

DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF MEDICAL SERVICES  
700 GOVERNORS DRIVE  
PIERRE, SD 57501-2291  
PHONE: 605-773-3495  
FAX: 605-773-5246  
WEB: [dss.sd.gov](http://dss.sd.gov)



January 16, 2018

Richard Allen  
Associate Regional Administrator  
Centers for Medicare and Medicaid Services  
1961 Stout Street, Room 08-148  
Denver, CO 80294

Re: South Dakota Medicaid State Plan Amendment SD-18-002

Dear Mr. Allen:

Please find enclosed South Dakota's Medicaid State Plan Amendment (SPA) SD-18-002. The SPA amends page S33 of the South Dakota Medicaid State Plan. Per the proposed SPA out of state former foster care youth will no longer constitute an eligibility group. This change is being made due to the federal government's determination that out of state former foster care youth do not constitute an eligibility group under the state plan.

South Dakota requests an effective date of January 1, 2018. The Department estimates there will be no federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and Federal Fiscal Year 2019.

The State conducted Tribal Consultation beginning with notification on October 30, 2017. We have attached a copy of the notification sent to the Tribes. Public notice was published in the South Dakota REGISTER, <http://sdlegislature.gov/docs/rules/Register/10302017.pdf>, on October 30, 2017. We received no comments.

If you have any questions regarding this package, please contact Sarah Aker, Deputy Director of the Division of Medical Services, 700 Governors Drive, Pierre, SD 57501-2291, e-mail [sarah.aker@state.sd.us](mailto:sarah.aker@state.sd.us), or telephone (605) 773-3495.

Sincerely,

A handwritten signature in blue ink that reads 'Lynne A. Valenti'.

Lynne A. Valenti  
Cabinet Secretary

CC: Brenda Tidball-Zeltinger, Deputy Secretary  
William Snyder, Director  
Sarah Aker, Deputy Director

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE &amp; MEDICAID SERVICES</b>	<b>1. TRANSMITTAL NUMBER:</b> SD-18-002	<b>2. STATE:</b> South Dakota
	<b>3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)</b>	
<b>TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE &amp; MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>	<b>4. PROPOSED EFFECTIVE DATE</b> January 1, 2018	

**5. TYPE OF PLAN MATERIAL (Check One):**

NEW STATE PLAN       AMENDMENT TO BE CONSIDERED AS NEW PLAN       AMENDMENT

**COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)**

<b>6. FEDERAL STATUTE/REGULATION CITATION:</b>  42 CFR 435.150 and SSA 1902(a)(10)(A)(i)(IX)	<b>7. FEDERAL BUDGET IMPACT:</b> a. FFY 2018: \$ 0.00 b. FFY 2019: \$ 0.00
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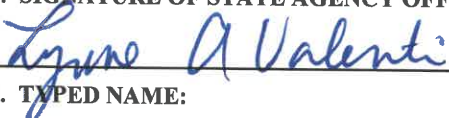
<b>8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:</b>  S33	<b>9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):</b>  S33
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**10. SUBJECT OF AMENDMENT:**

The proposed state plan amendment removes out of state former foster care youth as an eligibility group under the state plan.

**11. GOVERNOR'S REVIEW (Check One):**

GOVERNOR'S OFFICE REPORTED NO COMMENT       OTHER, AS SPECIFIED:  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

<b>12. SIGNATURE OF STATE AGENCY OFFICIAL:</b> 	<b>16. RETURN TO:</b>  DEPARTMENT OF SOCIAL SERVICES DIVISION OF MEDICAL SERVICES 700 GOVERNORS DRIVE PIERRE, SD 57501-2291
<b>13. TYPED NAME:</b>  Lynne A. Valenti	
<b>14. TITLE:</b> Cabinet Secretary	
<b>15. DATE SUBMITTED:</b> January 16, 2018	

**FOR REGIONAL OFFICE USE ONLY**

<b>17. DATE RECEIVED:</b>	<b>18. DATE APPROVED:</b>
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**PLAN APPROVED - ONE COPY ATTACHED**

<b>19. EFFECTIVE DATE OF APPROVED MATERIAL:</b>	<b>20. SIGNATURE OF REGIONAL OFFICIAL:</b>
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<b>21. TYPED NAME:</b>	<b>22. TITLE:</b>
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**23. REMARKS:**

