



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

January 23, 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-25-0016

Dear Dr. Abbott:

Please find enclosed South Dakota's CHIP State Plan Amendment (SPA) SD-25-0016. The SPA provides federally required assurances regarding the eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated. The proposed amendment provides assurances that the State is in compliance with the juvenile justice federal requirements in Section 5121 of the Consolidated Appropriations Act, 2023.

The SPA adds CS31 – Incarcerated CHIP Beneficiaries template pages to the CHIP State Plan. The Department intends to make this SPA effective July 1, 2025.

The department estimates the fiscal impact associated with this SPA is included in the previous projections for the CHIP Juvenile Justice SPA #25-0004 which was \$16,897 in State funds and \$23,868 in Federal funds, totaling \$40,765 in Federal Fiscal Year 2026 (October 1, 2025 – September 30, 2026) and \$16,897 in State funds and \$23,868 in Federal funds, totaling \$40,765 in Federal Fiscal Year 2027 (October 1, 2026 – September 30, 2027).

The State conducted Tribal Consultation beginning with notification on December 15, 2025. 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/290573.pdf> on December 15, 2025. 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,

A handwritten signature in cursive script, appearing to read "Heather Petermann", is written in dark ink.

Heather Petermann
Director
CC: Matt Althoff, Cabinet Secretary



CHIP Eligibility

State Name: South Dakota

OMB Control Number: 0938-1148

Transmittal Number: SD-25-0016

Incarcerated CHIP Beneficiaries	CS31
2102(d) and 2110(b)(7) of the SSA	
Targeted Low-Income Children Who Become Incarcerated	
<input checked="" type="checkbox"/> The state assures that it does not terminate eligibility for children enrolled in a separate CHIP because the child is an inmate of a public institution.	
States may either suspend CHIP coverage or continue to provide CHIP state plan (or waiver of such plan) services otherwise not covered by the carceral facility to children who are incarcerated. States that elect to suspend CHIP coverage for the duration of a child's incarceration may implement a benefits or eligibility suspension.	
The state elects to suspend CHIP coverage for the duration of a child's incarceration <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, then check an option below:	
<input checked="" type="checkbox"/> Benefits suspension	
<input type="checkbox"/> Eligibility suspension	
<input checked="" type="checkbox"/> The state assures that it redetermines eligibility for any child prior to their release if it has been longer than 12 months since the child's last redetermination and restores coverage for child health assistance to eligible children upon their release.	
<input checked="" type="checkbox"/> Within the 30 days prior to release (or within one week of release, or as soon as practicable after release), the state assures that it provides eligible children with any screenings, diagnostic services, or case management services that would otherwise be available to children under the CHIP state plan (or waiver of such plan).	
Additional information regarding implementation of mandatory provisions of section 5121 of the Consolidated Appropriations Act, 2023 (CAA, 2023), including providing screenings, diagnostic services, or case management services:	
<i>The State may determine that it is not feasible for recipients to access the required services during the pre-release period in certain carceral facilities (e.g., local jails, youth correctional facilities, and state prisons) and/or certain circumstances (e.g. unexpected release or short-term stays).</i>	
<i>That State assures that clear documentation will be maintained in the internal operational plan indicating where implementation of services during the pre-release period in certain carceral facilities (e.g., local jails, youth correctional facilities, and state prisons) and/or certain circumstances (e.g. unexpected release or short-term stays) are not feasible, including the reason why the state has determined it is not feasible which will be available to CMS upon request. Services will be provided post-release, including the mandatory 30-days of targeted case management, screening, and diagnostic services.</i>	
<i>The State assures that clear documentation will be maintained in the internal operational plan indicating which carceral facility/facilities,</i>	

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.

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CHIP Eligibility

if any, are furnishing services but not enrolling in or billing Medicaid which will be available to CMS upon request.

Under section 5122 of the CAA, 2023, states may consider otherwise eligible children who are inmates pending disposition of charges as eligible for CHIP and provide all services covered under the CHIP state plan.

- ☐ The state elects to provide all CHIP state plan benefits (or waiver of such plan) to eligible children who are inmates pending disposition of charges.

PRA Disclosure Statement

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CHIP Eligibility

Children Determined Eligible for CHIP While Incarcerated

Generally, children who apply for CHIP when they are in a carceral facility are not eligible because of the eligibility exclusion for inmates of a public institution under section 2110(b) of the Act. However, section 2110(b)(7) of the Act provides an exception to this eligibility exclusion for children who are within 30 days prior to their release.

