Stakeholder engagement will be ongoing through the life of the NYS EVV program

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	<p>remain informed of EVV updates, policy decisions, and other related guidance.</p> <p>Hire NYSTEC as Project Management Consultant (November 2018) To assist the Department of Health and its sister State Agencies with implementing EVV, NYSDOH chose to contract with a vendor, New York State Technology Enterprise Corporation (NYSTEC), to help coordinate and assist with project management, including the planning, implementation, and operational efforts for EVV.</p> <p>Created Landscape Analysis (November 2018 – September 2019) In January 2019, an Electronic Visit Verification (EVV) Landscape Analysis was created to provide an overview of EVV, the current state of EVV across the country and in New York State (NYS), and the current environment of EVV solutions. An analysis of federal EVV requirements was conducted as well as research on the federal implementation timeline and the status of federal EVV discussions. These practices allowed for a thorough examination of the current EVV landscape and implementation best practices. Over time, the EVV Landscape Analysis has been modified in order to provide accurate information as CMS requirements and guidance have been released.</p> <p>Researched EVV-Related Advocacy (November 2018 – Ongoing) A core component of the planning stage has been the outreach efforts to all stakeholders and groups impacted by the Cures Act EVV Requirement. NYSDOH took proactive measures to understand the concerns, preferences and expectations of groups in opposition of the federal EVV requirement. Many advocacy groups have posted their views on social media and were provided an opportunity to directly express their views at the State-</p>		<p>No</p> <p>No</p> <p>No</p>	<p>11/2018</p> <p>9/2019</p> <p>11/2018</p>	<p>EVV-Related Advocacy research will be ongoing through the life of the NYS EVV program</p>

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Implementation Stage	Detailed Description of the Implementation Stage	Check if not applicable (N/A)	Is this stage delayed? If yes, complete step 5.	Date Completed	If in the process, anticipated date of completion
	<p>Mapped Stakeholders (November 2018 – Ongoing) In order to better understand the stakeholders impacted by EVV, the Department created a map of stakeholders. This is a living document that continues to expand as new stakeholders are identified. To create this stakeholder map, the Department met with dozens of stakeholders over many weeks, conducted research on the public stakeholder landscape, and built organizational maps of NYSDOH, related agencies, and public stakeholder organizations.</p> <p>Reviewed Programmatic Impacts (November 2018 – Ongoing) NYSDOH conducted valuable research to determine the programs and services in the scope of EVV Requirements. This process required collaboration from both State agency stakeholders, such as the Office for People with Developmental Disabilities (OPWDD), and the Office of the Medicaid Inspector General (OMIG) along with Providers and Agencies, Consumers, members of the Self/Consumer-Directed Community, Fiscal Intermediaries (FIs), Advocacy Groups, and Managed Care Organizations, consumer advocacy groups and provider associations. The process also required guidance from CMS and other states. In researching the programmatic impacts in other states, the Department was able to recognize similar services offered by other state Medicaid programs and draw parallels to NYS services. Similar services in other states allowed the Department to learn from other states' rationale for implementing the EVV requirements.</p> <p>Developed and Released EVV Provider Survey (February 2019 – July 2019) In order to gain a better understanding of the current EVV environment in New York, the Department developed an</p>			11/2018	Stakeholders will continue to be identified through the life of the NYS EVV program
				11/2018	Programmatic impacts will continue to be identified through the life of the NYS EVV program
			No	07/2019	

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	<p>EVV Survey that was sent to 712 providers of Medicaid personal and home health care services (using billing rate codes) who billed more than \$100,000 of Medicaid PCS or HHCS (i.e., eMedNY) for dates of service in the calendar year 2018. The survey was released in May 2019 and measured providers' knowledge of the 21st Century Cures Act, organization type and size, current EVV solutions (if applicable) and the technical specifications of them, as well as current infrastructure in place. The survey generated a 20% response rate, collecting nearly 150 responses. The results of the survey are summarized in the EVV Stakeholder Convening Report.</p> <p>Attended EVV Conferences (April 2019 – August 2019) NYSDOH sent two representatives to the National EVV Summit held in April 2019, in San Antonio, Texas, two representatives to the MESC Conference in August 2019, and two representatives to the HCBS Conferences in August 2019. These conferences were attended by CMS representatives, Managed Care Organizations, industry experts, and providers of care. Information presented at these conferences by subject matter experts (SMEs) helped the Department establish a thorough understanding of the federal requirements and expectations for EVV implementation. In addition, they provided valuable insight into the concerns and issues that were expressed by different groups of stakeholders in other states. They also provided an opportunity for the NYSDOH to meet with representatives from other states to discuss learning opportunities and establish contacts for future collaboration and guidance.</p>		No	8/2019	

