

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](http://dss.sd.gov)



January 16, 2018

Mr. Timothy Hill  
Center for Medicare and Medicaid Services  
Children and Adults Health Programs Group  
75000 Security Boulevard  
Baltimore, MD 21244

Re: 1115 Waiver Application

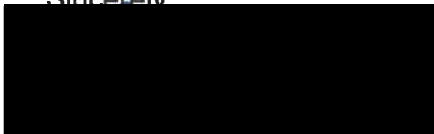
Dear Mr. Hill:

Please find enclosed South Dakota's Former Foster Care Youth 1115 Waiver application. The waiver would continue to provide Medicaid coverage for individuals who aged out of foster care in a different state and now reside in South Dakota.

The State conducted Tribal Consultation beginning with notification on August 28, 2017. We have enclosed a copy of the notification sent to the Tribes. Public notice was published in the South Dakota REGISTER, <http://sdlegislature.gov/docs/rules/Register/08282017.pdf>, on August 28, 2017. The state conducted an additional Tribal Consultation and public notice period starting on December 11, 2017. The Tribal Consultation notice is enclosed and the public notice was published in the South Dakota REGISTER, <http://sdlegislature.gov/docs/rules/Register/12112017.pdf>. Additional information regarding the public notice process is provided in the waiver application.

If you have any questions regarding this waiver application, please contact Sarah Aker, Deputy Director of the Division of Medical Services via email at [sarah.aker@state.sd.us](mailto:sarah.aker@state.sd.us) or via telephone at (605) 773-3495.

Sincerely,



Lynne A. Valenti  
Cabinet Secretary

CC: Brenda Tidball-Zeltinger, Deputy Secretary  
William Snyder, Director  
Sarah Aker, Deputy Director

**Former Foster Care Youth  
South Dakota 1115 Waiver Proposal**

Submitted to:

Timothy Hill  
Center for Medicare and Medicaid Services  
Children and Adults Health Programs Group  
75000 Security Boulevard  
Baltimore, MD 21244

Submitted by:

South Dakota Department of Social Services

## Table of Contents

I.	Program Description.....	3
II.	Demonstration Eligibility .....	4
III.	Demonstration Benefits and Cost Sharing Requirements.....	5
IV.	Delivery System and Payment Rates for Services.....	5
V.	Implementation of Demonstration .....	6
VI.	Demonstration Financing and Budget Neutrality .....	6
VII.	List of Proposed Waivers and Expenditure Authorities.....	7
VIII.	Public Notice.....	7
IX.	Demonstration Administration.....	9

## I. Program Description

### 1. Provide a summary of the proposed Demonstration program, and how it will further the objectives of title XIX and/or title XXI of the Social Security Act (the Act).

The purpose of this demonstration is to provide coverage to South Dakota residents who are former foster care youth under age 26 who were in foster care under the responsibility of another state when they turned 18 and were enrolled in Medicaid at that time or at some point while in such foster care. The expected impact of the demonstration is that the South Dakota will maintain coverage of these former foster care youth.

### 2. Include the rationale for the Demonstration.

The individuals that South Dakota seeks to cover under this demonstration are currently an optional coverage eligibility group in South Dakota's Medicaid State Plan.

The goal of this demonstration is to continue coverage for former foster care youth that will no longer be eligible for coverage through state plan authority.

The objective of the demonstration is to maintain Medicaid coverage for these South Dakotans who currently qualify for Medicaid coverage through state plan authority.

### 3. Describe the hypotheses that will be tested/evaluated during the Demonstration's approval period and the plan by which the state will use to test them.

The following hypotheses will be tested/evaluated during the demonstration:

Objectives	Indicators
1) Maintain access to Medicaid coverage for former foster youth that meet the eligibility criteria.	a) Annual count of former foster care youth enrolled in South Dakota Medicaid through the waiver.

### 4. Describe where the Demonstration will operate, i.e., statewide, or in specific regions; within the state.

The demonstration will operate statewide.

### 5. Include the proposed timeframe for the Demonstration.

South Dakota seeks to implement this demonstration for a five-year period.

### 6. Describe whether the Demonstration will affect and/or modify other components of the state's current Medicaid and CHIP programs outside of eligibility, benefits, cost sharing or delivery systems.

The demonstration will not affect or modify components of the state's current Medicaid and CHIP programs outside of eligibility.

## II. Demonstration Eligibility

### 1. Include a chart identifying any populations whose eligibility will be affected by the Demonstration.

Eligibility Group Name	Social Security Act and CFR Citations	Income level
Out of State Former Foster Care Youth	Section 1115 Demonstration	182% FPL

### 2. Describe the standards and methodologies that the state will use to determine eligibility for any populations whose eligibility is changed under the Demonstration, to the extent those standards or methodologies differ from the state plan.

