

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., December 10, 2018

**GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE** at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

#### NOTICES:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding supplemental payments to in-state hospital providers that serve a high priority healthcare population. For purposes of this supplemental payment, “high priority healthcare population” is defined as enrolled members of an American Indian tribe that are enrolled in South Dakota Medicaid or CHIP. The proposed State Plan Amendment (SPA) establishes supplemental payments for all in-state private hospitals that serve a significant share of American Indians enrolled in Medicaid/CHIP and coordinate care with Indian Health Services (IHS) and Tribal 638 providers. To qualify for a supplemental payment, at least 15 percent of the Medicaid population served by the provider must be enrolled American Indians and the provider must coordinate care with IHS and Tribal 638 providers for American Indians receiving medical assistance. Supplemental payments will be based on a percent of the provider’s coordinated care expenditures. The SPA adds page 14 to Attachment 4.19-A of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective January 1, 2019 and estimates the federal fiscal impact will be \$583,884 in

Federal Fiscal Year 2019 and \$720,446 in Federal Fiscal Year 2020. The SPA can be viewed on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments, may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the health home program. The proposed State Plan Amendment (SPA) implements quality incentive payments for the health home program as appropriated for by the 2018 Legislature, updates the pages to CMS’s new health home state plan page templates, and makes minor clarifications regarding other aspects of the program. The SPA replaces Attachment 3.1-H pages 1 – 33 of the South Dakota Medicaid State Plan with the new CMS template pages. The Department intends to make this SPA effective January 1, 2019 and estimates there will be a \$283,550 fiscal impact in Federal Fiscal Year 2019 and \$283,550 in Federal Fiscal Year 2020. The SPA can be viewed at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments, may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

The **Department of Social Services** has published a Home and Community Based Services Statewide Transition Plan pursuant to the federal requirements of 42 CFR 441.301. The transition plan describes how South

Dakota Home and Community Based Services settings will come into compliance with the Centers for Medicare and Medicaid Services (CMS) final rule. CMS granted initial approval of South Dakota’s plan on June 2, 2017, and the Department intends to submit the plan to CMS for final approval. The final plan being submitted contains updated terminology, action items, target completion dates, and implementation milestones and is available at <http://dss.sd.gov/medicaid/hcbs.aspx>

The transition plan will be open for public comment from December 10, 2018 to January 8, 2019. Copies of the proposed plan are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of the transition plan, and corresponding comments, may be sent to Division of Medical Services, ATTN: HCBS Transition Plan, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291. Comments may also be submitted via e-mail to [hcbs@state.sd.us](mailto:hcbs@state.sd.us) or via phone by calling (605) 773-6604.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to clarify the payment methodology for outpatient hospital dialysis units, state operated psychiatric hospitals, and nursing facilities. The proposed State Plan Amendment (SPA) also clarifies approved telemedicine originating sites. The SPA revises Attachment 4.19-A page 5, Attachment 4.19-B pages 1b and 6, and Attachment 4.19-D page 15. The Department intends to make this SPA effective January 1, 2019 and estimates there will be no federal fiscal impact associated with this SPA in Federal Fiscal Year 2019 or 2020. The SPA can be viewed on the department’s website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments,

may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF HEALTH: SOUTH DAKOTA BOARD OF PHARMACY:** 20:51:32:01, 20:51:32:02, 20:51:32:03, 20:51:32:04, 20:51:32:05, 20:51:32:07, 20:51:32:08, 20:51:32:10; 20:51:33:01, 20:51:33:02, 20:51:33:03, 20:51:33:04, 20:51:33:05, 20:51:33:06; 20:51:34:01, 20:51:34:02, 20:51:34:03, 20:51:34:04, 20:51:34:05, 20:51:34:06, 20:51:34:07, 20:51:34:08, 20:51:34:09, 20:51:34:10; 20:67:01:01; 20:67:02:01, 20:67:02:02, 20:67:02:03, 20:67:02:05, 20:67:02:06, 20:67:02:07, 20:67:02:10, 20:67:02:11, 20:67:02:12; 20:67:03:01, 20:67:03:05; 20:67:04:01, 20:67:04:02; 20:67:05:01; 20:67:06:01, 20:67:06:02, 20:67:06:03; 20:67:07:01; 20:67:08:01, 20:67:08:02, 20:67:08:03, 20:67:08:04, 20:67:08:05, 20:67:08:06.

History-Notice: 45 SDR 43, Sept. 24, 2018  
 Hearing: October 23, 2018  
 Filed: December 3, 2018  
 Effective: December 24, 2018

**NOTE REGARDING ADOPTED RULES:**  
 The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<b>12-10-2018</b>	<b>No hearings scheduled.</b>
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## RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed their meeting schedule for the 2018 Interim. Watch for notices of 2019 meetings in this publication, on the LRC website, and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.