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Planning – Stakeholder meetings	<p>State's Action Plan During the Stakeholder Planning Phase, NYSDOH will create an EVV website to communicate to stakeholders across the state, create an email address dedicated to fielding questions related to EVV to post to the website prior to planning the State's stakeholder engagement sessions, and create an EVV Listserv to keep stakeholders updated on the State's progress toward implementation. Feedback from stakeholders will be used in planning the State's stakeholder engagement sessions. The State will continue to involve stakeholders and keep them informed of progress made toward EVV implementation.</p> <p>Target Timeline: 2019 - 2024</p> <p>This Stage is Ongoing.</p> <p>Key Accomplishments to date:</p> <p>Created New York State EVV Website (February 2019 – May 2019) In order to effectively communicate and provide readily available EVV information to stakeholders, NYSDOH launched its EVV website (www.health.ny.gov/EVV). The website hosts information on the Cures Act, EVV, and what New York is doing to meet the requirements of the mandate. There is also a calendar of events and a Frequently Asked Questions (FAQs) page. The State is dedicated to maintaining and updating the EVV website of EVV progress in New York State.</p> <p>Created HelpSpot Email Address for Stakeholder Questions, Concerns, and Feedback (March 2019 – May 2019) NYSDOH created a help desk email address EVVhelp@health.ny.gov for stakeholders to send general feedback and comments and for any assistance or guidance related to EVV education and implementation. The</p>	<input type="checkbox"/>	No	2/2019	NYS will continue to keep stakeholders engaged through the life of the NYS EVV program.
			No	5/2019	
			No	5/2019	

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	<p>Department has received over 200 inquiries from stakeholders since May 2019. Topics include but are not limited to general EVV information, the EVV Survey, and EVV regional Listening Sessions.</p> <p>Created Listserv (April 2019 – April 2019) NYSDOH utilized LISTSERV, a newsletter style of email communications. The email notifications include information on various topics or programs throughout the State. The Department created an EVV Listserv for stakeholders that provides updates regarding the EVV program. Updates include new event announcements and information, EVV program updates, and policy guidance. Stakeholders can sign up for the EVV Listserv by emailing listserv@listserv.health.state.ny.us with the following: SUBSCRIBE EVV-L YourFirstName YourLastName.</p> <p>Conducted 10 Regional Listening Sessions (May 2019 – July 2019) To ensure stakeholders across the State were provided the opportunity to directly share their input on the implementation of EVV, the State held in-person regional forums and evening webinars.</p> <p>As suggested by CMS and NASUAD at the EVV Summit, NYSDOH also employed an independent person to facilitate the regional Listening Sessions.</p> <p>From May to July 2019, NYSDOH conducted 8 regional in-person Listening Sessions and 2 webinars to collaborate with stakeholders regarding the implementation of EVV as required by the Cures Act. NYSDOH originally planned five in-person sessions across the State, but after receiving feedback from stakeholders, added three more in-person sessions to accommodate the needs and requests of stakeholders throughout the State.</p>		<p>No</p> <p>No</p>	<p>4/2019</p> <p>7/2019</p>	