An applicant must meet the following requirements to be eligible for coverage under this demonstration:

- Be a citizen of the United States, or have a non-citizen status that qualifies for federally funded Medicaid;
- Be a South Dakota resident;
- Are under the age of 26;
- Are not otherwise mandatorily eligible for coverage under the state plan, except that eligibility under this group takes precedence over eligibility under the Adult Group;
- Were in foster care under the responsibility of another state and were enrolled in Medicaid under another state's state plan or 1115 demonstration when they turned 18 or at the time of aging out of the state's foster care program; and
- Have an income less than 182% of the Federal Poverty Level.

Modified Adjusted Gross Income (MAGI) methodology will be utilized to determine household composition and income as defined in 42 CFR 435.603.

### 3. Specify any enrollment limits that apply for expansion populations under the Demonstration.

South Dakota will not apply enrollment limits for eligible population under this demonstration.

### 4. Provide the projected number of individuals who would be eligible for the Demonstration, and indicate if the projections are based on current state programs (i.e., Medicaid state plan, or populations covered using other waiver authority such as 1915(c)). If applicable, please specify the size of the populations currently served in those programs.

South Dakota currently covers this eligibility group in the state plan. South Dakota has had a total of 8 former foster care youth who aged out of Medicaid in a different state that have enrolled in South Dakota Medicaid since the creation of this eligibility group. As of July 7, 2017 there are only 3 individuals in this eligibility group enrolled in Medicaid. As such South Dakota projects 3 individual would be eligible for this demonstration.

5. To the extent that long term services and supports are furnished (either in institutions or the community), describe how the Demonstration will address post-eligibility treatment of income, if applicable. In addition, indicate whether the Demonstration will utilize spousal impoverishment rules under section 1924 or will utilize regular post-eligibility rules under 42 CFR 435.726 (SSI State and section 1634) or under 42 CFR 435.735 (209b State).

This is not applicable to the demonstration.

6. Describe any changes in eligibility procedures that state will use for populations under the Demonstration, including any eligibility simplifications that require 1115 authority (such as continuous eligibility or express lane eligibility for adults or express lane eligibility for children after 2013).

This is not applicable to the demonstration.

7. If applicable, describe any eligibility changes that the state is seeking to undertake for the purposes of transitioning Medicaid or CHIP eligibility standards to the methodologies or CHIP eligibility standards to the methodologies or standards applicable in 2014 (such as financial methodologies for determining eligibility based on modified adjusted gross income), or in light of other changes in 2014.

This is not applicable to the demonstration.

### III. Demonstration Benefits and Cost Sharing Requirements

1. Indicate whether the benefits provided under the Demonstration differ from those provided under the Medicaid and/or CHIP state plan:

Yes  No (if no, please skip questions 3-7)

2. Indicate whether the cost sharing requirements under the Demonstration differ from those provided under the Medicaid and/or CHIP state plan:

Yes  No (if no, please skip questions 8-11)

### IV. Delivery System and Payment Rates for Services

1. Indicated whether the delivery system used to provide benefits to Demonstration participants will differ from the Medicaid and/or CHIP state plan:

Yes  
 No (if no, please skip questions 2-7 and the applicable payment rate questions)

8. If fee-for-service payment will be made for any services, specify any deviation from state plan provider payment rates. If the services are not otherwise covered under the state plan, please specify the rate methodology.

The foster care youth demonstration will not involve any deviation from state plan provider payment rates.

- 9. If payment is being made through managed care entities on a capitated basis, specify the methodology for setting capitation rates, and any deviations from the payment and contracting requirements under 42 CFR Part 438.**

No payments will be made through managed care entities on a capitated basis as part of this demonstration.

- 10. If quality-based supplemental payments are being made to any providers or class of providers, please describe the methodologies, including the quality markers that will be measured and the data that will be collected.**

Quality-based supplemental payments are not being made to any providers or class of providers as part of this demonstration.

## **V. Implementation of Demonstration**

- 1. Describe the implementation schedule. If implementation is a phase-in-approach, please specify the phases, including starting and completion dates by major component/milestone.**

The demonstration will be implemented immediately upon approval by CMS. The eligibility group is currently covered under state plan authority and there will be no deviations from coverage provided under the state plan. As such, the demonstration will be implemented immediately on the effective date and will not require a phase-in approach.

- 2. Describe how potential Demonstration participants will be notified/enrolled into the Demonstration.**

Individuals will be screened for any other coverage group which the individual may be eligible for prior to assessing eligibility under the demonstration. Applicants will be notified of eligibility decisions in accordance with 42 CFR § 435.917.

- 3. If applicable, describe how the state will contract with managed care organizations to provide Demonstration benefits, including whether the state needs to conduct procurement action.**

This is not applicable. South Dakota uses Primary Care Case Management (PCCM). The eligibility group covered under this demonstration is excluded from participation in PCCM.

## **VI. Demonstration Financing and Budget Neutrality**

The state proposes to finance the non-federal share of expenditures under the demonstration using state general funds.

Per the November 21, 2016 *CMCS Informational Bulletin*, CMS will allow costs of this demonstration be treated as “pass-through” for budget neutrality. The appendix contains 5 years or historical data as well as projections on per member month enrollment.

