

## **Table of Contents**

**State/Territory Name: South Dakota**

**State Plan Amendment (SPA) #: 13-0009-MM**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 3) Superseding Pages Notice
- 4) Approved SPA Pages
- 5) Additional Attachments that are part of the state plan

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



## **Region VIII**

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November 20, 2013

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

RE: South Dakota #13-0009-MM

Dear Ms. Malsam-Rysdon:

We have reviewed the proposed State Plan Amendment (SPA) submitted under transmittal number (TN) 13-0009-MM. This SPA implements the Affordable Care Act's provision for addressing the single state agencies delegation of appeals and determinations.

Please be informed that this State Plan Amendment was approved on November 18, 2013 with an effective date of January 1, 2014. We are enclosing the summary sheet (CMS-179) and the amended plan page(s).

If you have any questions concerning this amendment, please contact Laurie Jensen at (303) 844-7126.

Sincerely,

/s/

Richard C. Allen  
Associate Regional Administrator  
Division for Medicaid & Children's Health Operations

CC: Kirby Stone, Medicaid Director  
Ann Schwartz  
Amy Stewart

**Medicaid State Plan Eligibility: Summary Page (CMS 179)**

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**State/Territory name:** South Dakota**Transmittal Number:**

*Please enter the Transmittal Number (TN) in the format ST-YY-0000 where ST= the state abbreviation, YY = the last two digits of the submission year, and 0000 = a four digit number with leading zeros. The dashes must also be entered.*

SD-13-0009

**Proposed Effective Date**

01/01/2014

(mm/dd/yyyy)

**Federal Statute/Regulation Citation**

42 CFR 431.10, 42 CFR 431.11, 42 CFR 431.12, 42 CFR 431.50

**Federal Budget Impact**

	Federal Fiscal Year	Amount
First Year	2014	\$ 0.00
Second Year	2015	\$ 0.00

**Subject of Amendment**

This State Plan Amendment designates the Department of Social Services as the single state agency operating the Medicaid program in South Dakota.

**Governor's Office Review**☒ **Governor's office reported no comment**☐ **Comments of Governor's office received**

Describe:

☐ **No reply received within 45 days of submittal**☐ **Other, as specified**

Describe:

**Signature of State Agency Official****Submitted By:** Ann Schwartz**Last Revision Date:** Nov 6, 2013**Submit Date:** Aug 23, 2013

**SUPERSEDING PAGES OF  
STATE PLAN MATERIAL**

**TRANSMITTAL NUMBER:**

SD-0009-MM

**STATE:**

South Dakota

**PAGE NUMBER OF THE PLAN SECTION OR  
ATTACHMENT:**

A1 – A3

**COMPLETE PAGES  
SUPERSEDED:**

Page 1

Section 1.1 (pages 2-6)

Section 1.2 (page 7)

Section 1.3 (page 8)

Attachment 1.1-A (Attorney  
General certification)

Attachment 1.2-A  
(Organizational chart)

Attachment 1.2-B (Description  
of the functions of the single  
state agency)

Attachment 1.2-C (Description  
of professional medical and  
supporting staff)

**PARTIAL PAGES  
SUPERSEDED:**

Section 1.4 (page 9)(State  
Medical Care Advisory  
Committee only. Tribal  
consultation will remain in the  
state plan.)

A1-A2

Notwithstanding any other provisions of the Medicaid State Plan,  
the agencies designated in A1 and A2 will determine eligibility for  
coverage to the extent specified in A1 and A2.



# Medicaid Administration

OMB Control Number 0938-1148

OMB Expiration date: 10/31/2014

## State Plan Administration Designation and Authority

A1

42 CFR 431.10

### Designation and Authority

State Name:

As a condition for receipt of Federal funds under title XIX of the Social Security Act, the single state agency named below submits the following state plan for the medical assistance program, and hereby agrees to administer the program in accordance with the provisions of this state plan, the requirements of titles XI and XIX of the Act, and all applicable Federal regulations and other official issuances of the Department.

Name of single state agency:

Type of Agency:

- ☒ Title IV-A Agency  
☐ Health  
☐ Human Resources  
☐ Other

Type of Agency

The above named agency is the single state agency designated to administer or supervise the administration of the Medicaid program under title XIX of the Social Security Act. (All references in this plan to "the Medicaid agency" mean the agency named as the single state agency.)

