May 20, 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-22-0005

Dear Dr. Abbott:

Please find enclosed South Dakota’s Medicaid State Plan Amendment (SPA) SD-22-0005. The SPA clarifies the State’s coverage of organ transplants to ensure the state plan pages reflect current practice. The SPA amends Attachment 3.1-E, page 1 and 2 of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective May 1, 2022. The Department estimates there will be no fiscal impact associated with this SPA in Federal Fiscal Year 2022 and Federal Fiscal Year 2023.

The State conducted Tribal Consultation beginning with notification on April 11, 2022. We have attached a copy of the notification sent to the Tribes. We received no comments. Public notice was published in the South Dakota REGISTER, https://mylrc.sdlegislature.gov/api/Documents/Register/236851.pdf, on April 11, 2022. We received no comments.

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,

[Signature]
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**

**TO:** CENTER DIRECTOR  
CENTERS FOR MEDICAID & CHIP SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

**3. PROGRAM IDENTIFICATION/ TITLE OF THE SOCIAL SECURITY ACT**  
○ XIX  
○ XXI

**4. PROPOSED EFFECTIVE DATE**  
May 1, 2022

**7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT**  
Page 1 and 2 of Attachment 3.1-E

**9. SUBJECT OF AMENDMENT**  
Clarifies the State's coverage of organ transplants.

**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

**12. TYPED NAME**  
Laurie R. Gill

**13. TITLE**  
Cabinet Secretary

**14. DATE SUBMITTED**  
May 20, 2022

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

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**FOR CMS USE ONLY**

**16. DATE RECEIVED**

**17. DATE APPROVED**

**18. EFFECTIVE DATE OF APPROVED MATERIAL**

**19. SIGNATURE OF APPROVING OFFICIAL**

**20. TYPED NAME OF APPROVING OFFICIAL**

**21. TITLE OF APPROVING OFFICIAL**

**22. REMARKS**

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*Instructions on Back*
STANDARDS FOR THE COVERAGE OF ORGAN TRANSPLANT SERVICES

The following standards and criteria must be met before organ transplant services are payable under the Medicaid program in South Dakota:

a. All individuals desiring a transplant that are eligible for Medicare must apply to the Medicare program for coverage of the proposed transplant.

b. A decision by Medicare that a transplant would not be covered by the Medicare program due to failure of the individual to meet the Medicare patient selection criteria will be binding upon the Medicaid program.

c. Only human organs may be used for any transplant.

d. Cornea and kidney transplants must be medically necessary.

e. Bone marrow, lung, heart, liver and other transplants must be medically necessary and require prior authorization by the State Agency. Heart transplants must be performed at a Medicare-approved transplant center. Liver transplants must be performed at a Medicare-approved transplant center or a transplant center approved by the Organ Procurement and Transplantation Network.

f. Medical expenses for transplant donors are covered. However, these expenses are limited to the donor’s hospital, physician, and laboratory charges.
Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at https://rules.sd.gov or from the agency directly.

Department of Revenue: (April 6, 2022) intends to repeal all administrative rules related to the administration of the bingo tax. The general authority for these rules, as cited by the department, is SDCL 22-25-49.

A public hearing will be held at the Anderson Building, Room 109, 445 East Capitol Avenue, Pierre, South Dakota, on May 5, 2022, at 2:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the South Dakota Department of Revenue, 445 East Capitol Avenue, Pierre, South Dakota 57501. The proposed rules can also be viewed at http://rules.sd.gov. Written comments must be received by the department on or before May 19, 2022, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3311 at least 48 hours prior to the hearing.

Notice

The Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding organ transplants. The State Plan Amendment (SPA) clarifies the State's coverage of organ transplants to ensure the state plan pages reflect current practice. It amends Attachment 3.1-E, page 1 and 2. The Department intends to make the proposed amendment effective May 1, 2022 and estimates there will be no fiscal impact in Federal Fiscal Year 2022 and Federal Fiscal Year 2023.

The SPA is available to view on the department’s website at http://dss.sd.gov/medicaid/medicaidstateplan.aspx. Copies of the proposed SPA pages are also 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, South Dakota 57501-2291.

Final Administrative Rules


History/Notice: 48 SDR 87, February 28, 2022
Hearing: March 24, 2022
Filed: April 5, 2022
Effective: April 25, 2022
Good Evening,

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding organ transplants. The proposed State Plan Amendment (SPA) clarifies the State’s coverage of organ transplants to ensure the state plan pages reflect current practice. The SPA amends Attachment 3.1-E, page 1 and 2 of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective May 1, 2022. The Department estimates there will be no fiscal impact associated with this SPA in Federal Fiscal Year 2022 and Federal Fiscal Year 2023.

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

This message is being sent by or on behalf of the South Dakota Department of Social Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-3495 or by reply transmission by e-mail, and delete all copies of the message.

The Department of Social Services does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of actual or perceived race, color, religion, national origin, sex, age, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in its programs, activities, or services. For more information about this policy or to file a Discrimination Complaint you may contact: Discrimination Coordinator, Director of DSS Division of Legal Services, 700 Governor’s Drive, Pierre SD 57501, 605-773-3305.
April 11, 2022

RE: South Dakota Medicaid State Plan Amendment #SD-22-0005

The South Dakota Department of Social Services intends to make changes to the South Dakota Medicaid State Plan regarding organ transplants. The proposed State Plan Amendment (SPA) clarifies the State's coverage of organ transplants to ensure the state plan pages reflect current practice.

The SPA amends Attachment 3.1-E, page 1 and 2 of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective May 1, 2022. The Department estimates there will be no fiscal impact associated with this SPA in Federal Fiscal Year 2022 and Federal Fiscal Year 2023.

Please contact me within 30 days of receipt of this message with 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
Medicaid State Plan Amendment Proposal

Transmittal Number:  SD-22-0005

Effective Date:  5/1/2022

Brief Description:  The proposed State Plan Amendment (SPA) clarifies the State’s coverage of organ transplants to ensure the state plan pages reflect current practice.

Area of State Plan Affected:  Attachment 3.1-E

Page(s) of State Plan Affected:  Page 1 and 2

Estimate of Fiscal Impact, if Any:  FFY22: $0.00
                                   FFY23: $0.00

Reason for Amendment:  To clarify coverage of organ transplants.