The out of state former foster care youth group began as an eligibility group in FFY 2014. In order to provide the required 5 years of historical data FFY13 was estimated using the same number of eligible member months as FFY14. Total expenditures for FFY13 were based on the average per member per month costs for the other 4 years multiplied by 12. To provide full years of data for FFY14 and FFY17 the average total expenditures and average eligible member months for those years were multiplied by 12.

## VII. List of Proposed Waivers and Expenditure Authorities

### 1. Provide a list of proposed waivers and expenditure authorities.

South Dakota is requesting section 1115(a)(2) expenditure authority to cover former foster care youth.

### 2. Describe why the state is requesting the waiver or expenditure and how it will be used.

South Dakota is requesting expenditures for full Medicaid state plan benefits for former foster care youth who are under age 26, were in foster care under the responsibility of another state on the date of attaining 18 years of age or such higher age as the state has elected, were enrolled in Medicaid on that date/at any time while in foster care, and meet the eligibility criteria stated in this proposal.

## VIII. Public Notice

### 1. Start and end dates of the state’s public comment period.

South Dakota conducted the public comment period starting on August 28, 2017. The last day to provide comment was September 28, 2017. The state conducted another public comment period beginning December 11, 2017 and ending January 12, 2018.

### 2. Certification that the state provided public notice of the application, along with a link to the state’s web site and a notice in the state’s Administrative Record or newspaper of widest circulation 30 days prior to submitting the application to CMS.

The public notice was published in the South Dakota *REGISTER* on August 28, 2017: <http://sdlegislature.gov/docs/rules/Register/08282017.pdf>. The public notice for the second comment period was published in the South Dakota *REGISTER* on December 11, 2017: <http://sdlegislature.gov/docs/rules/Register/12112017.pdf>. Public notice information was also provided on the department’s website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. The department linked to this page from the department’s homepage: <http://dss.sd.gov/>.



- 3. Certification that the state convened at least 2 public hearings, of which one hearing included teleconferencing and/or web capability, 20 days prior to submitting the application to CMS, including dates and a brief description of the hearings conducted.**

South Dakota conducted two public hearings. Both of the hearings included the ability for attendees to call into the hearing via the telephone. The public hearings were held at the following dates/locations:

August 29, 2017  
3:00 PM to 4:00 PM CST  
Kneip Building  
Kneip 1 Conference Room  
700 Governors Drive  
Pierre, SD 57501-2291

September 1, 2017  
8:00 AM to 9:00 AM CST  
DSS Sioux Falls Office  
Pasque Conference Room  
811 E. 10th St.  
Sioux Falls, SD 57103-1650

The department did not receive any comments at either hearing.

- 4. Certification that the state used an electronic mailing list or similar mechanism to notify the public.**

South Dakota used an electronic mailing list to notify the public during both public notice periods. The department used the list serve used for informing the public of administrative rules changes.

- 5. Comments received by the state during the 30 day public notice period.**

South Dakota received one comment during the public notice period. The comment was in support of the waiver and appeared to ask for clarification that the waiver will maintain access to Medicaid coverage for former foster care youth that meet the eligibility criteria. South Dakota confirmed the commenter's understanding is correct.

- 6. Certification that the state conducted tribal consultation in accordance with the state's approved Medicaid state plan, or at least 60 days prior to submitting this Demonstration application if the Demonstration has or would have a direct effect of Indians, tribes, on Indian health programs, or on urban Indian health organizations, including dates and method of consultation.**

The state conducted tribal consultation beginning on August 28, 2017 in accordance with the state's approved Medicaid state plan. The state conducted an additional tribal consultation period beginning December 11, 2017. The state did not receive any comments.

## **IX. Demonstration Administration**

The state's point of contact for the demonstration application is the following:

Sarah Aker, Deputy Division Director  
Division of Medical Services  
South Dakota Department of Social Services  
607-773-3495  
[Sarah.Aker@state.sd.us](mailto:Sarah.Aker@state.sd.us)

**Appendix: Budget Neutrality**

	A	B	C	D	E	F	G
1	<b>5 YEARS OF HISTORIC DATA</b>						
2							
3	<b>SPECIFY TIME PERIOD AND ELIGIBILITY GROUP DEPICTED: FFY13 to FFY17</b>						
4							
5	<b>Out of State Former Foster Care Youth</b>	<b>FFY13</b>	<b>FFY14</b>	<b>FFY15</b>	<b>FFY16</b>	<b>FFY17</b>	<b>5-YEARS</b>
6	<b>TOTAL EXPENDITURES</b>	\$ 1,604	\$ -	\$ 4,390	\$ 7,145	\$ 1,785	\$ 14,924
7	<b>ELIGIBLE MEMBER MONTHS</b>	12	12	23	27	28	
8	<b>PMPM COST</b>	\$ 133.66	\$ -	\$ 190.87	\$ 264.64	\$ 63.74	
9	<b>TREND RATES</b>						<b>5-YEAR</b>
10			<b>ANNUAL CHANGE</b>				<b>AVERAGE</b>
11	TOTAL EXPENDITURE		-100.00%	#DIV/0!	62.76%	-75.02%	2.71%
12	ELIGIBLE MEMBER MONTHS		0.00%	91.67%	17.39%	3.70%	23.59%
13	PMPM COST		-100.00%	#DIV/0!	38.65%	-75.92%	-16.90%

