

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
MEDICAL ASSISTANCE PROGRAM  
State/Territory: SOUTH DAKOTA

SECTION 4. GENERAL PROGRAM ADMINISTRATION

Citation 4.22 Third Party Liability

- 42 CFR 433.137 (a) The Medicaid agency meets all requirements of:
- (1) 42 CFR 43.138 and 433.139.
  - (2) 42 CFR 433.145 through 433.148.
  - (3) 42 CFR 433.151 through 433.154.
  - (4) Sections 1902(a)(25)(H) and (I) of the Act.
- Section 1902(a)(25)(H) and (I) of the Act  
42 CFR 433.138(f) (b) **ATTACHMENT 4.22-A:**
- (1) Specifies the frequency with which the data exchanges required in 42 CFR 433.138(d)(1), (d)(3), and (d)(4) and the diagnosis and trauma code edits required in 42 CFR 433.138(e) are conducted;
  - (2) Describes the methods the agency uses for meeting the follow-up requirements contained in 42 CFR 138(g)(1)(i) and (g)(2)(i);
  - (3) Describes the methods the agency uses for following up on information obtained through the State motor vehicle accident report file data exchange required under 42 CFR 138(d)(4)(ii) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the follow-up that identifies legally liable third party resources; and
  - (4) Describes the methods the agency uses for following up on paid claims identified under 42 CFR 138(e) (methods include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes) and specifies the time frames for incorporation into the eligibility case file and into its third party data and third party recovery unit of all information obtained through the follow-up that identifies legally liable third party resources.
- 42 CFR 433.138(g)(1)(ii) and (2)(ii)
- 42 CFR 433.138(g)(3)(i) and (iii)
- 42 CFR 433.138(g)(4)(i) through (iii)

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4.22 Third Party Liability (continued)

42 CFR  
433.139(b)(3)(ii)(A)

(c) Providers are required to bill liable third parties when services covered under the plan are furnished to an individual on whose behalf child support enforcement is being carried out by the State IV-D agency.

(d) **ATTACHMENT 4.22-A** specifies the following:

42 CFR  
433.138(b)(3)(ii)(C)

(1) The method used in determining a provider's compliance with the third party billing requirements at 42 CFR 433.139(b)(3)(ii)(C).

42 CFR 433.139(f)(2)

(2) The threshold amount or other guideline used in determining whether to seek recovery of reimbursement from a liable third party, or the process by which the agency determines that seeking recovery of reimbursement would not be cost effective.

42 CFR 433.139(f)(3)

(3) The dollar amount or time period the State uses to accumulate billings from a particular liable third party in making the decision to seek recovery reimbursement.

42 CFR 447.20

(e) The Medicaid agency ensures that the provider furnishing a service for which a third party is liable follows the restrictions specified in 42 CFR 447.20.

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Citation 4.22 Third Party Liability (continued)

- 42 CFR 433.151(a) (f) The Medicaid agency has written cooperative agreements for the enforcement of rights to and collection of third party benefits assigned to the State as a condition of eligibility for medical assistance with the following: (Check as appropriate.)
- State title IV-D agency. The requirements of 42 CFR 433.152(b) are met.
- Other appropriate State agency(ies) —  
DSS-Office of Recoveries & Fraud Investigations
- Other appropriate agency(ies) of another state —
- Courts and law enforcement officials.
- Section 1902(a)(60) of the Act (g) The Medicaid agency assures that the State has in effect the laws relating to medical child support under Section 1908 of the Act.
- 1906 of the Act (h) The Medicaid agency specifies the guidelines used in determining the cost effectiveness of an employer-based group health plan by selecting one of the following:
- The secretary's method as provided in the State Medicaid Manual, Section 3910.
- The State provides methods for determining cost effectiveness on **ATTACHMENT 4.22-C**.