- ☒ The state assures that they will process any application submitted on behalf of a child and make an eligibility determination for child health assistance upon their release from the institution.
- ☒ Children who apply and are found eligible within 30 days prior to their release will be provided screening and diagnostic services, and case management services that are otherwise available under the CHIP state plan (or waiver of such plan).

PRA Disclosure Statement

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V.20240322



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notices

The **Department of Social Services** intends to make changes to the South Dakota CHIP State Plan to provide federally required assurances regarding the eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated. The proposed State Plan Amendment (SPA) provides assurances that the State is in compliance with the juvenile justice federal requirements in Section 5121 of the Consolidated Appropriations Act, 2023.

The SPA adds CS31 - Incarcerated CHIP Beneficiaries template pages to the CHIP State Plan. The department intends to make this SPA effective July 1, 2025, and advises that the fiscal impact associated with this SPA is included in the previous projections for the CHIP Juvenile Justice SPA #25-004. Those estimates were \$16,897 in state funds and \$23,868 in federal funds, totaling \$40,765 in Federal Fiscal Year 2026, and \$16,897 in state funds and \$23,868 in federal funds, totaling \$40,765 in Federal Fiscal Year 2027.

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 December 15, 2025, and end January 14, 2026.

In accordance with South Dakota Codified Law [17-2-19](#), the **Bureau of Human Resources and Administration** sets the maximum fee that may be charged for legal publications as follows:

For a paid circulation of less than nine thousand, 36.92 cents per line for eight-point type, and 32.64 cents per line for nine-point type.

Newspaper Circulation	Rate per Column In, six-point type
9,000 - 19,000	\$6.48
20,000 - 29,999	\$6.80
30,000 - 39,999	\$7.15
40,000 and over	\$7.66

These rates will be effective on July 1, 2026.

From: [DSS Medical Services](#)
To: DSSMEDICAIDTRIBAL@LISTSERV.SD.GOV
Subject: State Plan Amendment
Date: Monday, December 15, 2025 2:19:14 PM
Attachments: [image001.png](#)
[25-0016 Notice Package.pdf](#)

Good Afternoon,

The South Dakota Department of Social Services intends to make changes to the South Dakota CHIP State Plan to provide federally required assurances regarding the eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated. The proposed amendment provides assurances that the State is in compliance with the juvenile justice federal requirements in Section 5121 of the Consolidated Appropriations Act, 2023.

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

The public comment period will start December 15, 2025, and end January 14, 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



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.

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WEB: dss.sd.gov

December 15, 2025

RE: South Dakota CHIP State Plan Amendment # SD-25-0016

The South Dakota Department of Social Services intends to make changes to the South Dakota CHIP State Plan to provide federally required assurances regarding the eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated. The proposed amendment provides assurances that the State is in compliance with the juvenile justice federal requirements in Section 5121 of the Consolidated Appropriations Act, 2023.

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The public comment period will start December 15, 2025, and end January 14, 2026.

Sincerely,

Matt Ballard

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

CC: Matt Althoff, Cabinet Secretary
Heather Petermann, Director

PUBLIC NOTICE

South Dakota CHIP Program

Notice is hereby given that the South Dakota Department of Social Services intends to make changes to the South Dakota CHIP State Plan to provide federally required assurances regarding the eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated. The proposed amendment provides assurances that the State is in compliance with the juvenile justice federal requirements in Section 5121 of the Consolidated Appropriations Act, 2023.

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

The public comment period will start December 15, 2025, and end January 14, 2026.

Medicaid and CHIP State Plan Amendment Proposal

Transmittal Number: SD-25-0016

Effective Date: 07/1/2025

Brief Description: Provides assurance that the State is in compliance with requirements in Section 5121 of the Consolidated Appropriations Act, 2023 regarding eligibility of Targeted Low-Income Children (TLIC) who are or become incarcerated.

Area and Page(s) of State Plan Affected: Adds CS31 – Incarcerated CHIP Beneficiaries template pages to the CHIP State Plan.

Estimate of Fiscal Impact, if Any: FFY26: \$40,765
 FFY27: \$40,765

Reason for Amendment: Required by Section 5121 of the Consolidated Appropriations Act, 2023.

Anticipated Impact to Tribes: Allows for improved healthcare coordination for incarcerated youth.

Comment Period: December 15, 2025, to January 14, 2026