	A	B	C	D	E	F	G	H	I	J	K
1	<b>DEMONSTRATION WITHOUT WAIVER (WOW) BUDGET PROJECTION: COVERAGE COSTS FOR POPULATIONS</b>										
2											
3											
4	<b>ELIGIBILITY</b>	<b>TREND</b>	<b>MONTHS</b>	<b>BASE YEAR</b>	<b>TREND</b>	<b>DEMONSTRATION YEARS (DY)</b>					<b>TOTAL</b>
5	<b>GROUP</b>	<b>RATE 1</b>	<b>OF AGING</b>	<b>2017</b>	<b>RATE 2</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>WOW</b>
6											
7	<b>Out of State Former Foster Care Youth</b>										
8	<b>Pop Type:</b>	<b>Medicaid</b>									
9	Eligible Member Months	23.6%		28	23.6%	35	43	53	65	81	
10	PMPM Cost	-16.9%	0	\$ 63.74	-16.9%	\$ 52.97	\$ 44.02	\$ 36.58	\$ 30.40	\$ 25.26	
11	Total Expenditure					\$ 1,833	\$ 1,883	\$ 1,934	\$ 1,986	\$ 2,039	\$ 9,675
12											

DEMONSTRATION WITH WAIVER (WW) BUDGET PROJECTION: COVERAGE COSTS FOR POPULATIONS								
			DEMONSTRATION YEARS (DY)					TOTAL WW
ELIGIBILITY GROUP	2017	DEMO TREND RATE	2018	2019	2020	2021	2022	
<b>Out of State Former Foster Care Youth</b>								
<b>Pop Type:</b>	<b>Medicaid</b>							
Eligible Member Months	28	23.6%	35	43	53	65	81	
PMPM Cost Total	\$ 63.74	-16.9%	\$ 52.97	\$ 44.02	\$ 36.58	\$ 30.40	\$ 25.26	
Expenditure			\$ 1,833	\$ 1,883	\$ 1,934	\$ 1,986	\$ 2,039	\$ 9,675

# REGISTER



## South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., August 28, 2017

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Education: South Dakota Board of Education:** (August 24, 2017) intends to adopt rules to set forth the public school accountability system, performance goals, school classifications, and school support process as required by South Dakota law and the Every Student Succeeds Act of 2015. The general authority for these rules, as cited by the board, is SDCL §§ 13-3-51, 13-3-55, and 13-3-69.

A public hearing will be held at Northern State University, Student Center Centennial Rooms A & B West, 1200 South Jay Street, Aberdeen, South Dakota, on September 18, 2017, at 9:30 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or at <https://rules.sd.gov>. Material sent by mail must reach the Department of Education by September 14, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department of Education can make arrangements are asked to call (605) 773-3553 at least 48 hours in advance of the hearing.

### Notice:

The **Department of Social Services** intends to submit an 1115 Demonstration Waiver to the Center for Medicare & Medicaid Services (CMS) to continue to provide Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota. This group is currently covered under the Medicaid state plan. CMS has provided guidance indicating that states should use 1115 Demonstration Waiver authority to cover these individuals. To be eligible for Medicaid coverage under the waiver, an individual must be a citizen of the United States or have a non-citizen status that qualifies for federally funded Medicaid, be a South Dakota resident, be under the age of 26, not otherwise mandatorily eligible for coverage under the state plan, were in foster care under the responsibility of another state and enrolled in Medicaid under another state's plan or 1115 demonstration when they turned 18 or at the time of aging out of the state's foster care program, and have an income less than 182% of the Federal Poverty Level. South Dakota has provided Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota since January 1, 2014. During this time, 8 youths have had Medicaid coverage through this eligibility group. As of July 7, 2017, 3 youths were covered through this eligibility group. The state estimates that a similar number of youth will be covered under this eligibility group going forward. Youths eligible for coverage under the waiver will continue to have the same benefit coverage, cost sharing, and delivery system as those with full coverage under the Medicaid state plan. The goal and objective of the waiver is to continue to provide Medicaid coverage to youth who

aged out of foster care in a different state, now reside in South Dakota, and meet all of the eligibility criteria. The state will conduct analysis on no less than an annual basis to determine the number of individuals with Medicaid coverage under this waiver. This analysis will allow the state to test its hypothesis that the waiver will maintain access to Medicaid coverage for former foster care youth that meet the eligibility criteria. The waiver application requests 1115(a)(2) expenditure authority to cover former foster care youth. The non-federal share of expenditures for this eligibility group will continue to be financed through state general funds.