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	<p>NYSDOH conducted sessions in Albany, Rochester, Syracuse, Buffalo, Lake Placid, Long Island and two in New York City to accommodate a more condensed population. Combined registration among the sessions exceeded 1,000 participants.</p> <p>Each session dedicated the first half hour to introductions and a presentation to provide background on the Cures Act and EVV. The next two to three hours allowed for questions, comments, feedback, and concerns from stakeholders. Each session was open to the public and announced on the New York State EVV Website and through the Medicaid Redesign Team (MRT) and EVV Listservs. The sessions were attended by consumers and/or their family members, providers and agencies, advocates and advocacy groups, vendors, and stakeholders from other State agencies such as the Office for People with Developmental Disabilities (OPWDD) and the Office of the Medicaid Inspector General (OMIG).</p> <p>In addition to the in-person sessions, the Department completed two webinars, one held during business hours and one in the evening to accommodate those who could not attend during work hours. The webinar sessions were added in response to stakeholder feedback and requests to accommodate those who were unable to attend an in-person session. The webinars followed the same format as the in-person Listening Sessions; a half hour presentation followed by two to three hours for questions. Attendees could submit questions through the webinar portal or ask their questions over the phone.</p> <p>NYSDOH recorded and posted all in-person Listening Sessions to the NYS EVV website for stakeholders to view at their leisure. All sessions were reviewed and transcribed to accommodate accessibility for all stakeholders.</p> <p>Created and Published a Stakeholder Convening Report</p>		No	10/2019	

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	<p>(May 2019 – October 2019) NYSDOH created a Stakeholder Convening Report to summarize the feedback and central points of concerns received throughout the regional Listening Sessions and webinars. The report discusses Stakeholder Identification, Methods of Engagement, Survey Results, Feedback Themes, Milestones and EVV Future Activities. This report also provides a summary of the EVV Survey results.</p> <p>Recorded Correspondence via Helpdesk Ticketing System (May 2019 – Ongoing) NYSDOH decided to acquire and utilize a help desk ticketing system called HelpSpot to better record, track and aggregate the inquiries received through the EVVhelp@health.ny.gov address. This system allows for EVV project staff to more effectively communicate with stakeholders by increasing efficiency, maintaining records of each ticket, prioritizing requests, and organizing emails by topic. HelpSpot also allows EVV project staff to categorize and tag tickets creating metrics to inform future project decisions and FAQs.</p> <p>Posted FAQs Based on Stakeholder Feedback (May 2019 – Ongoing) The Department has developed and posted various FAQs based off stakeholder feedback/engagement, including but not limited to the following topics, Privacy and Security, Cost, Timeline, Programs and Impacts, and Decision-Making. The Department is committed to posting FAQs and making information readily available for stakeholders.</p>		<p>No</p> <p>No</p>	<p>5/2019</p> <p>5/2019</p>	
Planning – EVV model selection	<p>State's Action Plan During the EVV Model Selection Phase, the State will select the EVV model that best meets stakeholder needs and minimizes concerns expressed by stakeholders. The State will communicate with other states to learn best practices, review other states' requirements and collect requirements</p>	<input type="checkbox"/>	Yes		1/2020

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	<p>from NYS stakeholders. NYSDOH will consider all contracting implications prior to the selection of a model and a contracting vehicle. The Department will research modifying an existing contract to include EVV in the current MMIS, procuring a new vendor through an RFP, single/sole source contract, or utilizing an existing Office of General Services (OGS) contract between the state and a vendor. The State also plans on issuing an RFI to get feedback from vendors and ensure that the EVV model selected meets the needs expressed by stakeholders. Due to the lengthy procurement process, the State wants to ensure proper research and planning is conducted prior to selecting a model and implementation vehicle.</p> <p>Target Timeline: 2018-2020</p> <p>This Stage is in progress.</p> <p>Key Accomplishments to date:</p> <p>Reviewed Other States' EVV Solutions (November 2018 – October 2019) NYSDOH conducted extensive research into the EVV implementations of 43 other US States using publicly available sources like EVV websites, online webinars, recorded video presentations, transcripts of training sessions, and summaries of stakeholder listening sessions. This research documented EVV model chosen, vendors retained (if any), and a host of implementation details where they were available (e.g. timelines, use of data aggregation, roll-out phases, and architecture choices). The Department also conducted phone interviews with state representatives in Washington, California and Oklahoma to ask more specific questions about model choices and consequences all of which informed the approach of NYS.</p> <p>Reviewed Other States Requirements (November 2018 – Ongoing)</p>		<p>No</p> <p>No</p>	<p>10/2019</p> <p>11/2018</p>	<p>The State will continue to review other states</p>

