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State/Territory Name: South Dakota

State Plan Amendment (SPA) #: SD-11-002

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1600 Broadway, Suite 700
Denver, CO 80202-4967



Region VIII

July 11, 2011

Kim Malsam-Rysdon, Secretary
Department of Social Services
Richard F. Kneip Building
700 Governors Drive
Pierre, SD 57501-2291

RE: South Dakota #11-002

Dear Ms. Malsam-Rysdon:

We have reviewed the proposed State Plan Amendment (SPA) submitted under transmittal number (TN) 11-002.

This amendment implements the Tribal Consultation Requirements from Section 1902(a)(73) of the Social Security Act (the Act) which 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 (IHCIA).

Please be informed that this State Plan Amendment is approved effective May 20, 2011. We are enclosing the CMS-179 and the amended plan page(s).

If you have any questions concerning this amendment, please contact Betty Strecker at (303) 844-7028.

Sincerely,

/s/

D. Stephen Nose, CPA
Acting Associate Regional Administrator
Division for Medicaid & Children's Health Operations

CC: Larry Iversen, Medicaid Director
Mark Zickrick

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

1. TRANSMITTAL NUMBER:
11 - 2

2. STATE:
South Dakota

**FOR: CENTERS FOR MEDICARE & MEDICAID
SERVICES**

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE:
May 20, 2011

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

1902(a)(73) of the Act

7. FEDERAL BUDGET IMPACT:
a. FFY 2011: \$0
b. FFY 2012: \$0

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Section 1 4, Page 9

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 PAGE NUMBER OF THE SUPERSEDED PLAN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

Section 1 4, Page 9

10. SUBJECT OF AMENDMENT:

This State Plan Amendment describes the process by which the State seeks input from Tribal leaders and representatives of Indian health organizations on State Plan Amendments

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL:


16. RETURN TO:

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

13. TYPED NAME:

KIM MALSAM RYSDON

14. TITLE:
Department Secretary

15. DATE SUBMITTED: 5/24/11

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: 5/26/11

18. DATE APPROVED: 7/11/11

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
5/20/11

20. SIGNATURE OF REGIONAL OFFICIAL:


21. TYPED NAME: D. Stephen Nose

22. TITLE: Acting ARA, DMCHO

23. REMARKS:

Revision:**State/Territory: South Dakota**Citation

42 CFR 431.12(b)

1.4

State Medical Care Advisory Committee

There is an advisory committee to the Medicaid agency director on health and medical care services established in accordance with and meeting all the requirements of 42 CFR 431.12.

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.

TN # 11-2
Supersedes
TN # 74-9

Approval Date 7/11/11

Effective Date 5/20/11