

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)



July 30, 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-18-005

Dear Mr. Allen:

Please find enclosed South Dakota's Medicaid State Plan Amendment (SPA) SD-18-005. The SPA implements changes to the South Dakota Medicaid State Plan regarding graduate medical education (GME) including the establishment of a reimbursement methodology for in-state rural residency programs. The SPA also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer apply for funding. The SPA revises Attachment 4.19-A, page 10 and adds page 10b to the South Dakota Medicaid State Plan.

South Dakota requests an effective date of July 1, 2018. The Department estimates the federal fiscal impact will be \$58,032.00 in Federal Fiscal Year 2018 and \$174,096.00 in Federal Fiscal Year 2019.

The State conducted Tribal Consultation beginning with notification on June 11, 2018. 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/06112018.pdf>, on June 11, 2018. We received two comments, which are included with the submission. Both comments expressed support for the rural residency program. The comments expressed the need for physicians in rural areas of South Dakota and the programs ability to address this need.

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

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL  
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER:  
SD-18-005

2. STATE:  
South Dakota

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE  
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR  
CENTERS FOR MEDICARE & MEDICAID SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE  
July 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)**

6. FEDERAL STATUTE/REGULATION CITATION:  
1902(a)(13) and 42 CFR 447 Subpart C

7. FEDERAL BUDGET IMPACT:  
a. FFY 2018: \$ 58,032.00  
b. FFY 2019: \$ 174,096.00

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:  
Attachment 4.19-A, pages 10a and 10b

9. PAGE NUMBER OF THE SUPERSEDED PLAN  
SECTION OR ATTACHMENT (If Applicable):  
Attachment 4.19-A, page 10

10. SUBJECT OF AMENDMENT:  
The proposed state plan amendment make changes to the South Dakota Medicaid State Plan regarding graduate medical education (GME) including the establishment of a reimbursement methodology for in-state rural residency programs. The SPA also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for funding.

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

12. SIGNATURE OF STATE AGENCY OFFICIAL:  


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

13. TYPED NAME:  
Lynne A. Valenti

14. TITLE:  
Cabinet Secretary

15. DATE SUBMITTED:  
July 30, 2018

**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED:

18. DATE APPROVED:

**PLAN APPROVED - ONE COPY ATTACHED**

19. EFFECTIVE DATE OF APPROVED MATERIAL:

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

22. TITLE:

23. REMARKS:

# REGISTER



## South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., June 11, 2018

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

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

**Department of Education: South Dakota Board of Education Standards:** (June 5, 2018) intends to repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-3-47, 13-33-19, 13-37-1.1, and 13-42-3.

A public hearing will be held at the MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, South Dakota, on July 16, 2018, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or electronically to [ferne.haddock@state.sd.us](mailto:ferne.haddock@state.sd.us). Persons may also submit the information at <https://rules.sd.gov/default.aspx>. Materials sent by mail or email must reach the Department by July 12, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special

needs for which the Department can make arrangements are asked to call (605) 773-3553 at least 48 hours before the public hearing.

### NOTICE:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding graduate medical education (GME) including the establishment of a reimbursement methodology for in-state rural residency programs. Funding for the Rural Family Medicine Residency in Pierre was appropriated by the 2018 state legislature. The program was developed at the recommendation of the Governor's Primary Care Task Force to help address the need for more primary care physicians in rural communities. Participants will receive their first year of training in Sioux Falls and complete their second and third years in Pierre. Development of a rural family medicine residency track to train six additional medical students (two per year) will address health care workforce shortages in rural communities. In addition to establishing a reimbursement methodology for in-state rural residency programs, the State Plan Amendment (SPA) also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for GME funding. The clarifications in the SPA do not alter the current GME reimbursement methodology. The SPA revises Attachment 4.19-A, page 10 and adds page 10b to the South Dakota Medicaid State Plan. The Department intends to make this SPA effective July 1, 2018 and estimates the federal fiscal impact will be \$58,032.00 in Federal Fiscal Year 2018 and \$174,096.00 in Federal Fiscal Year 2019.

The SPA can be viewed online at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA are 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.

## FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:06:26:01; 41:06:27:01; 41:06:43:01; 41:06:47:02; 41:06:59:01, 41:06:59:02.

