**24:14:04:04.02.  Use of public benefits or insurance -- Parental consent required.** The department shall obtain written consent to use a child's or parent's public benefits or insurance to pay for Part C services if that use would:

(1)  Decrease available lifetime coverage or any other insured benefit for the child or parent under that program;

(2)  Result in the child's parents paying for services that would otherwise be covered by the public benefits or insurance program;

(3)  Result in any increase in premiums or discontinuation of public benefits or insurance for that child or that child's parents; or

(4)  Risk loss of eligibility for the child or that child's parents for home and community-based waivers based on aggregate health-related expenditures.

If a parent consents in writing to have the parent's or the child's public benefits or insurance billed for early intervention services, the parent will provide personally identifiable information to the service providers for billing purposes.

**Source:** 39 SDR 109, effective December 17, 2012.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.