

DEPARTMENT OF SOCIAL SERVICES

DIVISION OF MEDICAL SERVICES

700 GOVERNORS DRIVE

PIERRE, SD 57501-2291

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February 29, 2016

RE: South Dakota Home and Community Based Services Statewide Transition Plan

The Centers for Medicare and Medicaid Services (CMS) published new regulations that define the settings in which states can provide Medicaid Home and Community Based Services (HCBS). The final rule became effective March 17, 2014 to ensure people receive Medicaid HCBS in home and work settings that are integrated in and support full access to the greater community. In fall 2014, South Dakota Medicaid presented an overview of the final rule and South Dakota's efforts to comply with the rule at a Medicaid Tribal Consultation Meeting. In January 2015, South Dakota Medicaid presented action items at Medicaid Tribal Consultation. South Dakota's statewide transition plan was submitted to CMS on March 12, 2015 following a 30 day public comment and tribal consultation period. After initial review of the plan, CMS requested that South Dakota make changes to the statewide transition plan; no changes were requested to South Dakota's draft action items or milestones. An overview of the changes is attached to this letter. The Department of Social Services (DSS) and the Department of Human Services (DHS) made the recommended changes. South Dakota Medicaid presented an overview of the changes at the January 12, 2016 Tribal Consultation Meeting. Federal regulations require states to obtain public input regarding changes to the transition plan and to make the transition plan available to the public. The revised transition plan and a summary of the changes is available online at <http://dss.sd.gov/medicaid/hcbs.aspx>

Currently, there are no Indian Health Service (IHS) or Tribal-owned HCBS settings enrolled as a residential provider for a South Dakota Medicaid waiver. Any IHS or Tribal-owned facilities that wish to enroll as a Medicaid waiver provider in the future will need to be compliant with the HCBS final rule in order to enroll.

The statewide transition plan will be open for public comment for thirty days from February 29, 2016 to March 30, 2016. We encourage you to view the transition plan and share the link with other interested individuals. DSS appreciates your questions and comments. Comments may be made in four ways:

1) **E-Mail:** hcbs@state.sd.us

2) **Mail:** South Dakota Medicaid
ATTN: HCBS Transition Plan
700 Governors Drive
Pierre, SD 57501

3) **Phone:**

HCBS (ASA) Waiver (605) 773-3656	CHOICES WAIVER (605) 773-3438	Medicaid (605) 773-3495
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4) Town Hall Conference Call with South Dakota Medicaid:

- March 9, 2016: 9 – 10 AM CST
- March 10, 2016: 4 – 5 PM CST
 - Dial-In: 1-866-410-8397
 - Conference Code: 8176972761

Please contact the department within 30 days of the date of this message with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Ann Schwartz".

Ann Schwartz
Deputy Director
Division of Medical Services
South Dakota Department of Social Services

CC: Lynne A. Valenti, Cabinet Secretary
Brenda Tidball-Zeltinger, Deputy Secretary

HOME AND COMMUNITY BASED SERVICES (HCBS) STATEWIDE TRANSITION PLAN UPDATE

COMMENTS FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

South Dakota received comments from CMS in October 2015. CMS's comments are available online: <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/statewide-transition-plans.html> CMS requested that South Dakota make revisions to the Statewide Transition Plan (STP), re-post the plan for Public Comment, and re-submit to CMS by March 31, 2016.

OVERVIEW OF CHANGES

WAIVERS AND SETTINGS INCLUDED IN THE STP: South Dakota added additional clarifying information regarding the types of settings where services are delivered in each HCBS waiver.

SYSTEMIC ASSESSMENTS: South Dakota added a table identifying requirements of the federal regulation and cited the relevant state rules or laws and indicated if the state rules reinforced, are silent on, or conflict with the federal regulation.

SITE-SPECIFIC ASSESSMENTS: South Dakota added tables indicating the number of settings that fully comply, do not comply but could with modifications, cannot comply, or are subject to Heightened Scrutiny review. South Dakota also provided additional information regarding the assessment process.

MONITORING: South Dakota provided additional information regarding the State's process for evaluating data to ensure on-going compliance with the HCBS requirements.

REMEDIAL ACTIONS: South Dakota provided additional information on individual remediation in each concept area.

RELOCATION OF BENEFICIARIES: Although relocation of beneficiaries is not anticipated at this time, South Dakota outlined a process for notification and relocation of beneficiaries.

HEIGHTENED SCRUTINY: South Dakota provided additional information regarding the process for identifying settings that subject to heightened scrutiny review.

PUBLIC COMMENT PERIOD: FEBRUARY 29, 2016 TO MARCH 30, 2016

South Dakota anticipates that the updated Transition Plan will be available for Public Comment for 30 days from February 29, 2016 to March 30, 2016. The updated Transition Plan will be posted online at: <http://dss.sd.gov/medicaid/hcbs.aspx> or you may contact South Dakota Medicaid to get a copy of the plan. Comments may be made by email, mail, phone, or via a Town Hall Conference Call with South Dakota Medicaid.

1) E-MAIL:

hcbs@state.sd.us

2) MAIL:

South Dakota Medicaid
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700 Governors Drive
Pierre, SD 57501

3) PHONE:

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HCBS (ASA) WAIVER: (605) 773-3656
SD MEDICAID: (605) 773-3495

4) TOWN HALL CONFERENCE CALL WITH SOUTH DAKOTA MEDICAID:

March 9, 2016: 9 - 10 AM CST
March 10, 2016: 4 - 5 PM CST
• Dial In: 1-866-410-8397
• Conference Code: 8176972761