## Ballard, Matthew

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**From:** Ballard, Matthew  
**Sent:** Monday, October 30, 2017 11:20 AM  
**To:** 'Adele White'; 'Amanda Taylor'; 'Amy Muchna'; 'Anthony Reider'; 'April Herrick'; 'Arlene Krulish'; 'Audrey German'; 'Becky Diehm'; 'Beth Lee'; 'Bonnie Cromwell'; 'Brandon Sazue'; 'Brittany Brewer'; 'CAPT Christopher W. Allen'; 'Carmen Thompson'; 'Carol Diaz'; 'CDR Emily Williams'; 'CeCe BigCrow'; 'Christine Olson'; 'Christy Hacker'; 'Clarence, Montgomery'; 'Cody Wolff'; 'Cole Hunter'; 'Corey Smith'; 'Crystal Owen'; 'Dave Archambault II'; 'David Flute'; 'David Walford'; 'DaVonna Keeble'; 'Dayle Knutson'; 'DeAnna Howe-Swan'; 'Deb Odens'; 'Debee Eagle Elk'; 'Dee LeBeau-Hein'; 'Delaine Rasmussen'; 'Delores Pourier'; 'Devero Yellow Earing'; 'Don Lee'; 'Dr. Bill Carr'; 'Dylan Fills Pipe'; 'Ed Parsells'; 'Eddie Johnson Jr.'; 'Edwin Harris'; 'Elaine Clement'; 'Elaine Keepseagle'; 'Ella "John" Carlow'; 'Ellen Durkin'; 'Emery, Steve'; 'Eugene Giago'; 'Evelyn "Evie" Espinoza'; 'Gerri LeBeau'; 'Gina Johnson'; 'Gypsy Wanna'; 'Harold Frazier'; 'Holly Rice'; 'Jade Trottier'; 'James Begeman'; 'Jana Gipp'; 'Jean Richards-Tulloss'; 'Jennie Crawford'; 'Jennifer Giroux'; 'Jennifer Williams'; 'Jenny Jeffries'; 'Jeremy Burtenshaw'; 'Jeri Starr'; 'Jerilyn Church'; 'Jerome Lee Bearheels'; 'Jessica Morson'; 'Johanna Camacho'; 'John Eagle Shield'; 'John Yellow Bird Steele'; 'Jon Schuchardt'; 'Jonni Arpan'; 'Julie Thorstenson'; 'Justin Taylor'; 'Kagey, Hannah'; 'Karla Kirkpatrick'; 'Kathlene Thurman'; 'Kathy Bad Moccasin'; 'Kathy Gordon'; 'Kendra Christensen'; 'Kendra Roland'; 'Kevin Meeks'; 'Kevin Stiffarm'; 'Kim Clown'; 'Kristine Watts'; 'Kym Swimmer'; 'Leah Fyten'; 'Leatrice Wilson'; 'Lee Lawrence'; 'LeLewis Gipp'; 'Lezley "Lez" Kempf'; 'Linda Littlefield'; 'Lisa Schlosser'; 'Liz Anderson'; 'Lori Braaten'; 'Lynn Big Eagle'; 'Marc Beaudreau'; 'Margaret Gates'; 'Margaret Gunville'; 'Marieta Little Thunder'; 'Marilyn Prairie Chicken'; 'Mark Aguilar'; 'Mark Calkins'; 'Mark LeBrun'; 'Mary Ann McClowen'; 'Mary Bickel'; 'Matthew Frye'; 'Matthew Sieler'; 'Melissa Huff'; 'Michelle Patton'; 'Michelle Red Willow'; 'Mika Tibbs'; 'Mike Boland'; 'Monta Little Solider'; 'Myrna Thompson'; 'Neil Austin'; 'Nichole Cottier'; 'Nick Thomas'; 'Nicole White Wolf'; 'Olivia Grass'; 'Olson, Alissa'; 'Opal Jones'; 'Patty Eagle Bull'; 'Paula Brown'; 'Paulette High Elk'; 'PJ Beaudry'; 'Randal White'; 'Randi Peacock'; 'Randolph Runs After'; 'Reiss, David'; 'Ricahrd Mousseau'; 'Richard Bud'; 'Richard Huff'; 'Rick Sorensen'; 'Robert Flying Hawk'; 'Robert Taken Alive'; 'Roberta Jacobson'; 'Rochelle Rogers'; 'Ron Cornelius'; 'Roxanne Sazue'; 'Roxee Johnson'; 'Sara DeCoteau'; 'Sean Jackson'; 'Shawn Carging'; 'Shirley Crane'; 'Sierra Wolcott'; 'Sonia Little Hawk-Weston'; 'Stacey Red Willow'; 'Staci Hunter'; 'Steven Kaleda'; 'Sue Mallon'; 'Sunny Cololmbe'; 'Susan Porter'; 'Tara Fox'; 'Teresa Stites'; 'Terra Haug'; 'Terri Rattler'; 'Tina Russell'; 'Tinka Duran'; 'Tinnekkia Williams'; 'Todd Warren'; 'Toni Slockish'; 'Tony Stayner'; 'Tricia Birdnecklace'; 'Tricia Knight'; 'Trina Fischer'; 'Tyler Lannoye'; 'Valentina LaFountain'; 'Vicky Barnes'; 'Warren Giago'; 'Whitney Nordvold'; 'William "Willie" Kindle'  
**Subject:** SPA SD 17-007 and SPA SD 17-008 Tribal Consultation  
**Attachments:** SD 17-007 SPA Package.pdf; SD 17-008 SPA Package.pdf