Two public hearings will be conducted. The first public hearing will be held at the Kneip Building, Kneip 1 Conference Room, 700 Governors Drive, Pierre, South Dakota, on August 29, 2017, at 3:00 p.m. CST. The second public hearing is September 1, 2017, at 8:00 a.m. CST at the Department of Social Services, Pasque Conference Room, 811 E. 10<sup>th</sup> Street, Sioux Falls, South Dakota. Commenters may appear at the hearings telephonically by calling (866) 410-8397 and entering conference code 6256779181. A copy of the proposed waiver is on the Department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of the waiver, and corresponding comments, may also be sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291. Comments may also be emailed to [Matthew.Ballard@state.sd.us](mailto:Matthew.Ballard@state.sd.us). The comment period ends September 28, 2017. All comments should be submitted before or on this date.

## **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

### **DEPARTMENT OF SOCIAL SERVICES: BOARD OF SOCIAL WORK**

**EXAMINERS:** 20:59:01:04.01, 20:59:01:10.06, 20:59:01:10.08; 20:59:02:03.03, 20:59:02:04, 20:59:02:05; 20:85:01:01 through 20:85:01:09, inclusive; 20:85:02:01, and 20:85:02:02.

History-Notice: 43 SDR 179, June 26, 2017  
Hearing: July 25, 2017  
Filed: August 22, 2017  
Effective: September 11, 2017

### **DEPARTMENT OF SOCIAL SERVICES: DIVISION OF CHILD CARE SERVICES:**

67:47:01:03.01, 67:47:01:08, 67:47:01:13.01, 67:47:01:18, and 67:47:01:29.

History-Notice: 43 SDR 180, June 26, 2017  
Hearing: July 27, 2017  
Filed: August 22, 2017  
Effective: September 11, 2017

### **DEPARTMENT OF TRANSPORTATION:**

70:12:02:01, 70:12:02:07, 70:12:02:08, 70:12:02:09, 70:12:02:12; 70:13:01:02, 70:13:01:04, and 70:13:01:10.

History-Notice: 44 SDR 9, July 10, 2017  
Hearing: July 27, 2017  
Filed: August 22, 2017  
Effective: September 11, 2017

### **DEPARTMENT OF EDUCATION:**

**BOARD OF EDUCATION:** 24:58:01:01; 24:58:03:01, 24:58:03:04, 24:58:03:05, 24:58:03:07, and 24:58:03:09.

History-Notice: 43 SDR 175, June 19, 2017  
Hearing: July 17, 2017  
Filed: August 23, 2017  
Effective: September 12, 2017

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 44*

*Monday, 8:00 a.m., December 11, 2017*

### **FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:**

#### **Notice:**

The **Department of Social Services** intends to submit an 1115 Demonstration Waiver to the Center for Medicare & Medicaid Services (CMS) to continue to provide Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota. This group is currently covered under the Medicaid state plan. CMS has provided guidance indicating that states should use 1115 Demonstration Waiver authority to cover these individuals. The department previously issued public notice on August 28, 2017 and is reissuing notice with an estimate of expenditures. To be eligible for Medicaid coverage under the waiver, an individual must be a citizen of the United States or have a non-citizen status that qualifies for federally funded Medicaid, be a South Dakota resident, be under the age of 26, not otherwise mandatorily eligible for coverage under the state plan, were in foster care under the responsibility of another state and enrolled in Medicaid under another state's plan or 1115 demonstration when they turned 18 or at the time of aging out of the state's foster care program, and have an income less than 182% of the Federal Poverty Level. South Dakota has provided Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota since January 1, 2014. From that time through July 7, 2017, 8 youths had Medicaid coverage through this eligibility group and total expenditures for this group were approximately \$12,900. As of July 7, 2017, 3 individuals were covered through this

eligibility group. The state anticipates an average of 3 individuals covered under this eligibility group each year of the demonstration at a projected cost of \$15,000 per year. Youths eligible for coverage under the waiver will continue to have the same benefit coverage, cost sharing, and delivery system as those with full coverage under the Medicaid state plan. The goal and objective of the waiver is to continue to provide Medicaid coverage to youth who aged out of foster care in a different state, now reside in South Dakota, and meet all of the eligibility criteria. The state will conduct analysis on no less than an annual basis to determine the number of individuals with Medicaid coverage under this waiver. This analysis will allow the state to test its hypothesis that the waiver will maintain access to Medicaid coverage for former foster care youth that meet the eligibility criteria. The waiver application requests 1115(a)(2) expenditure authority to cover former foster care youth. The non-federal share of expenditures for this eligibility group will continue to be financed through state general funds.

During the original public notice period two public hearings were conducted at the following times and locations: August 29, 2017, at 3:00 p.m. CST at the Kneip Building, Kneip 1 Conference Room, 700 Governors Drive, Pierre, South Dakota, and September 1, 2017, at 8:00 a.m. CST at the Department of Social Services, Pasque Conference Room, 811 E. 10<sup>th</sup> Street, Sioux Falls, South Dakota. Commenters were allowed to appear telephonically at these hearings. No comments were received during the hearings or the original public notice period. A copy of the proposed waiver is on the



Department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of the waiver, and corresponding comments, may also be sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291. Comments may also be emailed to [Matthew.Ballard@state.sd.us](mailto:Matthew.Ballard@state.sd.us). The comment period ends January 12, 2018. All comments should be submitted before or on this date.

