



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the Managed Care program. South Dakota Medicaid's Managed Care program, or Primary Care Program (PCP), has been in operation since 2002. The proposed State Plan Amendment (SPA) replaces the current Managed Care State Plan pages with the 1932(a) State Plan Amendment Template as provided by CMS. The amendment also adds the newly expanded adult eligibility group as an included population and implements Per Member Per Month payments for eligible IHS, Tribal 638, Urban Indian Health, and FQHC/RHC facilities. The SPA replaces attachment 2.1-A and Supplements 1 through 12 to Attachment 2.1-A with Attachment 3.1-F. The department intends to make the SPA effective July 1, 2023 and estimates the fiscal impact to be \$92,206.27 in state funds and \$282,535.73 in federal funds, totaling \$374,742.00 in Federal Fiscal Year 2023, and \$414,052.44 in state funds and \$1,084,915.56 in federal funds, totaling \$1,498,968.00 in Federal Fiscal Year 2024.

The SPA is 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 23, 2023, and end February 22, 2023.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Noem has signed [Executive Order 2023-01](#), dated January 19, 2023, declaring a state of emergency in South Dakota for purposes of exempting deliveries of propane from the United States Department of Transportation's Motor Carrier Safety Regulations (49 C.F.R. Parts 390-399). The purpose of the Order, as described in the document, is to maintain supplies of propane used for heating functions by exempting drivers of vehicles transporting this product from certain federal transportation requirements. It does not require nor allow fatigued drivers to operate transport vehicles and does not exempt drivers from other requirements concerning the use of controlled substances or alcohol, maintaining a commercial driver's license and financial responsibility, and meeting applicable size and weight requirements, among other requirements. The Order will expire upon conclusion of the emergency but not later than February 18, 2023.

Governor Noem has signed [Executive Order 2023-02](#), dated January 20, 2023, blocking executive branch agencies under the control of the Governor from entering into state contracts, and from purchasing or exposing state and federal governmental information to information or communication technologies created, owned, or controlled by the governments, foreign nationals, and foreign corporations of "China, Iran, North Korea, Russia, Cuba, or Venezuela," and any affiliates thereof. The executive order also prohibits executive branch agencies from procuring or utilizing information or communication technologies that a federal agency has prohibited. The Order defines the term, prohibited entity, as "an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business

association...that is ultimately owned or controlled, directly or indirectly, by a foreign national, a foreign parent entity, or foreign government from China, Iran, North Korea, Russia, Cuba, or Venezuela." The purpose of the Order, as described in the document, is to maintain the cybersecurity of South Dakota state government and protect user information. It also requires all contractors doing business with the State of South Dakota to certify in writing when a bid or offer is submitted or when a contract is awarded or renewed, that it is not a prohibited entity, and if at any time after making the certification, the contractor becomes a prohibited entity, the contractor must notify the contracting executive branch agency in writing and be subject to contract termination. The Order becomes effective five calendar days after signature, and remains in effect until amended, modified, terminated, or rescinded by the Governor.

SCHEDULED PUBLIC HEARINGS

01-23-2023	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.