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State/Territory Name: South Dakota

State Plan Amendment (SPA) #: 22-0005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

July 12, 2022

Sarah Aker, Medicaid Director
Department of Social Services
Richard F. Kneip Building
700 Governors Drive
Pierre, SD 57501-2291

RE: TN 22-0005

Dear Ms. Aker:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of South Dakota's State Plan Amendment (SPA) Transmittal #22-0005, submitted on May 20, 2022. The SPA updates the state's coverage of organ transplant to more accurately reflect current state practice.

CMS approved SPA #22-0005 on July 12, 2022, with an effective date of May 1, 2022. Enclosed is a copy of the CMS-179 summary form, as well as the approved pages for incorporation into the South Dakota State Plan.

If you have any questions regarding this amendment, please contact Mandy Strom at mandy.strom@cms.hhs.gov or (303)844-7068.

Sincerely,

Nicole McKnight, Acting Director
Division of Program Operations

Enclosures

cc: Matthew Ballard, South Dakota Medicaid
Renae Hericks, South Dakota Medicaid

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	1. TRANSMITTAL NUMBER <u>2 2 — 0 0 0 5</u>	2. STATE <u>S D</u>
	3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <input checked="" type="radio"/> XIX <input type="radio"/> XXI	
TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE <u>May 1, 2022</u>	
5. FEDERAL STATUTE/REGULATION CITATION <u>1903(i)(1) of the Act</u>	6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a FFY <u>2022</u> \$ <u>0</u> b FFY <u>2023</u> \$ <u>0</u>	
7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT <u>Page 1 and 2 of Attachment 3.1-E *</u>	8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable) <u>Page 1 and 2 of Attachment 3.1-E TN# 89-20</u>	

9. SUBJECT OF AMENDMENT

Clarifies the State's coverage of organ transplants.

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

12. TYPED NAME
Laurie R. Gill

13. TITLE
Cabinet Secretary

14. DATE SUBMITTED
May 20, 2022

15. RETURN TO
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF MEDICAL SERVICES
700 GOVERNORS DRIVE
PIERRE, SD 57501-2291

FOR CMS USE ONLY

16. DATE RECEIVED
May 20, 2022

17. DATE APPROVED
July 12, 2022

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
May 1, 2022

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL
Nicole McKnight

21. TITLE OF APPROVING OFFICIAL
Acting Director, Division of Program Operations

22. REMARKS

*South Dakota requested a pen & ink change to box 7 of the 179 of July 8, 2022.

State/Territory: SOUTH DAKOTA

STANDARDS FOR THE COVERAGE OF ORGAN TRANSPLANT SERVICES

The following standards and criteria must be met before organ transplant services are payable under the Medicaid program in South Dakota:

- a. All individuals desiring a transplant that are eligible for Medicare must apply to the Medicare program for coverage of the proposed transplant.
- b. A decision by Medicare that a transplant would not be covered by the Medicare program due to failure of the individual to meet the Medicare patient selection criteria will be binding upon the Medicaid program.
- c. Only human organs may be used for any transplant.
- d. Cornea and kidney transplants must be medically necessary.
- e. Bone marrow, lung, heart, liver and other transplants must be medically necessary and require prior authorization by the State Agency. Heart transplants must be performed at a Medicare-approved transplant center. Liver transplants must be performed at a Medicare-approved transplant center or a transplant center approved by the Organ Procurement and Transplantation Network.
- f. Medical expenses for transplant donors are covered. However, these expenses are limited to the donor's hospital, physician, and laboratory charges.