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	<p>NYSDOH reviewed publicly available requirements documents and related work products from 14 states and from these the Department analyzed unique requirements for both EVV solutions and EVV data aggregators. This analysis was a powerful tool for evaluating common approaches to EVV solutions, priorities, demographic challenges (especially geographic), and vendor relationships. The analysis also revealed differences between states based on model choice, population, and scope modelling. The State continues to review these requirements as other states progress toward implementation in an effort to see where they have had successes and what requirements needed to be removed or reconsidered.</p> <p>Requirements Gathering (November 2018 – Ongoing) NYSDOH collected over 800 requirements from other states and performed a requirements analysis to determine what major categories of requirements were common for EVV solutions, what different RFPs had in common, what was unique to a state, and how requirements were described in the context of an EVV system. The Department learned that while a handful of requirements were common to all states, many were unique, or expressed requirements that the State did not have. The Department categorized the requirements by type (functional, non-functional, service). The Department identified common EVV features and common aggregator features and reviewed unique or unusual requirements with NYSDOH sister State agencies, to determine which (if any) were applicable to a NYS context. As a result, the Department refined an essential combination of requirements to inform the creation of the States EVV requirements. The state will continue to research requirements as they are made available by other states.</p> <p>Communicated with Other States (April 2019 – Ongoing)</p>		No	11/2018	requirements through the life of the NYS EVV program.
			No	10/2019	The State will continue to communicate with other states to discuss

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	<p>NYSDOH reached out to other states to schedule meetings to discuss EVV implementation and best practices. The Department spoke with Washington, Colorado, California, and New Hampshire. Each meeting was a collaborative effort to learn best practices for implementation and share successes and lessons learned.</p> <p>Preparing and Issuing Request for Information (RFI) (June 2019 – October 2019) Stakeholder feedback led to the State's decision to obtain information that can help it identify EVV models/solutions that to the maximum extent possible meets the EVV requirements, constraints, and preferences expressed by the stakeholders during the Listening Sessions, the Department believes it is important to better understand the technology available in the market in the context of the stakeholder feedback. To obtain this information the Department has drafted and will release an RFI. The information gathered from EVV vendors will also help the State understand how vendors are adapting to new CMS guidance and the types of aggregation solutions that are available.</p>		No	10/2019	implementation best practices through the life of the EVV project.
Modification of the existing contract to include EVV	<p>State's Action Plan The State will determine the best model to meet stakeholder needs and minimize concerns and will decide if a modification to the existing contract to include EVV is an appropriate approach to implementation.</p>	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 1/2020
Preparing for RFP issuance	<p>State's Action Plan The State will determine whether or not an RFP is necessary based upon completion of the State's Action Plan. A final decision on contract vehicle is expected by 2/2020.</p>	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 2/2020
RFP issued and awaiting vendor bids	<p>State's Action Plan If the State determines that an RFP is the appropriate contract vehicle, it will be drafted and issued in an expeditious manner. If necessary, the State's RFP is expected to be issued by 3/2020.</p>	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 3/2020

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RFP closed and in the process of vendor selection	State's Action Plan If the State determines that an RFP is the appropriate contract vehicle, it is expected that the RFP will be closed, and the vendor selection process will begin by 5/2020.	<input type="checkbox"/>			Estimated date of completion is 5/2020
Vendor selected and developing work plans	State's Action Plan If the State determines that an RFP is the appropriate contract vehicle, it expected that a vendor will be selected by 5/2020, and work plan development will begin by 6/2020.	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 6/2020
Implementing work plans	State's Action Plan The State will determine the best model to meet stakeholders needs and minimize concerns and will work with stakeholders to begin implementing a comprehensive work plan to meet all EVV implementation requirements. Target Timeline: 2019 - 2020 This Stage is in Progress.	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 12/2020
Piloting the EVV system	State's Action Plan The State will research successful pilot programs to determine if piloting EVV implementation the best approach for the State to take once a model is selected and EVV roll out begins. The State will conduct a gap analysis to identify best practices prior to making any roll out decisions.	<input type="checkbox"/>	Yes	Click or tap to enter a date.	Estimated date of completion is 9/2020
Updating existing EVV system in the state	New York State does not have an existing EVV system.	<input checked="" type="checkbox"/>	Choose an option.	Click or tap to enter a date.	Click or tap to enter a date.