History-Notice: 44 SDR 139, March 19, 2018  
 Hearing: April 5-6, 2018  
 Filed: June 4, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:06:01:13, 41:06:01:17; 41:06:02:03; 41:06:20:01; 41:06:21:01; 41:06:22:01, 41:06:22:02; 41:06:36:01.02; 41:06:42:01; 41:06:44, 41:06:44:01, 41:06:44:02.01, 41:06:44:04; 41:06:45:01; 41:06:46:01, 41:06:46:02, 41:06:46:10; 41:06:60:01.

History-Notice: 44 SDR 149, April 16, 2018  
 Hearing: May 3-4, 2018  
 Filed: June 4, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF TRANSPORTATION:** 70:01:02:13, 70:01:02:17, 70:01:02:33.

History-Notice: 44 SDR 101, Dec. 4, 2017  
 Hearing: December 21, 2017  
 Filed: June 4, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF TRANSPORTATION:** 70:01:02:02, 70:01:02:09, 70:01:02:12, 70:01:02:32, 70:01:02:38, 70:01:02:48, 70:01:02:49, 70:01:02:51, 70:01:02:53, 70:01:02:55.

History-Notice: 44 SDR 135, March 12, 2018  
 Hearing: March 29, 2018  
 Filed: June 4, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION:** 24:59.

History-Notice: 44 SDR 97, Nov. 27, 2017  
 Hearing: December 15, 2017  
 Filed: June 5, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF LABOR AND REGULATION: APPRAISER CERTIFICATION PROGRAM:**

20:14:05:03, 20:14:05:03.01, 20:14:05:04, 20:14:05:05.02, 20:14:05:07.02, 20:14:05:07.03, 20:14:05:07.04; 20:14:06:01; 20:14:10:04, 20:14:10:04.01; 20:14:13:01.

History-Notice: 44 SDR 150, April 16, 2018  
 Hearing: May 14, 2018  
 Filed: June 5, 2018  
 Effective: June 25, 2018

**DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE:** 20:06:13:17.15, 20:06:13:17.16; 20:06:21:01.02, 20:06:21:23, 20:06:21:26, 20:06:21:28.01, 20:06:21:31, 20:06:21:32, 20:06:21:58, 20:06:21:61, 20:06:21:63, 20:06:21:64, 20:06:21:65, 20:06:21:67, 20:06:21:76, 20:06:21:86, 20:06:21:104; 20:06:22:29; 20:08:05:25.

History-Notice: 44 SDR 157, April 23, 2018  
 Hearing: May 8, 2018  
 Filed: June 5, 2018  
 Effective: June 25, 2018

## Ballard, Matthew

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**From:** Ballard, Matthew  
**Sent:** Monday, June 11, 2018 8:58 AM  
**To:** 'Amanda Taylor'; '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'; 'Christine Olson'; 'Christy Hacker'; 'Clarence, Montgomery'; 'Cody Wolff'; 'Corey Smith'; 'Crystal Horse Looking'; 'Crystal Owen'; 'Damon Leader Charge'; 'Dave Archambault II'; 'David Flute'; 'David Walford'; 'DaVonna Keeble'; 'Dayle Knutson'; 'DeAnna Howe-Swan'; 'Deb Odens'; 'Debee Eagle Elk'; 'Delaine Rasmussen'; 'Delores Pourier'; 'Devero Yellow Earing'; 'Don Lee'; 'Dr. Bill Carr'; 'Ed Parsells'; 'Eddie Johnson Jr.'; 'Edwin Harris'; 'Elaine Clement'; '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'; 'Karla Kirkpatrick'; 'Kathy Bad Moccasin'; 'Kathy Gordon'; 'Kendra Roland'; 'Kevin Meeks'; 'Kevin Stiffarm'; 'Kim Clown'; 'Kym Swimmer'; 'Leah Fyten'; 'Lee Lawrence'; 'LeLewis Gipp'; 'Linda Littlefield'; 'Lisa Schlosser'; 'Liz Anderson'; 'Lori Braaten'; 'Lori Sampson'; 'Lynn Big Eagle'; 'Marc Beaudreau'; 'Margaret Gates'; 'Margaret Gunville'; 'Marieta Little Thunder'; 'Marilyn Prairie Chicken'; 'Mark Calkins'; 'Mark LeBrun'; 'Mary Bickel'; 'Matthew Frye'; 'Matthew Sieler'; 'Melissa Huff'; '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; 'Patty Eagle Bull'; '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'; 'Roberta Jacobson'; 'Ron Cornelius'; 'Roxanne Sazue'; 'Roxee Johnson'; 'Royal Yellow Hawk'; 'Sara DeCoteau'; 'Shirley Crane'; 'Sonia Little Hawk-Weston'; 'Staci Hunter'; 'Sunny Cololmbe'; 'Susan Porter'; 'Terra Haug'; 'Terri Rattler'; 'Tiffany Bird Necklace'; 'Tiffany Larson'; 'Tina Russell'; 'Tinka Duran'; 'Tinnekkia Williams'; 'Todd Warren'; Kenefick-Aschoff, Toni; 'Tony Stayner'; 'Tricia Birdnecklace'; 'Tricia Knight'; 'Trina Fischer'; 'Tyler Lannoye'; 'Valentina LaFountain'; 'Vicky Barnes'; 'William "Willie" Kindle'  
**Cc:** Aker, Sarah; Snyder, William; Tidball-Zeltinger, Brenda; Valenti, Lynne  
**Subject:** SPA SD 18-005 Graduate Medical Education - Tribal Consultation  
**Attachments:** SD 18-005 SPA Package.pdf

