June 24, 2022

Dr. Sally Abbott, MS, PhD
Regional Health Administrator
Centers for Medicare and Medicaid Services
1961 Stout Street, Room 08-148
Denver, CO 80294

Re: South Dakota Medicaid State Plan Amendment SD-22-0007

Dear Dr. Abbott:

Please find enclosed South Dakota’s Medicaid State Plan Amendment (SPA) SD-22-0007. The SPA allows dentists to also order Community Health Worker services, clarifies what services are considered non-covered and updates the community health worker certification criteria. The SPA amends Attachment 3.1-A, page 26a and 26b. The Department intends to make this SPA effective June 1, 2022. The Department estimates there will be no fiscal impact associated with the SPA in FFY 22 or FFY 23.

The State conducted Tribal Consultation beginning with notification on May 9, 2022. We have attached a copy of the notification sent to the Tribes. Public notice was published in the South Dakota REGISTER, https://myirc.sdlegislature.gov/api/Documents/Register/237005.pdf, on May 9, 2022. We received one comment which is included with this submission.

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

Sincerely,

Laurie R. Gill
Cabinet Secretary

CC: Sarah Aker, Director
Matthew Ballard, Deputy Director.
TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER 22-0007
2. STATE SD

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT
   XIX
   XXI

4. PROPOSED EFFECTIVE DATE June 1, 2022

5. FEDERAL STATUTE/REGULATION CITATION
   42 CFR 440.130

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
   a. FFY 2022 $0
   b. FFY 2023 $0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
   Page 26a and 26b of Attachment 3.1-A

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
   Page 26a and 26b of Attachment 3.1-A TN# 19-05

9. SUBJECT OF AMENDMENT
   To provide additional flexibilities regarding community health worker services.

10. GOVERNOR'S REVIEW (Check One)
    ○ GOVERNOR'S OFFICE REPORTED NO COMMENT
    ○ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
    ○ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
    ○ OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL
    [Signature]

12. TYPED NAME Laurie R. Gill

13. TITLE Cabinet Secretary

14. DATE SUBMITTED June 24, 2022

FOR CMS USE ONLY

16. DATE RECEIVED
17. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL
21. TITLE OF APPROVING OFFICIAL

22. REMARKS

Instructions on Back
13c. Preventive Services

1. Diabetes Self-Management Training

Diabetes Self-Management Training is a preventive health service for persons diagnosed with diabetes. The service requires a physician referral. The training will increase the individual's understanding of diabetes progression and enable monitoring skills to prevent complications, disease progression, and disability.

Training content is based upon the American Diabetes Association and South Dakota Department of Health standards. Enrolled diabetes education training providers must be capable of offering instruction in each of the content areas as established by the American Diabetes Association and Department of Health standards. Examples include, but are not limited to, diabetes overview, nutrition, exercise and activity, foot care, skin care, dental care, medications, and medication management.

Covered Services
The following services are covered:

a. Individual diabetes self-management training
b. Group diabetes self-management training

Practitioner Qualifications
Outpatient diabetes self-management education must be provided by a diabetes education team that is certified or recognized by the American Diabetes Association or the South Dakota Department of Health. The team must consist of licensed RNs and licensed dieticians to meet certification standards. Claims must be submitted by an enrolled provider.

Limitations

a. Outpatient diabetes self-management education is limited to ten hours of comprehensive education for newly-diagnosed recipients and follow-up education sessions of two hours per year based upon assessment of need and documented physician order. Limits can be exceeded if determined medically necessary by the state.

b. Diabetes self-management education is not separately covered when:
   1) The individual is institutionalized and the training is not delivered in an outpatient setting;
   or
   2) The individual receives this service in a FQHC or RHC.

2. Community Health Worker Services

Community Health Worker services is a preventive health service to prevent disease, disability, and other health conditions or their progression for individuals with a chronic condition or at risk for a chronic condition who are unable to self-manage the condition or for individuals with a documented barrier that is affecting the individual’s health.

Community health worker services must be ordered by a physician, physician assistant, nurse practitioner, certified nurse midwife, or dentist and delivered according to a care plan. Services must be related to a medical intervention outlined in the individual’s care plan and may include the following:

a. Health system navigation and resource coordination includes helping a recipient find Medicaid providers to receive a covered service, helping a recipient make an appointment for a Medicaid covered service, arranging transportation to a medical appointment, attending an appointment with the recipient for a covered medical service, and helping a recipient find other relevant community resources such as support groups.

b. Health promotion and coaching includes providing information or training to recipients that make positive contributions to their health status such as cessation of tobacco use, reduction in the misuse of alcohol or drugs, improvement in nutrition, improvement of
physical fitness, family planning, control of stress, pregnancy and infant care including prevention of fetal alcohol syndrome.

c. Health education and training to train and/or promote to recipients methods and measures that have been proven effective in avoiding illness and/or lessening its effects including, but not limited to, immunizations, control of high blood pressure, control of sexually transmittable disease, prevention and control of diabetes, control of toxic agents, occupational safety and health, and accident prevention. The content of the education must be consistent with established or recognized healthcare standards.

The following services are non-covered services:
   a. Advanced care planning;
   b. Advocacy on behalf of the recipient;
   c. Case management/care management;
   d. Child care;
   e. Chore services including shopping and cooking;
   f. Companion services;
   g. Employment services;
   h. Exercise classes;
   i. Helping a recipient enroll in government programs or insurance;
   j. Interpreter services;
   k. Medication, medical equipment, or medical supply delivery;
   l. Personal care services/homemaker services;
   m. Respite care;
   n. Services not listed in the recipient’s care plan;
   o. Services provided prior to the recipient’s care plan being finalized;
   p. Services provided to non-Medicaid patients;
   q. Services that duplicate another covered Medicaid service;
   r. Socialization;
   s. Transporting the recipient; and
   t. Travel time.