The state statutory citation for the legal authority under which the single state agency administers the state plan is:

The single state agency supervises the administration of the state plan by local political subdivisions.

☐ Yes ☒ No

☒ The certification signed by the state Attorney General identifying the single state agency and citing the legal authority under which it administers or supervises administration of the program has been provided.

**An attachment is submitted.**

The state plan may be administered solely by the single state agency, or some portions may be administered by other agencies.

The single state agency administers the entire state plan under title XIX (i.e., no other agency or organization administers any portion of it).

☒ Yes ☐ No



# Medicaid Administration

The entity or entities that have responsibility for determinations of eligibility for families, adults, and for individuals under 21 are:

- ☒ The Medicaid agency
- ☐ Single state agency under Title IV-A (in the 50 states or the District of Columbia) or under Title I or XVI (AABD) in Guam, Puerto Rico, or the Virgin Islands
- ☐ An Exchange that is a government agency established under sections 1311(b)(1) or 1321(c)(1) of the Affordable Care Act

The entity that has responsibility for determinations of eligibility for the aged, blind, and disabled are:

- ☒ The Medicaid agency
- ☐ Single state agency under Title IV-A (in the 50 states or the District of Columbia) or under Title I or XVI (AABD) in Guam, Puerto Rico, or the Virgin Islands
- ☐ An Exchange that is a government agency established under sections 1311(b)(1) or 1321(c)(1) of the Affordable Care Act
- ☒ The Federal agency administering the SSI program

Indicate which agency determines eligibility for any groups whose eligibility is not determined by the Federal agency:

- ☒ Medicaid agency
- ☐ Title IV-A agency
- ☐ An Exchange

The entity or entities that have responsibility for conducting fair hearings with respect to denials of eligibility based on the applicable modified adjusted gross income standard are:

- ☒ Medicaid agency
- ☐ An Exchange that is a government agency established under sections 1311(b)(1) or 1321(c)(1) of the Affordable Care Act
- ☐ An Exchange appeals entity, including an entity established under section 1411(f) of the Affordable Care Act

The agency has established a review process whereby the agency reviews appeals decisions made by the Exchange or Exchange appeals entity or other state agency, but only with respect to conclusions of law, including interpretations of state or federal policies.

☐ Yes ☒ No

## State Plan Administration Organization and Administration

A2

42 CFR 431.10  
42 CFR 431.11

### Organization and Administration

Provide a description of the organization and functions of the Medicaid agency.

The Department of Social Services (DSS) is comprised of divisions that provide programs, services, and financial and medical assistance to eligible South Dakotans with the goal of fostering independent and healthy families. DSS also ensures children, the elderly, and individuals with disabilities are safe from abuse and neglect.

The Department of Social Services is the single state agency responsible for administering the Medicaid program. Within DSS, the Division of Medical Services (DMS) oversees the Medicaid program. The Division of Medical Services enrolls medical assistance



# Medicaid Administration

providers, determines how providers will be reimbursed for services provided under the State Plan, operates a system for processing claims, maintains control mechanisms to minimize improper payments resulting from unintended errors as well as fraud and abuse, issues policies, rules and regulations on program matters, maintains a system for resolving grievances by applicants, recipients, and providers, and collects and reports required program information. The Division of Medical Services works closely with the Division of Economic Assistance (EA) to provide statewide eligibility determinations to South Dakotans eligible for medical assistance under the State Plan. The Division of Economic Assistance is responsible for eligibility determinations for the SNAP, TANF, Energy Assistance, CHIP and Medicaid programs in the state of South Dakota. The South Dakota Department of Social Services, Office of Administrative Hearings, is the impartial and external entity that conducts all Medicaid fair hearings.

Upload an organizational chart of the Medicaid agency.

An attachment is submitted.

Provide a description of the structure of the state's executive branch which includes how the Medicaid agency fits in with other health, human service and public assistance agencies.

The Executive Branch includes eight elected officials, the lieutenant governor, and the governor. The governor is the chief executive officer of the State of South Dakota. The governor has decision-making authority over the bureaus and the state's seventeen departments that compose the cabinet. The cabinet meets regularly. The Department of Social Services is the state's sole Medicaid agency, and includes other public assistance programs. South Dakota's other health and human service agencies are the Department of Health and the Department of Human Services.