Good Morning,

Please find attached SPA packages SD 17-007 and 17-008. SD 17-007 is primarily regarding the department's fee schedules. The SPA clarifies the effective dates of the department's fee schedules. SD 17-008 is regarding former foster care youth who were in foster care and on Medicaid in another state at the time they turned 18 or aged out of the foster care system and now reside in South Dakota. Per federal requirements this eligibility group cannot be covered under Medicaid State Plan authority. This SPA updates the state plan to comply with federal requirements. A waiver has been submitted to CMS to continue coverage for these individuals under Section 1115 demonstration authority.

Please contact me with questions any comments.

Sincerely,

**Matthew Ballard | Program Specialist II**  
South Dakota Department of Social Services  
Division of Medical Services  
(605) 773-3495



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**DEPARTMENT OF SOCIAL SERVICES**  
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October 30, 2017

RE: South Dakota Medicaid State Plan Amendment #SD-17-008

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding the out of state former foster care youth eligibility group. Per the proposed State Plan Amendment (SPA) out of state former foster care youth will no longer constitute an eligibility group. The SPA amends page S33 of the South Dakota Medicaid State Plan.

This change is being made due to the federal government's determination that out of state former foster care youth do not constitute an eligibility group under the state plan. The department has submitted an application to the Center for Medicare and Medicaid Services that, if approved, will provide coverage for the out of state former foster care youth eligibility group under 1115 demonstration authority.

We intend to make this SPA effective the date the 1115 waiver application is approved and have proposed an effective date of January 1, 2018. The Department estimates there will be no federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and Federal Fiscal Year 2019.

Please contact me within 30 days of receipt of this message with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Sarah Aker'.

Sarah Aker  
Deputy Director  
Division of Medical Services  
South Dakota Department of Social Services

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

## **Medicaid State Plan Amendment Proposal**

**Transmittal Number:** SD-17-008

**Effective Date:** January 1, 2018

**Brief Description:** This State Plan Amendment makes changes regarding the out of state former foster care youth eligibility group.

**Area of State Plan Affected:** S33

**Page(s) of State Plan Affected:** Page 1

**Estimate of Fiscal Impact, if Any:** FFY18: \$0.00  
FFY19: \$0.00

**Reason for Amendment:** Federal requirement.

# REGISTER



## South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., October 30, 2017

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

#### DECLARATORY RULING:

The **Public Utilities Commission** of the State of South Dakota has filed with the Legislative Research Council, Declaratory Ruling EL 17-031. In this ruling, Black Hills Energy had asked the Commission to determine whether a permit was necessary to rebuild an existing 230kV transmission line that does not increase the line's nameplate capacity, does not change the status of the line as a transmission facility, and will occur within the line's existing rights-of-way. After reviewing the evidence and the applicable administrative rules and statutory authority, the Commission determined that the proposed rebuild of the transmission line does not need a permit. The Declaratory Ruling is dated September 5, 2017.

