

67:16:41:10. Noncovered services. The department does not cover and the provider may not submit a claim for any of the following noncovered services:

- (1) Mental health services not specifically listed in this chapter;
- (2) Mental health treatment provided without the recipient physically present in a face-to-face session with the mental health provider, except for collateral contact;
- (3) Treatment for a diagnosis not contained in § 67:16:41:05;
- (4) Mental health treatment provided before the diagnostic assessment is completed;
- (5) Mental health treatment provided after the fourth face-to-face session with the recipient if a treatment plan has not been completed;
- (6) Mental health treatment provided if a required review has not been completed;
- (7) Court appearance, staffing sessions, or treatment team appearances;
- (8) Mental health services provided to a recipient incarcerated in a correctional facility;
- (9) Mental health services provided to a recipient in an IMD or ICF/IID institution;
- (10) Mental health treatment provided which does not demonstrate a continuum of progress toward the specific goals stated in the treatment plan. Progress must be made within a reasonable time as determined by the peer review entity;
- (11) Mental health treatment provided which is not listed in the treatment plan or documented in the recipient's clinical record even though the service is allowable under this chapter;
- (12) Mental health treatment provided to a recipient who is incapable of cognitive functioning due to age or mental incapacity or is unable to receive any benefit from the service;
- (13) Mental health services performed without relationship to evaluations or psychotherapy for a specific condition, symptom, or complaint;
- (14) Time spent preparing reports, treatment plans, or clinical records outside the scope of covered procedure codes;
- (15) A service designed to assist a recipient regulate a bodily function controlled by the autonomic nervous system by using an instrument to monitor the function and signal the changes in the function;
- (16) Alcohol or drug rehabilitation therapy;

- (17) Missed or canceled appointments;
- (18) Interpretation or explanation of results of psychiatric, other medical examinations and procedures, or other accumulated data to family or another responsible person;
- (19) Medical hypnotherapy;
- (20) Field trips and other off-site activities;
- (21) Consultations or meetings between an employer and employee;
- (22) Review of work product by the treating mental health provider;
- (23) Telephone consultations with or on behalf of the recipient, except for collateral contact;
- (24) Educational, vocational, socialization, or recreational services or components of services of which the basic nature is to provide these services, which includes parental counseling or bonding, sensitivity training, marriage enrichment, assertiveness training, growth groups or marathons, and psychotherapy for nonspecific conditions of distress such as job dissatisfaction or general unhappiness, activity group therapy, family counseling, recreational therapy, rolfing or structural integration, occupational therapy, consciousness training, vocational counseling, marital counseling, peer relations therapy, day care, play observation, sleep observation, sex therapy, milieu therapy, training disability service, primal scream, bioenergetics therapy, guided imagery, Z-therapy, obesity control therapy, dance therapy, music therapy, educational activities, religious counseling, tape therapy, and recorded psychotherapy;
- (25) Mental health treatment delivered in excess of the prescribed frequency as outlined in the treatment plan; and
- (26) Mental health services provided by any medical assistance provider other than the recipient's primary care provider under the provisions of § 67:16:39:08, unless the recipient has been formally diagnosed as severely emotionally disturbed or severely and persistently mentally ill.

Source: 22 SDR 6, effective July 26, 1995; 26 SDR 168, effective July 1, 2000; 37 SDR 53, effective September 23, 2010; 40 SDR 122, effective January 8, 2014; 45 SDR 82, effective December 10, 2018.

General Authority: SDCL 28-6-1(1)(2).

Law Implemented: SDCL 28-6-1(1)(2).