

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

643X0470

HOUSE BILL NO. **1110**

Introduced by: Representative Hunt and Senator Hunhoff (Bernie)

1 FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn children.

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

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

4 There is hereby created the prenatal care program, a separate health assistance program as
5 allowed under Title XXI of the federal Social Security Act, as amended to January 1, 2004, and
6 42 C.F.R. 457.10, solely to provide for the medical care of unborn children whose mothers are
7 ineligible for coverage under Title XIX of the federal Social Security Act based on their
8 citizenship status.

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

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

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

15 The department shall implement the prenatal care program and shall receive and distribute



1 the state and federal funds appropriated or provided for benefits pursuant to this Act.

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

3 The secretary shall promulgate rules pursuant to chapter 1-26 in accordance with the
4 provisions of Title XXI of the federal Social Security Act, as amended to January 1, 2004, and
5 42 C.F.R 457.10. The rules shall specify the individuals and services for which state funds or
6 federal financial participation are available and may include:

- 7 (1) The amount, scope, and duration of prenatal medical services;
- 8 (2) The basis for and extent of provider payments on behalf of an eligible person;
- 9 (3) The establishment and collection of copayments, premiums, fees, or charges for
10 sharing the cost of risk protection or services to persons. All collections shall be
11 remitted to the general fund;
- 12 (4) Methods of administration found necessary for the operation of the prenatal care
13 program;
- 14 (5) Safeguards against the disclosure or improper use of information, required by
15 statutory law to be held confidential, concerning applicants for or recipients of
16 medical assistance; and
- 17 (6) Any other requirements as may be necessary to obtain federal financial participation
18 in the medical assistance program.

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

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

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

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

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

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

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

5 For purposes of this Act, the term, prenatal medical services, does not include an abortion
6 unless the abortion is necessitated by a medical emergency as defined in subdivision 34-23A-
7 1(5).