

AN ACT

ENTITLED, An Act to provide medical care for certain unborn children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That the code be amended by adding a NEW SECTION to read:

There is hereby created the prenatal care program, a separate health assistance program as allowed under Title XXI of the federal Social Security Act, as amended to January 1, 2004, and 42 C.F.R. 457.10, solely to provide for the medical care of unborn children whose mothers are ineligible for coverage under Title XIX of the federal Social Security Act based on their citizenship status.

Section 2. That the code be amended by adding a NEW SECTION to read:

Within thirty days after the effective date of this Act, the Department of Social Services shall submit a state plan amendment or waiver for approval by the federal Centers for Medicare and Medicaid Services to provide prenatal coverage under the medical assistance program in accordance with this Act.

Section 3. That the code be amended by adding a NEW SECTION to read:

The department shall implement the prenatal care program and shall receive and distribute the state and federal funds appropriated or provided for benefits pursuant to this Act.

Section 4. That the code be amended by adding a NEW SECTION to read:

The secretary shall promulgate rules pursuant to chapter 1-26 in accordance with the provisions of Title XXI of the federal Social Security Act, as amended to January 1, 2004, and 42 C.F.R 457.10. The rules shall specify the individuals and services for which state funds or federal financial participation are available and may include:

- (1) The amount, scope, and duration of prenatal medical services;
- (2) The basis for and extent of provider payments on behalf of an eligible person;
- (3) The establishment and collection of copayments, premiums, fees, or charges for sharing

the cost of risk protection or services to persons. All collections shall be remitted to the general fund;

- (4) Methods of administration found necessary for the operation of the prenatal care program;
- (5) Safeguards against the disclosure or improper use of information, required by statutory law to be held confidential, concerning applicants for or recipients of medical assistance; and
- (6) Any other requirements as may be necessary to obtain federal financial participation in the medical assistance program.

Section 5. That the code be amended by adding a NEW SECTION to read:

The department shall determine eligibility for this program using the same income limits and methodology used to determine eligibility for the pregnancy program under Title XIX.

Section 6. That the code be amended by adding a NEW SECTION to read:

The department shall determine the scope of services eligible to provide health coverage for the unborn child for this program in accordance with the federal regulations.

Section 7. That the code be amended by adding a NEW SECTION to read:

No medical services for a medical issue unrelated to the pregnancy or separate to the mother is covered under this Act.

Section 8. That the code be amended by adding a NEW SECTION to read:

For purposes of this Act, the term, prenatal medical services, does not include an abortion unless the abortion is necessitated by a medical emergency as defined in subdivision 34-23A-1(5).

An Act to provide medical care for certain unborn children.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1110

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1110
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State