**Legislative Appointments:**

**Representative Doug Barthel** was appointed on December 5, 2017, to the **Interstate Compact for Adult Offender Supervision State Council**, to fill the vacancy created by the death of Representative Craig Tieszen.

**Representative Kevin Jensen** was appointed on December 5, 2017, to the **Corrections Commission**, to fill the vacancy created by the death of Representative Craig Tieszen.

**Senator Alan Solano** was reappointed on December 7, 2017, to the **Council for the Interstate Compact for Juveniles**.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**OFFICE OF THE SECRETARY OF STATE:** 5:04:03:01 and 5:04:03:04, inclusive.

History-Notice: 44 SDR 47, Sept. 5, 2017  
 Hearing: October 10, 2017  
 Filed: November 16, 2017  
 Effective: December 6, 2017

**DEPARTMENT OF REVENUE: SOUTH DAKOTA LOTTERY COMMISSION:** 48:03:06:05.

History-Notice: 44 SDR 64, October 2, 2017  
 Hearing: October 26, 2017  
 Filed: December 4, 2017  
 Effective: December 26, 2017

**REMINDER OF HEARINGS SCHEDULED**

<p><b>12-14-2017</b></p>	<p><b>Department of Game, Fish and Parks:</b> Adopt a rule to require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait; and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has had their bait dealer license suspended, revoked, or been denied a bait dealer license; 44 SDR 98, November 27, 2017.</p>
<p><b>12-15-2017</b></p>	<p><b>Department of Education: South Dakota Board of Technical Education:</b> Transfer existing rules from Article 24:10 under the Board of Education Standards to Article 24:59 under the Board of Technical Education; and amend relevant references from the director of Career and Technical Education to the Executive Director of the Board of Technical Education, from the Board of Education Standards to the Board of Technical Education, and from the Department of Education to the Board of Technical Education; 44 SDR 97, November 27, 2017.</p>

## Ballard, Matthew

---

**From:** Ballard, Matthew  
**Sent:** Monday, August 28, 2017 4:11 PM  
**To:** 'Adele White'; 'Amanda Taylor'; 'Amy Muchna'; 'Anthony Reider'; 'April Herrick'; 'Arlene Krulish'; 'Audrey German'; 'Becky Diehm'; 'Beth Lee'; 'Bonnie Cromwell'; 'Brandon Sazue'; 'Brittany Brewer'; 'CAPT Christopher W. Allen'; 'Carmen Thompson'; 'Carol Diaz'; 'CDR Emily Williams'; 'CeCe BigCrow'; 'Christine Olson'; 'Christy Hacker'; 'Clarence, Montgomery'; 'Cody Wolff'; 'Cole Hunter'; 'Corey Smith'; 'Crystal Owen'; 'Dara Harwood'; 'Dave Archambault II'; 'David Flute'; 'David Walford'; 'DaVonna Keeble'; 'Dayle Knutson'; 'DeAnna Howe-Swan'; 'Deb Odens'; 'Debee Eagle Elk'; 'Dee LeBeau-Hein'; 'Delaine Rasmussen'; 'Delores Pourier'; 'Devero