Good Morning,

Please find attached South Dakota State Plan Amendment (SPA) 18-005. The SPA is regarding graduate medical education including the establishment of a reimbursement methodology for in-state rural residency programs. Funding for the Rural Family Medicine Residency program in Pierre was appropriated by the state legislature during the 2018 legislative session. The program was developed at the recommendation of the Governor's Primary Care Task Force to help address the need for more primary care physicians in rural communities. Participants in the rural family medicine residency will receive their first year of training Sioux Falls and then complete their second and third years in Pierre. Development of a rural family medicine residency track to train six additional medical students (two per year) will help address health care workforce shortages in rural communities. Students educated and who complete their residencies in South Dakota are more likely to practice in rural South Dakota.

In addition to establishing a reimbursement methodology for in-state rural residency programs the State Plan Amendment (SPA) also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for GME funding. The clarifications in the SPA do not alter the current GME reimbursement methodology.

We intend to make this SPA effective July 1, 2018. Please contact us within 30 days of receipt of this message with any questions or 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**  
DIVISION OF MEDICAL SERVICES  
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PIERRE, SD 57501-2291  
**PHONE:** 605-773-3495  
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**WEB:** [dss.sd.gov](http://dss.sd.gov)

June 11, 2018

RE: South Dakota Medicaid State Plan Amendment #SD-18-005

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding graduate medical education (GME) including the establishment of a reimbursement methodology for in-state rural residency programs. Funding for the Rural Family Medicine Residency program in Pierre was appropriated by the state legislature during the 2018 legislative session. The program was developed at the recommendation of the Governor's Primary Care Task Force to help address the need for more primary care physicians in rural communities. Participants in the rural family medicine residency will receive their first year of training Sioux Falls and then complete their second and third years in Pierre. Development of a rural family medicine residency track to train six additional medical students (two per year) will help address health care workforce shortages in rural communities. Students educated and who complete their residencies in South Dakota are more likely to practice in rural South Dakota.

In addition to establishing a reimbursement methodology for in-state rural residency programs the State Plan Amendment (SPA) also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for GME funding. The clarifications in the SPA do not alter the current GME reimbursement methodology.

We intend to make this SPA effective July 1, 2018. The Department estimates the federal fiscal impact will be \$58,032.00 in Federal Fiscal Year 2018 and \$174,096.00 in 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-18-005

**Effective Date:** 7/1/2018

**Brief Description:** This State Plan Amendment establishes a reimbursement methodology for in-state rural residency programs. It also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for GME funding.

