South Dakota Department of Social Services

DEPARTMENT OF SOCIAL SERVICES
DIVISION OF MEDICAL SERVICES
700 GOVERNORS DRIVE
PIERRE, SD 57501-2291
PHONE: 605.773.3495
FAX: 605.773.5246
WEB: dss.sd.gov

October 30, 2026

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 CHIP State Plan Amendment SD-26-0009

Dear Dr. Abbott:

Please find enclosed South Dakota's CHIP State Plan Amendment (SPA) SD-26-0009. The SPA provides the required assurances related to eligibility provisions established under Section 71109 of the Working Families Tax Cut (WFTC) Legislation (Public Law 119-21), also known as House Resolution 1 (HR1).

The SPA amends the "CS 18: Non-Financial Eligibility-Citizenship" CHIP SPA templates provided by CMS. The Department intends to make this SPA effective October 1, 2026.

The Department anticipates that these statutory changes may result in an initial reduction in CHIP expenditures. However, this reduction may be offset by increased expenditures for Emergency Medicaid coverage under section 1903(v)(3) of the Act resulting in no or a minimal overall change in annual CHIP expenditures.

The State conducted Tribal Consultation beginning with notification on September 28, 2026. We have attached a copy of the notification sent to the Tribes. Public notice was published in the South Dakota REGISTER, https://mylrc.sdlegislature.gov/api/Documents/Register/308055.pdf on September 28, 2026. There were no tribal or public comments received.

If you have any questions regarding this package, please contact Renae Hericks, Policy and Programs Manager, Division of Medical Services, 700 Governors Drive, Pierre, SD 57501-2291, e-mail Renae.Hericks@state.sd.us, or telephone (605) 773-4087.

Sincerely,

Heather Petermann
Director
CC: Brenda Tidball-Zeltinger, Deputy Secretary

CHIP Eligibility

State Name: South Dakota

OMB Control Number: 0938-1148

Transmittal Number: SD - 00 - 0009 - ____

Separate Child Health Insurance Program
Non-Financial Eligibility - Citizenship

CS18

Statute: Sections 1137(d), 1902(ee), 1903(v)(4) and (5), 1903(x), 2105(c)(9), and 2107(e)(1)(Q) and (R) of the Social Security Act (the Act); 8 U.S.C. sections 1611, 1613 and 1641
Regulations: 42 CFR 435.406, 407, 956, 457.320(b)(6), (c) and (d), and 457.380(b)

Citizenship

☑ The state provides CHIP to citizens and nationals of the United States and certain noncitizens who meet all other CHIP eligibility requirements under the state plan, including coverage for individuals for whom federal financial participation (FFP) is available consistent with sections 2107(e)(1)(R) and 1903(v)(5) of the Act ("FFP-eligible noncitizens"), and during a reasonable opportunity period pending verification of their U.S. citizenship, U.S. national or satisfactory immigration status.

■ The CHIP Agency provides eligibility for child and/or pregnancy related health assistance under the Plan to individuals who meet all eligibility requirements, including who are residents of 1 of the 50 states, the District of Columbia, or a territory of the United States:

Who are citizens or nationals of the United States; or

Who are FFP-eligible noncitizens in an immigration status or category listed in section 1903(v)(5) of the Act and cross-referenced at section 2107(e)(1)(R) of the Act and are not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or
1) Lawful Permanent Residents (LPRs) - section 1903(v)(5)(B)(ii) of the Act; or
2) Cuban/Haitian entrants - section 1903(v)(5)(B)(iii) of the Act; or
3) Compact of Free Association (COFA) migrants - section 1903(v)(5)(B)(iv) of the Act; and

Who have declared themselves to be citizens or nationals of the United States, or noncitizens having satisfactory immigration status, during a reasonable opportunity period, pending verification of their U.S. citizenship, U.S. national, or satisfactory immigration status consistent with requirements of sections 1903(x), 1137(d), 1902(ee), and 2105(c)(9) of the Act, and 42 CFR 435.406, 407, 911, 956, 457.320(d) and 457.380(b).