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Other implementation stages not described above <i>(Please detail the state's current implementation stage in the next column.)</i>	<p>NYS Budget</p> <p>State's Action Plan In order to secure funding for EVV implementation, the State must request a budget allocation. The budget process requires significant research and planning by all affected agencies. Once the agencies determined the amount of funding needed, the agency fiscal officers had to submit a budget request to the Division of Budget (DOB).</p> <p>Target Timeline: 2018-2019</p> <p>This Stage is Complete.</p> <p>Key Accomplishments to date:</p> <p>2019 EVV Budget Allocation The State's budget allocation of \$10M was approved in April of 2019. With the approval of the budget allocation for EVV, the State was able to focus on stakeholder engagement and begin conducting regional Listening Sessions and begin proper preparation for EVV implementation. This allocation also allowed the State to contract with NYSTEC to help coordinate and assist with project management, including the planning, implementation, and operational efforts for EVV.</p>	<input type="checkbox"/>	No	4/1/2019	

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5. In the table on the following page, choose the type of unavoidable delays the state has encountered related to EVV implementation. For each choice, describe in detail what the delays are, why those delays have occurred, and what the state's plans are for addressing the delays. The list provided in the table includes examples of potential delays and will not encompass each unique circumstance of each state. If you do not see a relevant answer, please choose "other" and write the specific delay situation in the "detailed description of the delay" column. Please add additional rows or attach additional documentation as needed. There are no character limits in each cell.

This section includes four parts:

- a. **Detailed Description of the Delay:** Detail the state's circumstances for the delay. Describe and what specific events have occurred to cause this delay.
- b. **Why Delays Occurred:** Detail why the state believes the cause of the delay happened.
- c. **State's Mitigation Plan:** Detail the state's plan for addressing the delay going forward.
- d. **Estimated Date of Completion:** Enter the estimated date that the state believes the task can and will be completed.

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Type of Unavoidable Delay	Detailed Description of the Delay	Why Delays Occurred	State's Mitigation Plan	Estimated Date of Completion
Implementation Environment	In light of the concerns expressed by consumers at both the national and state level about the impact of the Cures Act EVV requirements, the timeframe in which CMS provided informational sessions related to implementing EVV, and the one-year Congressional delay in implementation, the State's initial pace of implementation has been deliberately thoughtful. Early stages focused on understanding consumer concerns and reviewing emerging federal guidance.	<p>Key dates regarding the release of Federal information and timeframes for implementing EVV.</p> <ul style="list-style-type: none"> 12/2016 – The 21st Century Cures Act signed into law 12/2017 – CMS offers 1st information session - EVV Requirements, Implementation, Considerations, and State Survey Results 1/2018 – CMS offers 2nd information session - Promising Practices for States using EVV 5/2018 – CMS issued EVV Informational Bulletin and FAQs 7/2018 – legislation passed to amend Section 1903(I) of the Social Security Act to delay the timeline for states to implement EVV for by 1 year. Also announce option of GFE for states who have not implemented EVV by 1/1/20. (https://www.medicaid.gov/medicaid/hcbs/downloads/evv-update-aug-2018.pdf). 8/2018 – CMS presents overview of 'EVV Requirements in the 21st Century Cures Act' 7/2019 – CMS began accepting GFEs 8/2019 – CMS issued additional EVV guidance 	As described throughout this document, NYSDOH has an active plan for implementing EVV under the provisions of the extension and GFE granted by the July 2018 Federal legislation.	Completed

