



South Dakota  
Department of  
**Social Services**

**DEPARTMENT OF SOCIAL SERVICES**

DIVISION OF MEDICAL SERVICES  
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May 25, 2023

**Attention: South Dakota Medicaid Providers**  
**From: South Dakota Medicaid**  
**RE: Expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretion, Beginning of 90-Day Transition Period for Telehealth**

Providers, on May 12, 2023 the U.S. Department of Health and Human Services, Office of Civil Rights put out the following guidance on the Expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretion.

“The Notifications of Enforcement Discretion issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health (HITECH) Act during the COVID-19 public health emergency expired at 11:59 pm on May 11, 2023, due to the expiration of the COVID-19 public health emergency.

As [previously announced](#), OCR is providing a 90-calendar day transition period for covered health care providers to come into compliance with the HIPAA Rules with respect to their provision of [telehealth](#). The transition period will be in effect beginning on May 12, 2023, and will expire at 11:59 p.m. on August 9, 2023. OCR will continue to exercise its enforcement discretion and will not impose penalties on covered health care providers for noncompliance with the HIPAA Rules that occurs in connection with the good faith provision of telehealth during the 90-calendar day transition period.

The Notice of Expiration of Certain Notifications of Enforcement Discretion Issued in Response to the COVID-19 Nationwide Public Health Emergency may be found at: <https://www.federalregister.gov/documents/2023/04/13/2023-07824/notice-of-expiration-of-certain-notifications-of-enforcement-discretion-issued-in-response-to-the->”

Sincerely,

South Dakota Medicaid

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, 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.

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-800-305-9673 (TTY: 711).

ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 1-800-305-9673 (TTY: 711).