

**South Dakota Department of Social Services
Medicaid Tribal Consultation Meeting
Thursday, July 12, 2018
1:00 – 3:00 PM CT
Drifter's
325 Hustan Avenue
Fort Pierre, SD 57532**

I. Welcome and Introductions

William Snyder, Director, Division of Medical Services, welcomed those in attendance. Participants introduced themselves.

II. Prayer

III. Review Minutes and Updates from April 2018 Meeting

Minutes from the **April 2018** meeting were distributed to the Tribal Consultation group. The minutes and related handouts are also posted on the Medicaid Tribal Consultation website at <http://dss.sd.gov/medicaid/generalinfo/tribalconsultation.aspx>.

IV. Quarterly Report of Tribal Medicaid Expenditures

The Quarterly Report was posted on the Department's website at <http://dss.sd.gov/medicaid/generalinfo/tribalconsultation.aspx>.

V. State Plan Amendment Report

Matthew Ballard provided an update regarding state plan amendments (SPAs). SPA information is also available on the DSS website <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>

Bernita In the Woods asked if the Rural Residency program could come to Cheyenne River. Sarah Aker offered to facilitate contact between the tribe and Department of Health about the Rural Residency program.

Christine Olsen asked about how Initiated Measure 26 (IM26) would affect tribal reimbursements related to the pharmacy State Plan Amendment. Bill Snyder noted that federal law takes precedent over state law and federal law dictates the payment methodology for pharmacies proposed in the SPA.

Margaret Bad Warrior asked about the Breast and Cervical Cost Sharing SPA. Sarah responded that the SPA is a hold over from 2014 that has been in formal request for additional information. The state is working on a data request for CMS related to this SPA.

Margaret Bad Warrior asked about the SPA regarding substance use disorder (SUD) services. Sarah explained that coverage of services for all adults started on July 1, 2018.

VI. Behavioral Health Update

Tiffany Wolfgang gave an overview of the Division of Behavioral Health's work on suicide prevention. Individuals can order materials for community and agencies for suicide prevention month in September from the Division of Behavioral Health. Brenda Tidball-Zeltinger asked what strategies are targeted to parents and families. The "Be the 1" campaign is targeted to people around the individual and focuses on how those people can help. CJ Means asked about establishing a Coalition for suicide prevention. Tiffany said that Coalitions are grassroots efforts to gather community partners together to address suicide prevention in the community. More information about coalitions is available here:

<http://sdsuicideprevention.org/professionals/coalition-task-force-members/>

Tiffany also overviewed the Department's work on opioid including the needs and assessment and South Dakota's Opioid Abuse Strategic Plan. The strategic plan is available here:

<https://doh.sd.gov/documents/news/SDOpioidAbuseStrategicPlan.pdf> Tiffany

also discussed the new prevention website here:

<https://www.avoidopioidsd.com/> CJ asked about grant opportunities and if the

grant opportunities are for tribes or for the state. Tiffany noted that there are tribal grant opportunities. There is \$50 million available specifically for tribes; there are other grants that are specific to states. If the state is awarded a grant, it would allow the state to partner with tribes and others to implement opioid prevention strategies. Larry Morning Star asked if a provider could apply for the tribal grant and participate with the state. The state encouraged tribes to apply for funding. Larry asked if there are state specific maps that show the locations of misuse. Tiffany noted that she was not aware of any state developed maps, but noted that the CDC has developed some materials. Data and statistics about South Dakota opioid abuse is available at <https://www.avoidopioidsd.com/key-data/>

VII. Career Connector Program

Sam Masten overviewed the process for operation of the Career Connector Program as a voluntary program. Bill Snyder noted that the program is designed to help address a subsidy cliff and affects approximately 1% of South Dakota Medicaid recipients. Margaret Bad Warrior asked if an individual would be negatively affected if they chose not to participate. An individual's eligibility will not be affected if they choose not to participate in the voluntary program although DSS may follow up with those individuals.

