

## Summary of Public Comments

	<b>Summary of Comment</b>	<b>South Dakota's Response</b>
1	Several commenters stated they are in support of and are happy about the additional services and the increased standard needs allowance.	Comments received, summarized and recorded.
2	During the Town Hall Conference Calls several commenters who were service providers questioned the proposed increased Standard Needs Allowance for consumers living at home.	South Dakota explained the Standard Needs Allowance for consumers at home and for consumers living in an assisted living center including how the change would affect consumers and providers.
3	Several commenters asked for clarification on the effective date of the changes in the Waiver Renewal Application.	South Dakota explained the changes are pending approval from the Centers for Medicare and Medicaid Services, but are anticipated to take effect on October 1, 2016.
4	One commenter questioned how consumers will be informed of the changes.	South Dakota has notified all current waiver consumers of the proposed changes through a letter and summary of changes. Additionally, South Dakota sent a summary of the changes and a link to the waiver application to several advocacy and provider groups, including the South Dakota Association of Health Care Organizations (SDAHO), South Dakota Health Care Association (SDHCA), Assisted Living Association of South Dakota (ALASD), South Dakota Advocacy Services, and the American Association of Retired Persons. Once the changes are in effect, consumers will be notified by letter regarding the changes that have been approved. Consumers will also receive a notification from Economic Assistance explaining the consumer's amended responsibility for sharing in the cost of their services based on the updated standard needs allowance formula.
5	Several providers questioned what action they need to take regarding the waiver application.	South Dakota clarified that providers were not required to take action. Providers were encouraged to review the application and ask questions or make comments at their discretion.
6	South Dakota discussed clarifying the definition of "Adult Companion Services" to include supervision, assistance with meal preparation, light laundry and housekeeping during the Town Hall Conference Call on June 14, 2016.	South Dakota clarified the definition of Adult Companion Services to include supervision, assistance with meal preparation, light laundry and housekeeping.
7	One provider questioned if relatives may be hired to provide respite care.	South Dakota responded that an in-home provider may hire relatives/legal guardians of consumers to provide respite care. The relatives/legal guardians must meet all of the qualifications and

		training requirements for employees of the in-home provider. The in-home provider makes the decision to hire or not hire employees and is responsible for the oversight of its employees, including relatives/legal guardians of the consumer(s).
8	One commenter questioned if the Informed Consent process is robust enough to effectively educate people on their right to seek services in the least restrictive setting.	<p>South Dakota agrees that Informed Consent is an essential component of the person-centered care planning process.</p> <p>South Dakota reviewed the Informed Consent language in the application and clarified that consumers have the choice between institutional care and home and community-based services.</p> <p>The State provides ongoing person-centered training to staff and will continue to provide training to ensure waiver consumers fully understand their community-based options.</p>
9	One commenter with a printed copy of the application stated there were unmarked checkboxes on the Performance Measures for Data Source and Data Aggregation and Analysis.	South Dakota responded that all applicable check boxes would be reviewed. South Dakota reviewed the check boxes and as a result of this review provided additional clarification as needed on the Performance Measure data sources.
10	South Dakota discussed adding "Private Business" as a provider type for Specialized Medical Equipment and Environmental Accessibility Adaptations during the Town Hall Conference Call on June 14, 2016.	South Dakota added "Private Business" as a provider type for Specialized Medical Equipment and Environmental Accessibility Adaptations to ensure full access to these services.
11	One commenter questioned how the State would ensure Statewide coverage to accommodate the new services.	South Dakota is working with current in-home providers as well as other Medicaid providers to provide chore services and has confirmed that several Assistive Technology providers are willing to enroll in South Dakota Medicaid.
12	One commenter noted that proposed changes to the Waiver contain good additions such as the inclusion of chore services, medical equipment expansion, and an increase in the maintenance need allowance. This commenter emphasized the importance of allocating funds to allow South Dakotan's to be served at home and in the community, thus reducing long term care expenditures. The same commenter recommended that caregiver assessments be conducted as part of participant-	Over the last several years, efforts have been implemented to increase the use of HCBS services in South Dakota. In 2015, the South Dakota Long Term Care Study was updated using updated data including data from the 2010 Census. The 2015 Long Term Care Study Update is available to view online at the following link: <a href="http://dss.sd.gov/docs/news/reports/finalreportsdltc.pdf">http://dss.sd.gov/docs/news/reports/finalreportsdltc.pdf</a> . South Dakota is taking steps to enhance utilization of HCBS service options. South Dakota believes the expanded services in this Waiver application will continue to allow the state to provide services to individuals in the least restrictive environment. South Dakota emphasizes the success of the Money Follows the Person (MFP) program to assist individuals living in long term care settings to successfully return to living in their communities. When a care receiver is assessed and a need for caregiver services is identified, a

	centered planning and encouraged the State to allow consumers to self-direct services.	caregiver assessment is completed. South Dakota is currently considering options to offer individuals the opportunity to self-direct services.
13	Several commenters noted the need for improving grammar and language usage to enhance intended communication throughout the application.	South Dakota reviewed the application and made clarifying word usage corrections where needed to improve readability of the application.
14	One commenter noted that the Waiver provides an essential service and recommended changing the service delivery method from 'Provider Managed' to 'Participant Directed'. This commenter emphasized the importance of effectively educating individuals on their right to seek services in the least restrictive setting and ensuring that South Dakota's Statewide Transition Plan meets the intent of the Final Settings Rule. This commenter also recommended South Dakota develop and implement a comprehensive plan to address the need for community integration.	South Dakota is currently considering options to offer individuals the opportunity to self-direct services. South Dakota has plans to create and implement a public awareness campaign and improved information materials to increase public knowledge about HCBS options. South Dakota has submitted its Statewide Transition Plan to Centers for Medicare and Medicaid Services (CMS) and has received positive feedback on the Plan. South Dakota expects approval from CMS on its Statewide Transition Plan and will be fully compliant with the HCBS Settings Final Rule by CMS' required compliance date. South Dakota is committed to assisting individuals who wish to transition from a long term care setting into the greater community. South Dakota is working to enhance HCBS in order to ensure community integration for Waiver participants. South Dakota is also creating a tool for providers to educate them about expectations regarding the HCBS Final Settings Rule and will hold educational webinars which emphasize natural supports and full access to the community.
15	One commenter expressed concern that South Dakota's Statewide Transition Plan relies too heavily on consumer choice as a justification for Heightened Scrutiny Settings.	South Dakota believes consumer choice is important in the person-centered planning process. In working toward compliance with the HCBS Settings Final Rule, in addition to consumer assessments, South Dakota has focused on provider and state staff independent assessments at every Medicaid enrolled Assisted Living Center which provides HCBS services.
16	One commenter expressed concern about community integration in the Statewide Transition Plan and the State's reliance on natural supports.	In the Statewide Transition Plan, South Dakota identified community integration as an area for improvement. South Dakota identified natural supports as one way to access the community and intends to perform education for providers about ways to connect recipients with individuals in their community. South Dakota will also emphasize utilizing other community resources and provider facilitated transportation. South Dakota is analyzing non-medical transportation as a waiver service for future revision to the Waiver to maximize community integration opportunities.  South Dakota will continue to assess all settings on a regular basis to ensure compliance with the Settings Final Rule, which includes ensuring individuals have access to the community.

