



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notices

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to implement Constitutional Amendment D. The proposed State Plan Amendments (SPAs) add the new adult eligibility group described within Section 435.199 of Title 42 of the Code of Federal Regulations to the South Dakota Medicaid State Plan; defines the alternative benefit plan (ABP) including benefits and the service delivery mechanism for newly eligible individuals; and establishes the methodology for claiming the Federal Medical Assistance Percentage (FMAP) rate for services provided to the new adult group. The department assures that individuals under twenty-one years of age may receive additional services if determined medically necessary, pursuant to EPSDT federal regulations, Section 440.345 of Title 42 of the Code of Federal Regulations. The department also assures that tribal consultation is conducted in compliance with Section 5006(e) of the American Recovery and Reinvestment Act of 2009.

The department intends to submit three SPAs to the Center for Medicare and Medicaid Services (CMS), on or before March 1, 2023, as follows:

- Establish South Dakota's Alternative Benefit Plan (ABP) for individuals in the new adult eligibility group. The benefit package for this population aligns with the benefits currently offered under the South Dakota Medicaid State Plan. Services will be delivered using the current Medicaid Primary Care Case Management program (AKA the Primary Care Provider (PCP) Program). Individuals can also qualify for the Health Home Program.
- Establish South Dakota's eligibility procedures for identification of the new adult eligibility group for purposes of establishing the Federal Medical Assistance Percentage (FMAP) rate for the adult group.
- Modifications to covered eligibility groups under the South Dakota Medicaid State Plan to add the new adult group ages 18-65 with incomes at or below 133% of the federal poverty level (FPL) (as per section 1902(a)(10)(A)(i)(VII) of the Social Security Act and 42 C.F.R. § 435.119) plus five percent of the federal poverty level for the applicable family size and consistent with the expanded eligibility criteria as defined by the Affordable Care Act.

The department intends to make the SPAs effective July 1, 2023, and estimates the fiscal impact associated with them will be \$139,438,338 in Federal Fiscal Year 2023 and \$557,753,350 in Federal Fiscal Year 2024.

The SPAs are available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. 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, South Dakota 57501-2291. The public comment period will start January 9, 2023, and end February 7, 2023.

The **Department of Social Services**, in conjunction with the **Department of Human Services**, has proposed a renewal of the CHOICES Medicaid 1915 (c) waiver, which is operated by the Division of Developmental Disabilities in the Department of Human Services. The proposed CHOICES waiver renewal is available on the Department of Human Services website at <https://dhs.sd.gov/developmentaldisabilities/default.aspx>

The proposed changes in the waiver are:

- Revised the reimbursement methodology in appendix I to align with the fee-for-service methodology outlined in the 2021 rate study;
- Revised service definitions for the following services: Residential Habilitation, Day Services, Career Exploration, Individual Support Employment to align with the fee-for-service methodology outlined in the 2021 rate study;
- Nursing and Other Medically Related Services - Speech, Hearing & Language were removed as standalone services to align with the fee-for-service methodology outlined in the 2021 rate study;
- Added the following services: Assistive Technology, Group Supported Employment, Group Supported Employment- Enclave, Shared Living Residential Habilitation;
- Clarified the DHS/DDD response to allegations of ANE;
- Revised the waiver projections for the 5-year cycle of this waiver;
- Updated the ICAP and LOC assessment process; and
- Adjusted certain Performance Measures as suggested by CMS during the Evidence Report process.

The proposed CHOICES waiver renewal will be open for public comment from January 9, 2023 to February 8, 2023. Comments may be made by e-mail to infodd@state.sd.us or by phone at 605.773.3438. Copies of the proposed CHOICES waiver renewal are available at the Department of Human Services, Division of Developmental Disabilities. Written requests for a copy of the proposed waiver, and corresponding comments, may be sent to Jaze Sollars, Waiver Administrator, Division of Developmental Disabilities, Department of Human Services, 3800 East Highway 34, c/o 500 East Capitol, Pierre, South Dakota 57501.

A town hall conference call will be held January 19, 2023, from 11:00 a.m. to 12:00 p.m. CT. Individuals wishing to participate should use the following call-in information: Dial In: 1-605-679-7263 and enter Conference Code: 962 780 018

SCHEDULED PUBLIC HEARINGS

01-09-2023	No hearings scheduled.
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RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed its meeting schedule for the 2022 Interim. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.