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.	Yes
The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.	Yes

CHIP Eligibility

The date benefits are furnished is:

- ○ The date of application containing the declaration of U.S. citizenship, U.S. national, or satisfactory immigration status.
- ○ The first day of the month of application.
- ◉ Other date, as described:

The first day of the month in which the application containing the declaration of citizenship or immigration status was received.

The CHIP Agency elects the option to provide CHIP coverage to children up to age 19, lawfully residing in the United States, as provided in Section 2107(e)(1)(Q) of the Act (cross-reference to section 1903(v)(4) of the Act) who meet all other eligibility requirements in the state plan.	No
The CHIP Agency elects the option to provide CHIP coverage to pregnant women lawfully residing in the United States, as provided in section 2107(e)(1)(Q) of the Act (cross-reference to section 1903(v)(4) of the Act), who meet all other eligibility requirements in the state plan. The state may not select this option unless the state also elects to cover lawfully residing children. A state may not select this option unless the state also covers Targeted Low-Income Pregnant Women.	No

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 50 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

V.20260707

Hericks, Renae

From: DSS Medical Services <DSSMedicalServices@STATE.SD.US>
Sent: Monday, September 28, 2026 1:26 PM
To: DSSMEDICAIDTRIBAL@LISTSERV.SD.GOV
Subject: State Plan Amendment
Attachments: SPA Notice Package.pdf

Good afternoon,

The South Dakota Department of Social Services intends to update the South Dakota CHIP and Medicaid State Plans to comply with the statutory changes added by section 71109 of the Working Families Tax Cut (WFTC) Legislation (Public Law 119-21) also known as House Resolution 1 (HR1).

This SPA provides assurances that the State is complying with federal law regarding who is eligible for Medicaid and CHIP. Beginning October 1, 2026, the federal government's Medicaid and CHIP eligibility standards will no longer allow eligibility for qualified noncitizens who are not Federal Financial Participation (FFP)-eligible noncitizens. FFP-eligible qualified noncitizens are certain Lawful Permanent Residents (LPRs), Cuban and Haitian entrants, and Compact of Free Association (COFA) migrants. All qualified and FFP-eligible noncitizen statuses are lawfully residing.

The Department intends to make this SPA effective October 1, 2026. The SPA will amend the "Citizenship and Non-Citizen Eligibility" Medicaid SPA Reviewable Unit and the "CS 18: Non-Financial Eligibility-Citizenship" CHIP SPA templates provided by CMS.

The Department anticipates this change may result in an initial reduction in Medicaid and CHIP expenditures that we anticipate may be offset by an increase in expenditures for Emergency Medicaid coverage under section 1903(v)(3) of the Act resulting in no or a minimal overall change in annual Medicaid and CHIP expenditures.

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 emailed to MedicaidSPA@state.sd.us or sent to:

DIVISION OF MEDICAL SERVICES
DEPARTMENT OF SOCIAL SERVICES
700 GOVERNORS DRIVE
PIERRE, SD 57501-2291

The public comment period will start September 28, 2026, and end October 28, 2026.

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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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice

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The proposed State Plan Amendment (SPA) provides assurances that the state is complying with federal law regarding who is eligible for Medicaid and CHIP. Beginning October 1, 2026, the federal government's Medicaid and CHIP eligibility standards will no longer allow eligibility for qualified non-citizens who are not Federal Financial Participation (FFP)-eligible non-citizens. FFP-eligible qualified non-citizens are certain Lawful Permanent Residents (LPRs), Cuban and Haitian entrants, and Compact of Free Association (COFA) migrants. All qualified and FFP-eligible non-citizen statuses are lawfully residing.

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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 emailed to MedicaidSPA@state.sd.us or sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start September 28, 2026, and end October 28, 2026.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

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