Community Health Worker Qualifications
Providers must be enrolled with South Dakota Medicaid as a community health worker agency. Individual community health workers must be employed and supervised by an enrolled community health worker agency.

Community Health Worker Certification
Effective January 1, 2023, CHWs must be certified by the Community Health Worker Collaborative of South Dakota in order for the service to be covered. For services to be covered prior to January 1, 2023 CHWs must either be certified by the Community Health Worker Collaborative of South Dakota or have completed one of the following: Indian Health Services Community Health Representative basic training, a community health worker program approved by the South Dakota Board of Technical Education, the South Dakota Board of Regents, the Community Health Worker Collaborative of South Dakota, or a Community Health Worker training program approved by the department.

Continuing Education
Community Health Workers must complete a minimum of 6 hours of continuing education training annually.
Good Morning,

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding community health worker services. Currently the services may be ordered by a physician, physician assistant, nurse practitioner, or certified nurse midwife. The proposed State Plan Amendment (SPA) allows dentists to also order services. The SPA clarifies what services are considered non-covered and updates the community health worker certification criteria. The SPA amends Attachment 3.1-A, page 26a and 26b.

The Department intends to make this SPA effective June 1, 2022. The Department estimates there will be no fiscal impact associated with the SPA in FFY 22 or FFY 23.

Please contact Matthew Ballard at Matthew.Ballard@state.sd.us or 605-773-3495 within 30 days of receipt of this message with any questions or comments.

Sincerely,

South Dakota Medicaid
Department of Social Services
700 Governors Drive
Pierre, SD 57501
In-State: 1-800-452-7691
Out-of-State 605-945-5006

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Medicaid State Plan Amendment Proposal

Transmittal Number:  SD-22-0007

Effective Date:  June 1, 2022

Brief Description:  The SPA allows dentists to also order services. The SPA clarifies what services are considered non-covered and updates the community health worker certification criteria.

Area of State Plan Affected:  Attachment 3.1-A

Page(s) of State Plan Affected:  26a and 26b

Estimate of Fiscal Impact, if Any:  None

Reason for Amendment:  To provide additional flexibilities regarding community health worker services.
May 9, 2022

RE:  South Dakota Medicaid State Plan Amendment # SD-22-0007

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding community health worker services. Currently the services may be ordered by a physician, physician assistant, nurse practitioner, or certified nurse midwife. The proposed State Plan Amendment (SPA) allows dentists to also order services. The SPA clarifies what services are considered non-covered and updates the community health worker certification criteria. The SPA amends Attachment 3.1-A, page 26a and 26b.

The Department intends to make this SPA effective June 1, 2022. The Department estimates there will be no fiscal impact associated with the SPA in FFY 22 or FFY 23.

Please contact me at Matthew.Ballard@state.sd.us within 30 days if you have any questions or comments.

Sincerely,

Matthew Ballard
Deputy Director
Division of Medical Services
South Dakota Department of Social Services

CC:  Laurie R. Gill, Cabinet Secretary
      Sarah Aker, Director
Declaratory Ruling

The South Dakota Commission Gaming (Department of Revenue) has filed with the Legislative Research Council a Declaratory Ruling regarding whether the third floor of 53 Sherman Street and the combined fourth floors of 53 and 55 Sherman Street, Deadwood, South Dakota, constitute two additional buildings for the purpose of determining the number of gaming devices that can be placed within the buildings, pursuant to SDCL Chapter 42-7B and ARSD 20:18. After a hearing and consideration of ARSD 20:18:25:02, the commission, in its ruling, determined that based upon historical and structural evidence, the third floor of 53 Sherman Street and the combined fourth floors of 53 and 55 Sherman Street do constitute separate and distinct buildings and that up to thirty gaming devices may be placed in such buildings, assuming compliance with all other rules and requirements relating to gaming activities. The ruling also declared that the inner access between the third and fourth floors of the structures located at 51, 53, and 55 Sherman Street qualifies as appropriate inner access and may be protected by water curtains. The Declaratory Ruling is dated April 26, 2022.

Petition for Rules

The South Dakota Commission on Gaming (Department of Revenue) on May 4, 2022, served a petition the Department received from interested persons, per SDCL 1-26-13, to amend administrative rule regarding play variations of the Dakota Duel Draw game. The commission intends to initiate rule making procedures and anticipates reviewing the petition at a June 22, 2022, public hearing.

Notices

The Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding community health worker services. Currently, the services may be ordered by a physician, physician assistant, nurse practitioner, or certified nurse midwife. The proposed State Plan Amendment (SPA) allows dentists to also order services, clarifies what services are considered non-covered, and updates the community health worker training/certification criteria. The SPA amends Attachment 3.1-A, pages 26a and 26b. The Department intends to make the proposed amendment effective June 1, 2022 and estimates there will be no fiscal impact in Federal Fiscal Years 2022 or 2023.

In addition, the Department of Social Services intends to make changes to the South Dakota Medicaid State Plan to implement community mental health center (CMHC) and substance use disorder (SUD) agency rate increases appropriated by the state legislature during the 2022 legislative session. The SPA also makes updates to collateral contact coverage based on CMS guidance that collateral contacts have to be a component of another covered service. Medicaid CMHC and SUD Agency services will receive a 6% inflationary increase. The updated fee schedule is posted on the department’s website at: http://dss.sd.gov/medicaid/providers/feeschedules/dss/ South Dakota Medicaid providers should continue to submit claims and bill South Dakota Medicaid as they did prior to June 1, 2022. Fee schedules are the maximum allowable reimbursement amount; per ARSD 67:16:01:09, payment for services is limited to the provider’s usual and customary charge.