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Stakeholder Feedback Identified Need to Take Additional Steps	<p>New York State has a diverse population with varying viewpoints on how potential actions required by the Cures Act will impact them.</p> <p>This diverse population of Medicaid consumers receiving personal care and home health care services, including those who are self-directing, necessitates the need for the State to conduct a robust education effort on the EVV requirements of the Cures Act and EVV implementation. Efforts include continually updating the State's EVV website, sending updates using various ListServes and providing progress reports in various division and bureau meetings.</p> <p>To ensure the State was able to get input from the full range of stakeholders, the State invested a significant amount of time developing approaches for to how to help inform stakeholders of EVV requirements, provide forums to effectively communicate with stakeholders, and effectively incorporate stakeholder feedback into the planning process.</p> <p>Throughout the planning process, it has been the State's goal to invest the time and resources necessary to take stakeholder feedback into consideration when choosing an implementation model that, to the greatest extent possible, addresses stakeholder concerns.</p>	<p>It took longer than expected to plan and conduct the statewide series of eight in-person Listening Sessions and two webinars. After receiving feedback from stakeholders on the challenges of attending some of the scheduled in-person Listening Sessions, the State added additional sessions across the state as well as an evening webinar to accommodate those who were unable to attend in person. Collectively, over 1,000 individuals participated in these stakeholder sessions.</p> <p>To determine how many providers were aware of the EVV requirements and to determine which providers have already taken steps to implement EVV systems that meet the requirements of the Cures Act the State identified the need to take the time conduct an EVV survey. One of the goals of the survey is to help NYSDOH take a strategic approach to preserving and leveraging, where possible, existing provider infrastructure that may already meet the Cures Act requirements. NYSDOH intentionally took the time needed to complete the survey to ensure implementation strategies are efficient and do not duplicate existing costs or efforts.</p> <p>The survey was sent to 712 providers that had billed more than \$100,000 in Personal Care Service (PCS) or Home Health Care Services (HHCS). The survey process included three rounds of follow-up to ensure the most complete information possible.</p>	<p>The State will continue to identify and communicate with all stakeholders impacted by the Cures Act Requirements using the NYS EVV website, ListServes, and other available mechanisms to be sure that communications are reaching the maximum number of stakeholders.</p> <p>The State moved forward as expeditiously as possible and issued the RFI in early October to gather information from the vendor community on implementation options. The State also plans to invite vendors to demonstrate system capabilities in order to better understand how EVV can be implemented in a way that addresses stakeholder needs and concerns.</p> <p>These steps will help ensure stakeholder input informs the best approach for EVV implementation and the path for any required procurements.</p>	Completed

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		Stakeholder feedback prompted NYSDOH to take the time to develop and issue a Request for Information (RFI) in advance of any formal procurement, such as an RFP. Stakeholder feedback from the Listening Sessions was carefully considered and incorporated into the RFI. The RFI will help the State understand what EVV solutions are available in the market and how they can be tailored to address stakeholder concerns.		
Timeframe for Seeking State Budget Approval for Resources to Support EVV Implementation	To secure funding to support the readiness and implementation of EVV, including securing a contractor (NYSTEC) to provide the Department with needed staff resources to assist with all phases of EVV implementation, the Department begin the process of requesting resources in Fall 2018 for inclusion in the proposed 2019-20 Executive Budget submitted to the Legislature in January 2019.	The process to seek funding is an annual budget process set in the constitution. That process began in the Fall 2018, includes a constitutionally driven date for budget submission (mid-January 2019) and budget adoption (March 31, 2019 for the 2019-20 Budget year which begins April 1, 2019).	No mitigation plan required - the State's budget allocation of \$100M (gross) was approved in April of 2019 as part of the with the State's Enacted 2019-20 Budget. With the approval of the budget allocation for EVV, the Department has secured the resources needed to conduct a thorough stakeholder engagement process, including conducting regional Listening Sessions, developing a website, EVV survey, assess solutions and move forward with the implementation process.	Completed

Section 3. Medicaid Director Signature

This document is only accepted if the State Medicaid Director signs this form. States can print this file, sign, date the signature, and submit the signature page separately in a PDF file format or add a digital signature. To add a digital signature, right click on the signature line below and choose “sign” option and follow the prompts.

I, **Donna Frescatore**, attest that the information provided in this form is accurate and reflective of the current activities regarding EVV of my state.

State Medicaid Director Name: Donna Frescatore

State Medicaid Director Title: Medicaid Director

X Donna Frescatore

State Medicaid Director Signature

PRA DISCLOSURE STATEMENT: According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (CMS-10398 #54). The time required to complete the information collection is estimated to average 8 hours, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.