Yellow Earing'; 'Donna LC Keeler'; 'Dr. Bill Carr'; 'Dylan Fills Pipe'; 'Ed Parsells'; 'Eddie Johnson Jr.'; 'Edwin Harris'; 'Elaine Clement'; 'Elaine Keepseagle'; 'Ella "John" Carlow'; 'Ellen Durkin'; 'Emery, Steve'; 'Eugene Giago'; 'Evelyn "Evie" Espinoza'; 'Gerri LeBeau'; 'Gina Johnson'; 'Gypsy Wanna'; 'Harold Frazier'; 'Holly Rice'; 'Jade Trottier'; 'James Begeman'; 'Jana Gipp'; 'Jean Richards-Tulloss'; 'Jennie Crawford'; 'Jennifer Giroux'; 'Jennifer Williams'; 'Jenny Jeffries'; 'Jeremy Burtenshaw'; 'Jeri Starr'; 'Jerilyn Church'; 'Jerome Lee Bearheels'; 'Jessica Morson'; 'Johanna Camacho'; 'John Eagle Shield'; 'John Yellow Bird Steele'; 'Jon Schuchardt'; 'Jonni Arpan'; 'Julie Thorstenson'; 'Justin Taylor'; 'Kagey, Hannah'; 'Karla Kirkpatrick'; 'Kathlene Thurman'; 'Kathy Bad Moccasin'; 'Kathy Gordon'; 'Kendra Christensen'; 'Kendra Roland'; 'Kevin Meeks'; 'Kevin Stiffarm'; 'Kim Clown'; 'Kristine Watts'; 'Kym Swimmer'; 'Leah Fyten'; 'Leatrice Wilson'; 'Lee Lawrence'; 'LeLewis Gipp'; 'Lezley "Lez" Kempf'; 'Linda Littlefield'; 'Lisa Schlosser'; 'Liz Anderson'; 'Lori Braaten'; 'Lynn Big Eagle'; 'Marc Beaudreau'; 'Margaret Gates'; 'Margaret Gunville'; 'Marieta Little Thunder'; 'Marilyn Prairie Chicken'; 'Mark Aguilar'; 'Mark Calkins'; 'Mark LeBrun'; 'Mary Ann McClowen'; 'Mary Bickel'; 'Matthew Frye'; 'Matthew Sieler'; 'Melissa Huff'; 'Michelle Patton'; 'Michelle Red Willow'; 'Mika Tibbs'; 'Mike Boland'; 'Monta Little Solider'; 'Myrna Thompson'; 'Neil Austin'; 'Nichole Cottier'; 'Nick Thomas'; 'Nicole White Wolf'; 'Nyal Brings'; 'Olivia Grass'; 'Olson, Alissa'; 'Opal Jones'; 'Patty Eagle Bull'; 'Paula Brown'; 'Paulette High Elk'; 'PJ Beaudry'; 'Randal White'; 'Randi Peacock'; 'Randolph Runs After'; 'Reiss, David'; 'Ricahrd Mousseau'; 'Richard Bud'; 'Richard Huff'; 'Rick Sorensen'; 'Robert Flying Hawk'; 'Robert Taken Alive'; 'Roberta Jacobson'; 'Rochelle Rogers'; 'Ron Cornelius'; 'Roxanne Sazue'; 'Roxee Johnson'; 'Sara DeCoteau'; 'Sean Jackson'; 'Shawn Carging'; 'Shirley Crane'; 'Sierra Wolcott'; 'Sonia Little Hawk-Weston'; 'Stacey Red Willow'; 'Staci Hunter'; 'Steven Kaleda'; 'Sue Mallon'; 'Sunny Cololmbe'; 'Susan Porter'; 'Tara Fox'; 'Teresa Stites'; 'Terra Haug'; 'Terri Rattler'; 'Tina Russell'; 'Tinka Duran'; 'Tinnekkia Williams'; 'Todd Warren'; 'Toni Slockish'; 'Tony Stayner'; 'Tricia Birdnecklace'; 'Tricia Knight'; 'Trina Fischer'; 'Tyler Lannoye'; 'Valentina LaFountain'; 'Vicky Barnes'; 'Warren Giago'; 'Whitney Nordvold'; 'William "Willie" Kindel Aker, Sarah; Snyder, William; Tidball-Zeltinger, Brenda; Valenti, Lynne  
**Cc:**  
**Subject:** Tribal Consultation - Former Foster Care Youth 1115 Waiver  
**Attachments:** Former Foster Care Youth 1115 Waiver.pdf