Margaret asked about the date of submission for the waiver. DSS plans to submit in the next few weeks. DSS will send a notice of the federal public

comment period to individuals who commented on the waiver. Larry asked about the website for the federal public comment period. The waiver will be posted on <https://www.medicaid.gov/>. Margaret noted that she believed that the Cheyenne River Sioux Tribe did not receive notification of the state public comment period and asked about the ability for the tribe to submit a comment. Sarah responded that DSS will accept informal comments from the tribe and will look into the ability to incorporate it into the waiver as an official public comment. Sarah also said she would look into the email list to ensure that Margaret is included on the communication list.

Bernita stated that Arizona and Missouri have exempted American Indians and noted that she cannot understand why South Dakota would not do the same. She further noted that South Dakota benefits from 100% FMAP for American Indians. Bill responded that CMS has stated that they cannot create an exemption based on race. The waiver does make exemptions based on location due to feedback received that the program would be difficult for individuals to comply with in certain geographic areas of the state. The program is designed to promote employment and training and is not designed to be punitive. Bernita spoke about the Cherokee community and the lack of access to certain resources like GED classes and the barriers those communities face, especially for transportation.

Charlene Red Thunder asked if states are required to submit a waiver. No, CMS is open to states submitting waivers related to community engagement, and several waivers have been approved. Charlene expressed her concern about the impact this could have on reservation communities and that individuals currently on Medicaid could become a burden to IHS and the tribes and that this could negatively impact the 100% FMAP being collected by the state. Bernita asked if there is a plan to consider operating the program in other counties. The waiver does not contemplate operating in any other counties besides Pennington and Minnehaha. Any changes to operate in additional counties would require an amendment to the waiver and further public input and tribal consultation. Brenda noted that South Dakota's proposal is different from waivers submitted in other states in that it only applies to certain geographic areas. She also noted that the goal for South Dakota's waiver to maintain health care coverage is not true in other states. DSS agrees that access to health care coverage is important and the waiver is designed to transition individuals to other sources of health care coverage as their incomes increase. CJ said that the waiver picked populated areas, but would like to see an opportunity for reservations to have access to these services. Brenda and Bill noted that DSS would like to see other communities benefit, and that it's challenge in communities that do not have as many workforce and training resources. Larry advised giving some time for the 1115 to get underway and doing a pilot to ensure that expansion can be successful.

Margaret noted that the Cheyenne River Sioux Tribe opposes the waiver due to the mandatory nature of the program. However, she noted the tribe would support a voluntary program. With the mandated requirements, they believe

tribal members would walk away from Medicaid. She expressed disappointment that an exemption for tribal members is not included in the waiver. She noted that several states have requested exemptions and South Dakota should do the same and let HHS reject the request. She also noted that Kentucky's waiver was recently overturned and asked if the state has considered the recent ruling. Bill gave information about the recent ruling and explained that the State feels strongly that South Dakota's waiver differs from Kentucky's waiver in substantial ways and was intentionally designed differently, but that the state is reviewing the waiver prior to submission. Margaret noted that the state could have tribal support and potentially avoid future litigation by exempting tribal members or making the waiver a voluntary program. Bryce Lewis shared comments about how the safety net should help individuals and not be a punishment. Bernita noted that there is a lot of confusion and asked if the state could help clarify. Bill said that the state wants to ensure people are educated about the program and what it means and he's happy to partner with tribes.

VIII. Provider Enrollment Overview and Billing Example

Shanna Peterson shared information about the provider enrollment requirements and how to bill for NEMT services. CJ asked if NEMT is only available for overnight stays. NEMT is available anytime an individual travels outside their community for covered Medicaid services. Meals and hotel are only considered for reimbursement when the distance is greater than 150 miles.

Due to time constraints, Medicaid will discuss the Medicaid provider enrollment and billing example at the next meeting.

IX. Lower Brule 638 Process for Mental Health Services

Ellen Durkin shared that she had recently met with Rosebud about the 638 process. She noted that Lower Brule has had behavioral health services under 638 since 2007 and has been billing for services to the state since that time. She offered to be a resource for other tribes considering providing outpatient psych services. Marlys Beaudreau noted that Sisseton does not have a 638 contract for all services, but they are set up for SUD services.

X. Other DSS Updates

XI. Tribal Reports

XII. 2018 Meeting Schedule

- October 4, 2018: Eagle Butte, SD

XIII. Adjournment