#### NOTICES:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the department's fee schedules. The proposed State Plan Amendment (SPA) clarifies the effective dates of the department's fee schedules including in home services which were subject to a 0.3 percent inflationary increase effective July 1, 2017. The inflationary increase was appropriated by the state legislature during the 2017 legislative session. The SPA also clarifies reimbursement methodology for transportation and personal care services and updates terminology regarding religious non-medical home health care institutions. The SPA adds Introduction, page 1 to Attachment 4.19-B and revises page 38

of Attachment 4.19-B of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective November 1, 2017. The Department estimates there will be a \$40,386 federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and a \$40,386 federal fiscal impact in Federal Fiscal Year 2019. The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to: Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the out of state former foster care youth eligibility group. Per the proposed State Plan Amendment (SPA), out of state former foster care youth will no longer constitute an eligibility group. This change is being made due to the federal government's determination that out of state former foster care youth do not constitute an eligibility group under the state plan. The SPA amends page S33 of the South Dakota Medicaid State Plan. The Department submitted an application to the Center for Medicare and Medicaid Services that, if approved, will provide coverage for the out of state former foster care youth eligibility group under 1115 demonstration authority. The Department intends to make this SPA effective the date the 1115 waiver application is approved and has proposed an effective date of January 1, 2018. The Department estimates there will be no



federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and Federal Fiscal Year 2019. The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to: Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue, and the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<p><b>10-31-2017</b></p>	<p><b>Department of Agriculture: South Dakota State Fair</b> Amend rules to repeal duplicative, outdated and unnecessary rules applying to the State Fair Park; and raise camping and parking fees during the annual State Fair; 44 SDR 71, October 10, 2017.</p>
<p><b>11-2-2017</b></p>	<p><b>Department of Game, Fish and Parks</b> Amend rules to eliminate the ability to pay for individual park entrances and instead charge by vehicle only; alter the definitions of "preferred" and "prime" campgrounds and eliminate "primitive" campgrounds from the definitions; remove Fort Sisseton, Union Grove, Pease Creek and Buryanek campsites from the "modern campground" category; increase camping cabin fees for all State Parks from \$40 to \$45 except at Custer State Park where the cabin fee would remain \$50; add Fisher Grove and Buryanek campsites to the "preferred campground" category; remove from the "preferred campground" category Oakwood Lakes, Angostura including Sheps Canyon, Lake Vermillion, Lewis and Clark, Newton Hills, Snake Creek, Palisades, Roy Lake, Lake Herman, Lake Poinsett, Walker's Point, Pickerel, Shadehill Ketterlings Point, Sandy Shore, Lake Cochrane, Farm Island, Lake Louise, Lake Thompson, Mina Lake, Chief White Crane, Pierson Ranch, North Point, Big Sioux, Hartford Beach, Richmond, Rocky Point, and South Pelican campsites and add them to the "prime campground" category; add to the "prime campground" category Union Grove and Pease Creek; remove Fort Sisseton from the "primitive lodging campsite" category and add it to the "prime campsite" category except for during the Fort Sisseton Festival; increase the group lodging fee at Mina Lake and Shadehill from \$185 to \$205 per night; increase the group lodging fee at Lake Thompson, Palisades, Sheps Canyon, and Newton Hills from \$240 to \$280 per night; increase the fee at French Creek Horse Camp from \$26 to \$31 per night; increase the use of Fort Sisseton's south barracks from \$300 to \$500 for a weekend; increase the catamaran dry slip storage at Lewis and Clark from \$300 to \$325 per seasonal occupancy period; increase the catamaran dry slip storage at Angostura from \$150 to \$175 per seasonal occupancy period; establish standards for marking closed areas of nonmeandered waters by landowners; require mandatory submission of elk harvested in Custer State Park to be tested for chronic waste disease; increase the number of antlerless elk licenses from no more than 20 to no more than 60 and establish four separate hunting seasons in four separate hunting units; allow for no more than five</p>





# Medicaid Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: SD - 18 - 0002

## Eligibility Groups - Mandatory Coverage Former Foster Care Children

S33

42 CFR 435.150  
1902(a)(10)(A)(i)(IX)

- Former Foster Care Children** - Individuals under the age of 26, not otherwise mandatorily eligible, who were on Medicaid and in foster care when they turned age 18 or aged out of foster care.

