



South Dakota
Department of
Social Services

DEPARTMENT OF SOCIAL SERVICES

DIVISION OF MEDICAL SERVICES

700 GOVERNORS DRIVE

PIERRE, SD 57501-2291

PHONE: 605.773.3495

FAX: 605.773.5246

WEB: dss.sd.gov

May 9, 2024

Dr. Sally Abbott, MS, PhD
Regional Health Administrator
Centers for Medicare and Medicaid Services
1961 Stout Street, Room 08-148
Denver, CO 80294

Re: South Dakota Medicaid State Plan Amendment SD-24-0009

Dear Dr. Abbott:

Please find enclosed South Dakota's Medicaid State Plan Amendment (SPA) SD-24-0009. The SPA restores permanent coverage of substance use disorder (SUD) services provided to eligible individuals in institutions for mental disease (IMDs) formerly allowed under the SUPPORT Act which sunset on September 30, 2023. The SPA amends page 1 of Attachment 3.1-M of the Medicaid State Plan by removing the end date on this service. The Department intends to make this SPA effective October 1, 2023 in accordance with Section 204 of the Consolidated Appropriations Act (CCA), 2024.

The Department estimates the federal fiscal impact associated with this SPA to be \$1,125,138 Federal Fiscal Year 2024 and \$1,125,138 in Federal Fiscal Year 2025.

The State conducted Tribal Consultation beginning with notification on April 2, 2024. We have attached a copy of the notification sent to the Tribes. Public notice was published in the South Dakota *REGISTER*, <https://mylrc.sdlegislature.gov/api/Documents/Register/267451.pdf> on April 2, 2024. No comments were received.

If you have any questions regarding this package, please contact Matthew Ballard, Deputy Director of the Division of Medical Services, 700 Governors Drive, Pierre, SD 57501-2291, e-mail Matthew.Ballard@state.sd.us, or telephone (605) 773-3495.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Petermann', written in a cursive style.

Heather Petermann
Director

CC: Matt Althoff, Cabinet Secretary
Matthew Ballard, Deputy Director

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2. STATE

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX

XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

5. FEDERAL STATUTE/REGULATION CITATION

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY _____ \$ _____

b. FFY _____ \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

9. SUBJECT OF AMENDMENT

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

Heather Petermann

12. TYPED NAME

13. TITLE

14. DATE SUBMITTED

15. RETURN TO

FOR CMS USE ONLY

16. DATE RECEIVED

17. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

21. TITLE OF APPROVING OFFICIAL

22. REMARKS

State/Territory: South Dakota

State Option to Provide Medicaid Coverage for Certain Individuals with Substance Use Disorders who are Patients in Certain Institutions for Mental Diseases

South Dakota Medicaid covers substance use disorder treatment services provided to eligible individuals in an eligible institution for mental disease (IMD) in accordance with Section 1915(l) of the Social Security Act.

Eligible Individuals

Eligibility is limited to Medicaid recipients age 21 through 64 who have at least one substance use disorder and reside in an eligible IMD primarily to receive withdrawal management or substance use disorder treatment services.

General Assurances

The State provides the following assurances regarding the scope of IMD services:

1. Coverage is limited to services provided after October 1, 2019.
2. Coverage is limited to a maximum of 30 days per 12-month period per eligible individual from the date an eligible individual is first admitted to an eligible IMD.

IMD Assurances

The State provides the following assurances regarding eligible IMDs:

1. Eligible IMDs follow reliable evidence-based practices and offer at least two forms of medication-assisted treatment (MAT) onsite, including one antagonist and one partial agonist for opioid use disorder. The State ensures IMDs meet these requirements through standards established by the State's Single State Agency for Substance Abuse Services for providers.
2. Eligible IMDs provide services at lower levels of clinical intensity or establish relationships with Medicaid-enrolled providers offering services at lower levels of care. The State ensures IMDs meet these requirements through standards established by the State's Single State Agency for Substance Abuse Services for providers.