**Area of State Plan Affected:** Attachment 4.19-A

**Page(s) of State Plan Affected:** Revises page 10 and adds page 10b

**Estimate of Fiscal Impact, if Any:** FFY18: \$58,032.00  
FFY19: \$174,096.00

**Reason for Amendment:** To establish a reimbursement methodology for in-state rural residency programs.



## HEALTH PROFESSION EDUCATION

The Department of Social Services supports the direct graduate medical education (GME) of health professionals through the use of Medicaid funds. All in-state, private hospitals which are accredited by the Accreditation Council for Graduate Medical Education (ACGME) are eligible for health profession education payments. Those hospitals are identified through the use of their most recently-filed Medicare 2552-10, cost reports. Specifically, worksheet E-4 (Line 1.00) is utilized to identify the number of weighted full-time equivalents for primary care physicians at participating facilities. The agency calculates the Medicaid hospital patient days using the Division of Medical Services (DMS) Cost Settlement Details report of adjudicated claims for the same period as the Medicare 2552 cost report.

Hospitals seeking GME payments must submit an application for the previous state fiscal year's costs to DMS prior to the end of the current state fiscal year. The agency will make payments for costs incurred in the previous state fiscal year, as defined below, annually prior to the end of the current state fiscal year. Payments will be made through the state's Medicaid Management Information System (MMIS) payment system. Payments will be made directly to the qualifying hospitals through a supplemental payment mechanism. The payment will appear on the facility's remittance advice. Each hospital will also receive written notification at the time of payment of the payment amount from DMS.

GME payments made in error will be recovered via a supplemental recovery mechanism and will appear on the facility's remittance advice. The agency will notify the facility in writing explaining the error prior to the recovery.

A hospital that applied for GME funding in the previous 24 months must provide written notice to DMS no less than 30 days prior to the effective date it intends to terminate operation of a GME program. A hospital must also provide timely written notice to DMS if it will not be applying for GME funding for the previous year's costs.

The agency will determine the annual payment pool for the upcoming state fiscal year prior to the start of the fiscal year on July 1. The pool will be distributed based upon the allocation percentage of each hospital. The hospital allocation percentage will be developed using prior year total Medicaid inpatient days and weighted intern and resident (I & R) full time equivalency (FTE). The state uses the prior year's cost report data as a proxy for the current year. For example, the state fiscal year 2008 calculation of allocations from the payment pool was the following:

	(a) Weighted I & R FTEs	(b) Medicaid Hospital Patient Days	(c) (a*b) Weighted FTE Days	(d) Hospital Allocation Percentage	Payment Pool Total
Hospital A	17	11,450	194,650	35.34%	\$1,052,009
Hospital B	22	10,692	232,230	42.16%	\$1,255,116
Hospital C	23	5,342	123,988	22.51%	\$670,107
Totals	62	27,484	550,868	100.00%	\$2,977,233

Total state funds available for payment through the pool are listed on the department's website, <http://dss.sd.gov/medicaid/providers/feeschedules/>.

TN# 18-05  
Supersedes  
TN# 15-5

Approval Date \_\_\_\_\_

Effective Date 07/01/18

## Rural Residency Program

In-state rural residency programs are eligible for payment of direct GME via a separate funding pool. The rural residency program must be accredited by the ACGME to be eligible for health profession education payments.

Costs must be submitted on a quarterly basis to validate costs for the previous quarter. Subsequent payments will be adjusted, as appropriate, based on actual cost experience. The payment will be made to the rural residency program through the MMIS system. Payments will be made directly to the qualifying program through a supplemental payment mechanism and will appear on their remittance advice. Each rural residency program will receive written notification at the time of payment of the payment amount from DMS.

GME payments made in error that cannot be adequately addressed through adjustment of future quarterly payments will be recovered via a supplemental recovery mechanism and will appear on the program's remittance advice. The agency will notify the facility in writing explaining the error prior to the recovery.

A program that applied for GME funding in the previous 12 months must provide written notice to DMS no less than 30 days prior to the effective date it intends to terminate operation of a GME program. A program must also provide timely written notice to DMS if it will no longer be applying for GME funding.

The agency will determine the annual rural residency program payment pool for the upcoming state fiscal year prior to the start of the fiscal year on July 1. The total state funds available for payment through the rural residency program pool are listed on the department's website, <http://dss.sd.gov/medicaid/providers/feeschedules/>.

TN# 18-05  
Supersedes  
TN# NEW

Approval Date \_\_\_\_\_

Effective Date 07/01/18