

Revision:

State/Territory: **South Dakota**

Citation

42 CFR 431.12(b)

1.4

**State Medical Care Advisory Committee**

There is an advisory committee to the Medicaid agency director on health and medical care services established in accordance with and meeting all the requirements of 42 CFR 431.12.

Section 1902(a)(73)  
of the Act

**Tribal Consultation Requirements**

Section 1902(a)(73) of the Social Security Act requires a State in which one or more Indian Health Programs or Urban Indian Organizations furnish health care services to establish a process for the State Medicaid agency to seek advice on a regular, ongoing basis from designees of Indian health programs, whether operated by the Indian Health Service (IHS), Tribes or Tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA), or Urban Indian Organizations under the Indian Health Care Improvement Act (IHCA). Section 2107(e)(I) of the Act was also amended to apply these requirements to the Children's Health Insurance Program (CHIP). Consultation is required concerning Medicaid and CHIP matters having a direct impact on Indian health programs and Urban Indian organizations.

The Department of Social Services meets quarterly with the elected executives of the nine Tribes in South Dakota, the heads of the area agencies of Indian Health Services, executive management of South Dakota Urban Indian Health, representatives of the Aberdeen Area Tribal Chairman's Health Board, other government leaders, and interested parties on matters pertaining to Medicaid. The focus of the Tribal consultation process is to ensure Medicaid best meets the needs of American Indians in South Dakota. The purposes are to increase the positive health outcomes of American Indians enrolled in the program and maximize reimbursement for services provided through the Indian Health Services and 638-contract funded programs. The consultation process encompasses education, discussion of the significant program changes that may impact American Indians, and before submission of a new State Plan or State Plan Amendment an opportunity for feedback by all parties involved in the consultation process.

The Department of Social Services sends all State Plan Amendments, a summary of the effect of each proposed State Plan Amendment, and the fiscal impact to officials from each Tribe and representatives of the Indian Health Services, Urban Indian Health, and the Aberdeen Area Tribal Chairman's Health Board. The Department will provide a minimum of 30 days for comments, suggestions, and concerns to be returned before official submission of the State Plan Amendment. In cases when a State Plan Amendment has significant impact and where substantive concerns are received, additional feedback will be sought. All parties are subsequently notified upon approval of a State Plan Amendment by the Centers for Medicare and Medicaid Services.

This Tribal Consultation Process was mutually agreed upon by all participating parties at the first Medicaid-Tribal consultation meeting that occurred on October 16, 2009.