Evidence-Based Clinical Screening Assurance

The State provides the following assurance regarding evidence-based clinical screenings:

1. Eligible individuals receive an appropriate evidence-based clinical screening prior to receiving services in an eligible IMD, including initial and periodic reassessments to determine the appropriate level of care, length of stay, and setting for each individual. Eligible IMDs are required to perform an integrated assessment. The integrated assessment includes both functional and diagnostic components. The assessment shall

Hericks, Renae

From: DSS Medical Services <DSSMedicalServices@STATE.SD.US>
Sent: Tuesday, April 2, 2024 12:24 PM
To: DSSMEDICAIDTRIBAL@LISTSERV.SD.GOV
Subject: State Plan Amendment
Attachments: SPA Package SD-24-0009.pdf

Good Afternoon,

The South Dakota Department of Social Services intends to amend the South Dakota Medicaid State Plan regarding substance use disorder treatment services. The SPA restores permanent coverage of substance use disorder (SUD) services provided to eligible individuals in institutions for mental disease (IMDs) formerly allowed under the SUPPORT Act which sunset on September 30, 2023. The SPA amends page 1 of Attachment 3.1-M of the Medicaid State Plan by removing the end date on this service. The Department intends to make this SPA effective October 1, 2023 in accordance with Section 204 of the Consolidated Appropriations Act (CCA), 2024.

These services are currently covered by the Department of Social Services, Division of Behavioral Health. Coverage under the Medicaid state plan represents a cost savings to the state due to the federal match. The department estimates the cost of a full year of services associated with this SPA to be \$750,717 in State funds and \$1,125,138 in Federal funds, totaling \$1,875,855 in Federal Fiscal Year 2024 (October 1, 2023 to September 30, 2024) and \$750,717 in State funds and \$1,125,138 in Federal funds, totaling \$1,875,855 in Federal Fiscal Year 2025 (October 1, 2024 to September 30, 2025).

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 emailed to MedicaidSPA@state.sd.us or sent to:

DIVISION OF MEDICAL SERVICES
DEPARTMENT OF SOCIAL SERVICES
700 GOVERNORS DRIVE
PIERRE, SD 57501-2291

The public comment period will start April, 2 2024, and end May 2, 2024.

Sincerely,

South Dakota Medicaid
Department of Social Services
700 Governors Drive
Pierre, SD 57501
In-State: 1-800-452-7691
Out-of-State 605-945-5006



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The Department of Social Services does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of actual or perceived race, color, religion, national origin, sex, age, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in its programs, activities, or services. For more information about this policy or to file a Discrimination Complaint you may contact: Discrimination Coordinator, Director of DSS Division of Legal Services, 700 Governor's Drive, Pierre SD 57501, 605-773-3305.

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April 2, 2024

RE: South Dakota Medicaid Plan Amendment # SD-24-0009

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DIVISION OF MEDICAL SERVICES
DEPARTMENT OF SOCIAL SERVICES
700 GOVERNORS DRIVE
PIERRE, SD 57501-2291

The public comment period will start April, 2 2024, and end May 2, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Ballard'.

Matthew Ballard
Deputy Director
Division of Medical Services
South Dakota Department of Social Services

CC: Matt Althoff, Cabinet Secretary
Heather Petermann, Director

Medicaid and CHIP State Plan Amendment Proposal

Transmittal Number: SD-24-0009

Effective Date: 10/1/2023

Brief Description: Restores permanent coverage of substance use disorder (SUD) services provided to eligible individuals in institutions for mental disease (IMDs).

Area of State Plan Affected: Attachment 3.1-M

Page(s) of State Plan Affected: Page 1

Estimate of Fiscal Impact, if Any: Cost savings to the State due to current coverage by the Department of Social Services, Division of Behavioral Health with general funds. Estimated total costs of a full year are: FFY24: \$1,875,855.00 and FFY25: \$1,875,855.00.

Reason for Amendment: Permanent coverage as a state plan option was made allowable by Section 204 of the Consolidated Appropriations Act 2024, signed into law on March 9, 2024.