The state attests that it operates this eligibility group under the following provisions:

Individuals qualifying under this eligibility group must meet the following criteria:

Are under age 26.

Are not otherwise eligible for and enrolled for mandatory coverage under the state plan, except that eligibility under this group takes precedence over eligibility under the Adult Group.

Were in foster care under the responsibility of the state or Tribe and were enrolled in Medicaid under the state's state plan or 1115 demonstration when they turned 18 or at the time of aging out of that state's or Tribe's foster care program.

The state elects to cover children who were in foster care and on Medicaid in any state at the time they turned 18 or aged out of the foster care system.

Yes  No

The state covers individuals under this group when determined presumptively eligible by a qualified entity. The state assures it also covers individuals under the Pregnant Women (42 CFR 435.116) and/or Infants and Children under Age 19 (42 CFR 435.118) eligibility groups when determined presumptively eligible.

Yes  No

The presumptive period begins on the date the determination is made.

The end date of the presumptive period is the earlier of:

The date the eligibility determination for regular Medicaid is made, if an application for Medicaid is filed by the last day of the month following the month in which the determination of presumptive eligibility is made; or

The last day of the month following the month in which the determination of presumptive eligibility is made, if no application for Medicaid is filed by that date.

Periods of presumptive eligibility are limited as follows:

No more than one period within a calendar year.

No more than one period within two calendar years.

No more than one period within a twelve-month period, starting with the effective date of the initial presumptive eligibility period.

Other reasonable limitation:



# Medicaid Eligibility

	Name of limitation	Description	
+			X

The state requires that a written application be signed by the applicant or representative.

Yes     No

- The state uses a single application form for Medicaid and presumptive eligibility, approved by CMS.
- The state uses a separate application form for presumptive eligibility, approved by CMS. A copy of the application form is included.

**An attachment is submitted.**

- The presumptive eligibility determination is based on the following factors:
  - The individual must meet the categorical requirements of 42 CFR 435.150.
  - State residency
  - Citizenship, status as a national, or satisfactory immigration status
- The state uses qualified entities, as defined in section 1920A of the Act, to determine eligibility presumptively for this eligibility group.

**List of Qualified Entities** **S17**

A qualified entity is an entity that is determined by the agency to be capable of making presumptive eligibility determinations based on an individual's household income and other requirements, and that meets at least one of the following requirements. Select one or more of the following types of entities used to determine presumptive eligibility for this eligibility group:

- Furnishes health care items or services covered under the state's approved Medicaid state plan and is eligible to receive payments under the plan
- Is authorized to determine a child's eligibility to participate in a Head Start program under the Head Start Act
- Is authorized to determine a child's eligibility to receive child care services for which financial assistance is provided under the Child Care and Development Block Grant Act of 1990
- Is authorized to determine a child's eligibility to receive assistance under the Special Supplemental Food Program for Women, Infants and Children (WIC) under section 17 of the Child Nutrition Act of 1966
- Is authorized to determine a child's eligibility under the Medicaid state plan or for child health assistance under the Children's Health Insurance Program (CHIP)
- Is an elementary or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)
- Is an elementary or secondary school operated or supported by the Bureau of Indian Affairs
- Is a state or Tribal child support enforcement agency under title IV-D of the Act
- Is an organization that provides emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act



# Medicaid Eligibility

Is a state or Tribal office or entity involved in enrollment in the program under Medicaid, CHIP, or title IV-A of the Act

Is an organization that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437) or under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.)

Is a health facility operated by the Indian Health Service, a Tribe, or Tribal organization, or an Urban Indian Organization

Other entity the agency determines is capable of making presumptive eligibility determinations:

	Name of entity	Description	
+			X

The state assures that it has communicated the requirements for qualified entities, at 1920A(b)(3) of the Act, and has provided adequate training to the entities and organizations involved. A copy of the training materials has been included.

**An attachment is submitted.**

### PRA Disclosure Statement

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.

V.20160722