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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Holiday Hours

The Legislative Research Council office will be closed Thursday, November 26, and Friday, November 27, 2026, in recognition of the Thanksgiving Day holiday. The office reopens for regular business hours at 8:00 a.m. (CT) on Monday, November 30, 2026.

Notices

The **Department of Social Services** intends to update the South Dakota Medicaid State Plan regarding the state's ability to utilize supplemental drug rebate agreements. The proposed State Plan Amendment (SPA) clarifies the state's ability to utilize supplemental rebates whether negotiated by the Sovereign States Drug Consortium or another entity.

The SPA amends page 20 of Supplement to Attachment 3.1-A. The department intends to make the SPA effective October 1, 2026, and estimates supplemental drug rebates will result in additional savings for the state and federal government due to rebates from drug manufacturers for drugs utilized by Medicaid recipients. The exact savings in Federal Fiscal Year 2027 and Federal Fiscal Year 2028 are unknown.

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 November 23, 2026, and end December 23, 2026.

The **Department of Social Services** intends to update the South Dakota Medicaid State Plan to comply with new federal requirements added by Public Law 119-21, also known as the Working Families Tax Cut legislation. The proposed State Plan Amendment (SPA) provides assurances that the state is complying with federal law regarding Community Engagement or "Work Requirements" and Frequency of Renewals of Eligibility by adding these Medicaid SPA Reviewable Units to the Medicaid State Plan.

Community Engagement
Section 1902(xx) establishes a community engagement requirement for certain Medicaid Expansion adults aged nineteen through sixty-four. Beginning January 1, 2027, affected individuals must demonstrate participation in at least eighty hours per month of qualifying activities, such as employment, job training, education, or community service, unless they qualify for an exclusion.

Frequency of Renewals of Eligibility
Section 1902 (e)(14)(L) modifies Medicaid eligibility renewal requirements by increasing the frequency of renewals for Medicaid Expansion enrollees. Effective January 1, 2027, individuals enrolled in Medicaid Expansion will have their eligibility renewed every six months instead of every twelve months, while adults and children in all other Medicaid

coverage groups will continue to undergo annual renewals. American Indians and Alaska Natives, including individuals who are eligible for Indian Health Service, are exempt from the six-month renewal requirement.

The department intends to make this SPA effective January 1, 2027. Additional information about these upcoming Medicaid changes is available on the DSS website at https://dss.sd.gov/medicaid/HR1.aspx.

The department anticipates these changes will likely result in a reduction in Medicaid member months, which may result in a corresponding reduction in Medicaid expenditures. In State Fiscal Year 2026, the per member per month (PMPM) Medicaid expenditures for the expansion population was $1,088. Due to the enhanced match for this population, approximately $995 of the PMPM spend was federal funds and $93 was state funds. The department anticipates the vast majority of individuals in the expansion population will remain enrolled. At this time, it is unclear what the overall reduction in member months will be.

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 November 23, 2026, and end December 23, 2026.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan concerning the establishment of a Medicaid Recovery Audit Contractor Program. Pursuant to Section 1902(a)(42)(B)(i) of the Social Security Act, the state is required to establish a program under which it will contract with one or more recovery audit contractors to identify underpayments and overpayments of Medicaid claims.

The proposed State Plan Amendment (SPA) seeks an extension of a previous exception ending May 31, 2027. The state already maintains a very low rate of errors in Medicaid payments and estimates amounts to be recovered would not be sufficient to attract bidding attention from vendors. For these reasons, the state is seeking a new request for an exception to be in effect through May 31, 2029. The SPA supersedes Page 36b in Section 4.5.

The department intends to make this SPA effective June 1, 2027, and estimates there will be no fiscal impact in Federal Fiscal Year 2027 and Federal Fiscal Year 2028.

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 November 23, 2026, and end December 23, 2026.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Rhoden has signed Executive Order 2026-12, dated November 17, 2026, pursuant to Chapter SDCL 34-48A, to expand assistance to South Dakotans during the ongoing drought emergency in the state by easing transportation restrictions for hay haulers. The new Order extends the timelines set in Executive Order 2026-10, dated August 18, 2026, and Executive Order 2026-08, dated July 16, 2026, which were initially set to expire upon the cessation of the drought emergency or no later than midnight on September 14, 2026, and November 15, 2026, respectively. The drought emergency was declared to exist due to widespread drought conditions, low precipitation, and exceedingly high temperatures. Executive Order 2026-12 will expire December 15, 2026, unless further extended by Executive Order.

Executive Appointments

Abstracters' Board of Examiners
Michael C. Larson, Gettysburg, reappointed by the Governor, effective 4/1/2026 to 4/1/2029.

Board of Addiction and Prevention Professionals
Jodi R. Hepperle, Aberdeen, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.
Kari J. Johnston, Watertown, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.

Board of Examiners of Psychologists
Rosalie N. Ball, Bath, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.
Terrance L. Dosch, Pierre, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.
Brian J. Roegiers, Sioux Falls, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.

Council for the Interstate Commission for Juveniles
Anthony Kozojed, Pierre, appointed by the Governor to replace Kristi Bunkers, effective 10/30/2026.

Governor's Commission on Fort Sisseton
Kimberly Lorensberg, Sisseton, appointed by the Governor, effective 11/24/2026 to 11/24/2030.
Bruce W. Prins, Sisseton, reappointed by the Governor, effective 11/24/2026 to 11/24/2030.

Independent Living Council
James Honomichl, Brookings, appointed by the Governor to replace VickiLee Hansen Steffes, effective 10/30/2026 to 6/30/2029.

Juvenile Justice Oversight Council
Anthony Kozojed, Pierre, appointed by the Governor to replace Kristi Bunkers, effective 10/30/2026.

South Dakota Advisory Panel for Children with Disabilities
Anthony Kozojed, Pierre, appointed by the Governor to replace Kristi Bunkers, effective 10/30/2026.

South Dakota Aeronautics Commission
Michael Ginther, Lemmon, appointed by the Governor to replace Chris Funk, effective 8/28/2026 to 10/30/2027.

South Dakota Snowmobile Advisory Council
Bruce G. Hintz, Lead, reappointed by the Governor, effective 6/30/2026 to 6/30/2029.

State Board of Dentistry
Jon. K. Schaack, Rapid City, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.

State Board of Veterinary Medical Examiners
Jill Ayres, Brookings, appointed by the Governor to replace Dr. Joe Spoo, effective 10/30/2026 to 10/30/2029.

Statewide One-Call Notification Center Board
Isaac Francis, Rapid City, appointed by the Governor to replace Loren Beld, effective 10/31/2026 to 10/31/2029.

Wheat Utilization Research and Marketing Development Commission
Jamie L. Johnson, Frankfort, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.
Leon M. Koeppe, Claire City, reappointed by the Governor, effective 10/30/2026 to 10/30/2029.

SCHEDULED PUBLIC HEARINGS

February 17, 2027

Supreme Court Rules Hearing soliciting Court rule proposals pursuant to SDCL 16-3-5.2; 53 SDR 56, October 26, 2026.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed their meeting schedule for the 2026 Interim. Notices of future committee meetings will be posted 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.

SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website (www.sdlegislature.gov/).
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