



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 50

Wednesday, 8:00 a.m., December 27, 2023

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Holiday Hours

The Legislative Research Council office will be closed Monday, January 1, 2024, for the New Year's Day holiday. The office reopens for regular business hours at 8:00 a.m. on Tuesday, January 2, 2024.

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

South Dakota Public Utilities Commission: (December 15, 2023) intends to repeal a rule for which the law implemented has been repealed, and amend rules to remove citations to statutes that have been repealed; change the fiscal requirements for grain buyer licensees; remove certain master meter notice and filing requirements; amend a deadline for annual telecommunications filings; update references to federal regulations for pipeline safety; and update documentation required of transmission pipeline operators. The general authority for these rules, as cited by the board, is SDCL [49-1-11](#), [49-31-76](#), [49-31-77](#), [49-31-81](#), [49-34A-4](#), [49-34A-27](#), [49-34B-4](#), [49-34B-19](#), and [49-45-6](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Mackay Building, Library Commons, 800 Governors Drive, Pierre, South Dakota, on February 7, 2024, at 1:30 p.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Public Utilities Commission, 500 East Capitol Avenue, Pierre, South Dakota 57501 or on the Public Utilities Commission website at <https://puc.sd.gov/Dockets/Rulemaking/2023/RM23-001.aspx>. Written comments on the proposed rules may be sent to South Dakota Public Utilities Commission, 500 East Capitol Avenue, Pierre, South Dakota 57501 or emailed to PUC@state.sd.us. Material sent by mail or email must reach the Commission by February 22, 2024, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the Commission can make arrangements may call (605) 773-3201 at least 48 hours before the public hearing.

Notices

The **Department of Social Services** intends to make a change to the South Dakota Medicaid State Plan. The proposed state plan amendment (SPA) establishes extended services to pregnant women through a Pregnancy Primary Care Case Management (PCCM) Program pursuant to 42 CFR 440.250 (p). The PCCM program will create a medical home for pregnant Medicaid recipients that provides case management services to affect positive pregnancy health outcomes.

Pregnancy PCCM providers include licensed physicians; physician assistants; certified nurse practitioners; a rural health clinic; a federally qualified health care center; a tribal provider with a contract under public law 93-638; an Indian Health Service clinic; or certified nurse midwives practicing in a private clinic, rural health clinic, federally qualified health care center, tribal provider with a contract under public law 93-638, or Indian Health Service clinic.

Participating providers must meet provider qualifications and agree to program conditions regarding standards of care. Pregnancy PCCMs will provide care coordination services including developing a person-centered care plan, providing health education and promotion, providing health system and resource navigation, and providing transitional care coordination. Pregnancy PCCMs are also required to implement an initiative to address barriers to health care.

Participating providers will receive enhanced payments and reimbursement for the following:

- A \$49.80 per member per month (PMPM) payment for care coordination activities and initiatives to reduce barriers to health care for the participating population;
- A \$2.66 fee for completion of the recipient's social determinant of health screening that is reimbursed in addition to the PMPM;
- A \$100 fee for completion of the recipient's person-centered care plan that is reimbursed in addition to the PMPM;
- A \$50 fee for completion of a transition plan at discharge that is reimbursed in addition to the PMPM;
- An enhanced \$100 fee for completion of a comprehensive postpartum visit; and
- An enhanced \$200 fee for completion of a sufficient number of prenatal visits based on when care was initiated.

The SPA also cleans up erroneous language from the page as it previously included services that are covered for pregnant women under different state plan benefits such as physician services and hospital services.

The department intends to make this SPA effective April 1, 2024. It amends page 39 of Supplement to Attachment 3.1A, Introduction page 1; page 34 of Attachment 4.19-B of the State Plan; and page 13 of the Alternative Benefit Plan ABP5.

The department estimates the fiscal impact will be \$584,183 in state funds and \$875,555 in federal funds, totaling \$1,459,738 in Federal Fiscal Year 2024, and \$1,168,373 in state funds and \$1,751,101 in federal funds, totaling \$2,919,475 in Federal Fiscal Year 2025.

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 emailed to MedicaidSPA@state.sd.us or sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start December 27, 2023, and end January 26, 2024.

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan regarding eligibility. The proposed state plan amendment (SPA) provides twelve months of continuous eligibility for children under the age of nineteen as required by Section 5112 of the Consolidated Appropriations Act, 2023. The SPA amends the Eligibility and Enrollment Processes – Continuous Eligibility for Children Medicaid MACPro pages.

The department intends to make this SPA effective January 1, 2024. The department estimates the fiscal impact will be \$756,551 in state funds and \$1,133,882 in federal funds, totaling \$1,890,433 in Federal Fiscal Year 2024, and \$1,008,735 in state funds and \$1,511,843 in federal funds, totaling \$2,520,578 in Federal Fiscal Year 2025.

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 emailed to MedicaidSPA@state.sd.us or sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start December 27, 2023, and end January 26, 2024.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Independent Living Council Brett D. Glirbas Sioux Falls	Governor	Mark Koterwski	12/21/2023 – 6/30/2026
Planning Council on Developmental Disabilities Toni R. Feist St. Onge	Governor	Reappointed	12/21/2023 – 6/30/2026
South Dakota Advisory Council on Aging Jenna L. Douglas Harrisburg	Governor	Gerald Beninga	12/20/2023
South Dakota Building Authority James K. Lust Aberdeen	Governor	Reappointed	6/6/2023 – 1/18/2027
South Dakota Snowmobile Advisory Council Todd D. Wilkinson DeSmet	Governor	Reappointed	12/20/2023 – 6/30/2026
South Dakota Workforce Development Council Michelle R. Black Sioux Falls	Governor	Steve Kolbeck	12/21/2023 – 6/30/2026

SCHEDULED PUBLIC HEARINGS

1-22-2024	<u>South Dakota Board of Education Standards (Department of Education)</u> : Amend rules to make student learning objectives optional; revise outdated timelines; and clarify and update language; 50 SDR 72, December 11, 2023.
2-7-2024	<u>South Dakota Public Utilities Commission</u> : Repeal a rule for which the law implemented has been repealed, and amend rules to remove citations to statutes that have been repealed; change the fiscal requirements for grain buyer licensees; remove certain master meter notice and filing requirements; amend a deadline for annual telecommunications filings; update references to federal regulations for pipeline safety; and update documentation required of transmission pipeline operators; 50 SDR 75, December 27, 2023.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed its meeting schedule for the 2023 Interim. Find information regarding 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.