

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 MEDICAL ASSISTANCE PROGRAM
 State/Territory: SOUTH DAKOTA

SECTION 1. SINGLE STATE AGENCY ORGANIZATION

Citation

1.4 State Medical Care Advisory Committee

42 CFR 431.12(b)

This section is superseded by SD 13-09.

Section 1902(a)(73)
of the Act

Tribal Consultation Requirements

Section 1902(a)(73) of the Social Security Act requires a State in which one or more Indian Health Programs or Urban Indian Organizations furnish health care services to establish a process for the State Medicaid agency to seek advice on a regular, ongoing basis from designees of Indian health programs, whether operated by the Indian Health Service (IHS), Tribes or Tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA), or Urban Indian Organizations under the Indian Health Care Improvement Act (IHCA), on matters relating to Medicaid and that are likely to have a direct effect on those programs. Section 2107(e)(1) of the Act was also amended to apply these requirements to the Children's Health Insurance Program (CHIP).

The Department of Social Services meets quarterly with the elected executives of the nine Tribes in South Dakota, the heads of the area agencies of Indian Health Services, executive management of South Dakota Urban Indian Health, representatives of the Great Plains Tribal Chairman's Health Board, other government leaders, and interested parties on matters pertaining to Medicaid. The focus of the Tribal consultation process is to ensure Medicaid best meets the needs of American Indians in South Dakota. The purposes are to increase the positive health outcomes of American Indians enrolled in the program and maximize reimbursement for services provided through the Indian Health Services and 638-contract funded programs. The consultation process encompasses education, discussion of the significant program changes that may impact American Indians. Prior to submission of a new State Plan, State Plan Amendment, State Plan waiver, demonstration application, or waiver extension there is an opportunity for feedback by all parties involved in the consultation process.

The Department of Social Services sends all State Plan Amendments, a summary of the effect of each proposed State Plan Amendment, and the fiscal impact to officials from each Tribe and representatives of the Indian Health Services, Urban Indian Health, and the Great Plains Tribal Chairman's Health Board. The Department will provide a minimum of 30 days for comments, suggestions, and concerns to be returned before official submission of the State Plan Amendment. In cases when a State Plan Amendment has significant impact and where substantive concerns are received, additional feedback will be sought. All parties are subsequently notified upon approval of a State Plan Amendment by the Centers for Medicare and Medicaid Services.

This Tribal Consultation Process was mutually agreed upon by all participating parties at the first Medicaid-Tribal consultation meeting that occurred on October 16, 2009.