Good Afternoon,

Please find attached information regarding the South Dakota Department of Social Services intent to submit an 1115 Demonstration Waiver to the Center for Medicare & Medicaid Services. The waiver will allow the state to continue to provide Medicaid coverage for individuals who aged out of foster care in a different state and now reside in South Dakota. The notice contains information regarding public hearings and how to make a comment. Comments must be submitted before or on September 28, 2017. Information regarding the waiver is also available on the Department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>.

Please contact the me with any questions or comments.

Sincerely,

**Matthew Ballard** | Program Specialist II  
South Dakota Department of Social Services  
Division of Medical Services  
(605) 773-3495



*This message is being sent by or on behalf of the South Dakota Department of Social Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-3495 or by reply transmission by e-mail, and delete all copies of the message.*

*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.*

## Ballard, Matthew

---

**From:** Ballard, Matthew  
**Sent:** Monday, December 11, 2017 11:12 AM  
**To:** 'Adele White'; 'Amanda Taylor'; 'Amy Muchna'; 'Anthony Reider'; 'April Herrick'; 'Arlene Krulish'; 'Audrey German'; 'Becky Diehm'; 'Beth Lee'; 'Bonnie Cromwell'; 'Brandon Sazue'; 'Brittany Brewer'; 'CAPT Christopher W. Allen'; 'Carmen Thompson'; 'Carol Diaz'; 'CDR Emily Williams'; 'CeCe BigCrow'; 'Christine Olson'; 'Christy Hacker'; 'Clarence, Montgomery'; 'Cody Wolff'; 'Cole Hunter'; 'Corey Smith'; 'Crystal Owen'; 'Dave Archambault II'; 'David Flute'; 'David Walford'; 'DaVonna Keeble'; 'Dayle Knutson'; 'DeAnna Howe-Swan'; 'Deb Odens'; 'Debee Eagle Elk'; 'Dee LeBeau-Hein'; 'Delaine Rasmussen'; 'Delores Pourier'; 'Devero Yellow Earing'; 'Don Lee'; 'Dr. Bill Carr'; 'Dylan Fills Pipe'; 'Ed Parsells'; 'Eddie Johnson Jr.'; 'Edwin Harris'; 'Elaine Clement'; 'Elaine Keepseagle'; 'Ella "John" Carlow'; 'Ellen Durkin'; 'Emery, Steve'; 'Eugene Giago'; 'Evelyn "Evie" Espinoza'; 'Gerri LeBeau'; 'Gina Johnson'; 'Gypsy Wanna'; 'Harold Frazier'; 'Holly Rice'; 'Jade Trottier'; 'James Begeman'; 'Jana Gipp'; 'Jean Richards-Tulloss'; 'Jennie Crawford'; 'Jennifer Giroux'; 'Jennifer Williams'; 'Jenny Jeffries'; 'Jeremy Burtenshaw'; 'Jeri Starr'; 'Jerilyn Church'; 'Jerome Lee Bearheels'; 'Jessica Morson'; 'Johanna Camacho'; 'John Eagle Shield'; 'John Yellow Bird Steele'; 'Jon Schuchardt'; 'Jonni Arpan'; 'Julie Thorstenson'; 'Justin Taylor'; 'Kagey, Hannah'; 'Karla Kirkpatrick'; 'Kathlene Thurman'; 'Kathy Bad Moccasin'; 'Kathy Gordon'; 'Kendra Christensen'; 'Kendra Roland'; 'Kevin Meeks'; 'Kevin Stiffarm'; 'Kim Clown'; 'Kristine Watts'; 'Kym Swimmer'; 'Leah Fyten'; 'Leatrice Wilson'; 'Lee Lawrence'; 'LeLewis Gipp'; 'Lezley "Lez" Kempf'; 'Linda Littlefield'; 'Lisa Schlosser'; 'Liz Anderson'; 'Lori Braaten'; 'Lynn Big Eagle'; 'Marc Beaudreau'; 'Margaret Gates'; 'Margaret Gunville'; 'Marieta Little Thunder'; 'Marilyn Prairie Chicken'; 'Mark Aguilar'; 'Mark Calkins'; 'Mark LeBrun'; 'Mary Ann McClowen'; 'Mary Bickel'; 'Matthew Frye'; 'Matthew Sieler'; 'Melissa Huff'; 'Michelle Patton'; 'Michelle Red Willow'; 'Mika Tibbs'; 'Mike Boland'; 'Monta Little Solider'; 'Myrna Thompson'; 'Neil Austin'; 'Nichole Cottier'; 'Nick Thomas'; 'Nicole White Wolf'; 'Olivia Grass'; 'Olson, Alissa'; 'Opal Jones'; 'Patty Eagle Bull'; 'Paula Brown'; 'Paulette High Elk'; 'PJ Beaudry'; 'Randal White'; 'Randi Peacock'; 'Randolph Runs After'; 'Reiss, David'; 'Ricahrd Mousseau'; 'Richard Bud'; 'Richard Huff'; 'Rick Sorensen'; 'Robert Flying Hawk'; 'Robert Taken Alive'; 'Roberta Jacobson'; 'Rochelle Rogers'; 'Ron Cornelius'; 'Roxanne Sazue'; 'Roxee Johnson'; 'Sara DeCoteau'; 'Sean Jackson'; 'Shawn Carging'; 'Shirley Crane'; 'Sierra Wolcott'; 'Sonia Little Hawk-Weston'; 'Stacey Red Willow'; 'Staci Hunter'; 'Steven Kaleda'; 'Sue Mallon'; 'Sunny Cololmbe'; 'Susan Porter'; 'Tara Fox'; 'Teresa Stites'; 'Terra Haug'; 'Terri Rattler'; 'Tina Russell'; 'Tinka Duran'; 'Tinnekkia Williams'; 'Todd Warren'; 'Toni Slockish'; 'Tony Stayner'; 'Tricia Birdnecklace'; 'Tricia Knight'; 'Trina Fischer'; 'Tyler Lannoye'; 'Valentina LaFountain'; 'Vicky Barnes'; 'Warren Giago'; 'Whitney Nordvold'; 'William "Willie" Kindle Aker, Sarah; Snyder, William; Tidball-Zeltinger, Brenda; Valenti, Lynne  
**Subject:** Tribal Consultation - Former Foster Care Youth 1115 Waiver  
**Attachments:** Tribal Consultation Former Foster Care Youth 12.11.17.pdf

Good Morning,

Please find attached information regarding the South Dakota Department of Social Services intent to submit an 1115 Demonstration Waiver to the Center for Medicare & Medicaid Services. The waiver will allow the state to continue to provide Medicaid coverage for individuals who aged out of foster care in a different state and now reside in South Dakota. The department previously conducted tribal consultation for this waiver application starting on August 28, 2017 and is providing another comment period. Comments must be submitted before or on January 12, 2018. Information

regarding the waiver application is also available on the Department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>.

Please contact the me with any questions or comments.

Sincerely,

**Matthew Ballard** | Program Specialist II  
South Dakota Department of Social Services  
Division of Medical Services  
(605) 773-3495



*This message is being sent by or on behalf of the South Dakota Department of Social Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-3495 or by reply transmission by e-mail, and delete all copies of the message.*

*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.*