The South Dakota Department of Health (DOH) delivers wide range of public health services to prevent disease, promote health and ensure access to needed, high-quality health care. DOH administers a wide range of programs, including but not limited to South Dakota's WIC Program, Baby Care Program, All Women Count! Program, and the Tobacco Control Program.

The South Dakota Department of Human Services (DHS) promotes the highest level of independence for all individuals regardless of disability or disorder. DHS includes but is not limited to the following Divisions and Facilities: Developmental Disabilities, Rehabilitation Services, Services to the Blind and Visually Impaired, and the South Dakota Developmental Center.

## Entities that determine eligibility other than the Medicaid Agency (if entities are described under Designation and Authority)

Remove

Type of entity that determines eligibility:

- ☐ Single state agency under Title IV-A (in the 50 states or the District of Columbia) or under Title I or XVI (AABD) in Guam, Puerto Rico, or the Virgin Islands
- ☐ An Exchange that is a government agency established under sections 1311(b)(1) or 1321(c)(1) of the Affordable Care Act
- ☒ The Federal agency administering the SSI program

Provide a description of the staff designated by the entity and the functions they perform in carrying out their responsibility.

Pursuant to a 1634 agreement, the Social Security Administration determines Medicaid eligibility for Supplemental Security Income recipients.

Add

## Entities that conduct fair hearings other than the Medicaid Agency (if are described under Designation and Authority)

Remove

Type of entity that conducts fair hearings:

- ☐ An Exchange that is a government agency established under sections 1311(b)(1) or 1321(c)(1) of the Affordable Care Act



# Medicaid Administration

- ☐ An Exchange appeals entity, including an entity established under section 1411(f) of the Affordable Care Act

Provide a description of the staff designated by the entity and the functions they perform in carrying out their responsibility.

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Add

Supervision of state plan administration by local political subdivisions (if described under Designation and Authority)

Is the supervision of the administration done through a state-wide agency which uses local political subdivisions?

- ☐ Yes ☐ No

## State Plan Administration

A3

### Assurances

42 CFR 431.10

42 CFR 431.12

42 CFR 431.50

### Assurances

- ☒ The state plan is in operation on a statewide basis, in accordance with all the requirements of 42 CFR 431.50.
- ☒ All requirements of 42 CFR 431.10 are met.
- ☒ There is a Medical Care Advisory Committee to the agency director on health and medical services established in accordance with meeting all the requirements of 42 CFR 431.12.
- ☒ The Medicaid agency does not delegate, to other than its own officials, the authority to supervise the plan or to develop or issue policies, rules, and regulations on program matters.

Assurance for states that have delegated authority to determine eligibility:

- ☐ There is a written agreement between the Medicaid agency and the Exchange or any other state or local agency that has been delegated authority to determine eligibility for Medicaid eligibility in compliance with 42 CFR 431.10(d).

Assurances for states that have delegated authority to conduct fair hearings:

- ☐ There is a written agreement between the Medicaid agency and the Exchange or Exchange appeals entity that has been delegated authority to conduct Medicaid fair hearings in compliance with 42 CFR 431.10(d).
- ☐ When authority is delegated to the Exchange or an Exchange appeals entity, individuals who have requested a fair hearing are given the option to have their fair hearing conducted instead by the Medicaid agency.

Assurance for states that have delegated authority to determine eligibility and/or to conduct fair hearings:

- ☒ The Medicaid agency does not delegate authority to make eligibility determinations or to conduct fair hearings to entities other than government agencies which maintain personnel standards on a merit basis.

## PRA Disclosure Statement





# Medicaid Administration

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
MEDICAL ASSISTANCE PROGRAM  
STATE OF SOUTH DAKOTA

ATTORNEY GENERAL'S CERTIFICATION

I certify that:

The Department of Social Services is the single state agency responsible for:

☒ administering the plan.

The legal authority under which the agency administers the plan on a Statewide basis is:

SDCL 1-36-5.1 and 1-36-7.1

(statutory citation)

☐ supervising the administration of the plan by local political subdivisions.

The legal authority under which the agency supervises the administration of the plan on a Statewide basis is contained in:

(statutory citation)

The agency's legal authority to make rules and regulations that are binding on the political subdivisions administering the plan is:

(statutory citation)

7-31-13

Date

  
Signature

Attorney General - State of South Dakota  
Title

# Department of Social Services

State of South Dakota