SOUTH DAKOTA REGISTER

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Tuesday, 8:00 a.m., April 2, 2024

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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 Aeronautics Commission \(Department of Transportation\)](#): (March 27, 2024) intends to amend rules to ensure administrative rules correctly identify the General Authority and Law Implemented regarding [Ch. 70:02:04](#), and eliminate outdated statutory references. The general authority for these rules, as cited by the department, is SDCL [50-5-3](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on April 18, 2024, at 2:00 p.m. (CT). Interested parties may also participate by telephone by calling (866) 705-2554 and using conference code 153277. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the South Dakota Department of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to Joel.Jundt@state.sd.us. The deadline to submit any written comments for consideration by the South Dakota Aeronautics Commission is April 15, 2024. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call the department's ADA Coordinator at (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

[Department of Human Services](#): (March 28, 2024) intends to amend a rule to allow providers of CHOICES waiver services to cease providing services to participants appealing a termination notice after a decision is issued, or ninety days from the date of the termination notice, whichever is sooner; to clarify who may appeal; and clarify what is reviewed during appeal hearings. The general authority for these rules, as cited by the department, is SDCL [27B-2-26](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held at the Hillview Building, Seasons Conference Room, 3800 East Highway 34, Pierre, South Dakota, on April 30, 2024, at 11:00 a.m. (CT). Interested persons may also participate by link at <https://bit.ly/DHS-ARSD-Termination-Rule> (Meeting ID 236 216 459 797, Passcode cnwgc6); by telephone by calling (605) 679-7263 and using conference code 798 649 295#; or by video conferencing device at teams@ddn.sd.gov using video ID 116 809 772 1. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rule may be sent to, the Department of Human Services, Hillview Plaza, 3800 East Highway 34, c/o 500 East Capitol Avenue, Pierre, South Dakota 57501 or by email to DHSInfo@state.sd.us. Copies of the rule are also available at <https://rules.sd.gov>. Material sent by mail or email must reach the department by May 14, 2024, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-5990 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan regarding substance use disorder treatment services. The proposed state plan amendment (SPA) restores permanent coverage of substance use disorder (SUD) services provided to eligible individuals in institutions for mental disease (IMDs) formerly allowed under the SUPPORT Act which sunset on September 30, 2023. The SPA amends page 1 of Attachment 3.1-M of the Medicaid State Plan by removing the end date on this service. The department intends to make this SPA effective October 1, 2023, in accordance with Section 204 of the Consolidated Appropriations Act (CCA), 2024.

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SCHEDULED PUBLIC HEARINGS

| | |
|-------------------------|---|
| <p>4-4-2024</p> | <p><u>Department of Game, Fish and Parks:</u> Amend rules to clarify where an individual could hunt on private lands leased for public hunting access; modify methods used for identification on tree stands, platforms, and portable blinds; alter where an individual could place bait stations; change the options for placing owner identification information on unattended trail cameras; clarify that permission must be obtained to use trail cameras on private land leased by the department for hunting access; clarify that the Oahe Downstream Recreation Area, West Shore Lake Access Area, and other areas north of Fort Pierre observe the Central Time zone; adjust counties for the August Management Take hunting season unit; revise the number of available nonresident waterfowl licenses; adjust the number of "any elk" and "antlerless elk" licenses for the Black Hills and Custer State Park elk hunting seasons; modify the maximum number of "any elk" licenses and provide the option for "antlerless elk" licenses for the Custer State Park early archery elk hunting season; modify the maximum number of "any elk" and "antlerless elk" licenses for the archery elk hunting season; revamp unit boundary descriptions for Black Hills archery elk and Black Hills firearm elk hunting units; adjust the number of "antlerless elk" licenses for the Special Custer State Park antlerless elk hunting season; modify unit boundary descriptions for the bighorn sheep hunting season; specify the maximum number of ram bighorn sheep licenses available; modify the number of "any elk" and "antlerless elk" licenses for the prairie elk hunting season; and adjust unit boundary descriptions for the prairie elk hunting season; 50 SDR 109, March 18, 2024.</p> |
| <p>4-12-2024</p> | <p><u>South Dakota Board of Pharmacy (Department of Health):</u> Amend rules to provide for a small fee increase for pharmacists, and update wording, references, compounding standards, and changes in intern and technician vaccine administration standards; 50 SDR 112, March 25, 2024.</p> |
| <p>4-15-2024</p> | <p><u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> Amend a rule to incorporate the 2024 Medicare Supplement coverage amounts set by the federal government; 50 SDR 112, March 25, 2024.</p> |
| <p>4-18-2024</p> | <p><u>South Dakota Aeronautics Commission (Department of Transportation):</u> (March 27, 2024) intends to amend rules to ensure administrative rules correctly identify the General Authority and Law Implemented regarding Ch. 70:02:04, and eliminate outdated statutory references; 50 SDR 115, April 2, 2024.</p> |