

CHAPTER 67:16:48

TREATMENT FOR SUBSTANCE USE DISORDERS

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67:16:48:01. Definitions. Terms used in this chapter mean:

(1) "Addiction counselor," an individual who has met the standards established by Board of Addiction and Prevention Professionals and is recognized as a Licensed Addiction Counselor or Certified Addiction Counselor, by the Board of Addiction and Prevention Professionals, or an addiction counselor employed by a recognized tribal program that has met the credentialing requirements required by Indian Health Service;

(2) "Adolescent," a recipient under the age of 21 who is eligible for medical assistance under article 67:46;

(3) "Certification team," a team of medical professionals that determines if an adolescent is in need of substance use disorder treatment services;

(4) "Clinically-managed low intensity residential treatment program," a residential treatment program ~~accredited under chapter 67:61:16 that provides treatment services in a structured environment to adolescents who have a diagnosis of substance use disorder~~ as defined in § 67:61:01:01(35);

(5) "Crisis intervention services," services provided to a recipient in a crisis situation related to the recipient's use of substances, including crisis situations where co-occurring mental health symptoms may be present. The focus of the intervention is to restore the recipient to the level of functioning before the crisis or provide means to place the recipient into a secure environment;

(6) "Day treatment program," a ~~treatment program accredited under chapter 67:61:15 or a recognized tribal program that provides clearly defined, structured, and intensive day treatment services to a recipient with a substance use disorder~~ as defined in §67:61:01:01(34);

(7) "Department," the Department of Social Services;

(8) "Division," the Division of Behavioral Health within the Department of Social Services;

(9) "Integrated assessment" an assessment prepared pursuant to the provisions of § 67:61:07:05;

(10) "Intensive methamphetamine services," a program that supports treatment services for a recipient 18 years or older who is assessed with a severe methamphetamine use disorder and who requires 24-hour structure and support due to the imminent risk for relapse;

~~(10)~~ (11) "Intensive outpatient treatment program," a nonresidential ~~outpatient treatment~~ program accredited under chapter 67:61:14 or a recognized tribal program that provides clearly defined, structured, and intensive outpatient treatment services for a recipient with a substance use disorder as defined in § 67:61:01:01(33);

~~(11)~~ (12) "Medically-monitored intensive inpatient treatment program," a residential treatment program accredited under chapter 67:61:18 or a recognized tribal program that provides medically monitored, intensive, inpatient treatment services for an adult with a substance use disorder as defined in § 67:61:01:01(37);

~~(12)~~ (13) "Outpatient treatment program," a nonresidential program accredited under chapter 67:61:13 or a recognized tribal program that provides regularly scheduled counseling services of fewer than nine counseling hours a week to a recipient harmfully affected by alcohol or drugs as defined in 67:61:01:01(32);

~~(13)~~ (14) "Psychiatric residential treatment program," residential substance use disorder treatment provided to adolescents in a psychiatric residential treatment facility that meets the requirements of ~~42 CFR 441.151~~ 42 C.F.R. § 441.151, as amended to July 1, 2016; and

~~(14)~~ (15) "Recognized tribal program," a tribal agency recognized by the division as meeting the requirements of § 67:16:48:14;

~~(15)~~ "Short term relapse treatment," an in-state intensive treatment program provided by a psychiatric residential treatment program to an adolescent who has attended structured substance use disorder treatment and maintained abstinence for a period of time and has had a recurrence of substance-dependent behavior or relapse;

~~(16)~~ "Unit," a fifteen-minute measurement of time.

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(1)(2).

Law Implemented: SDCL 28-6-1(1)(2).

67:16:48:02. Covered services. Substance use disorder treatment services covered under this chapter are limited to the following:

- (1) The integrated assessment;
- (2) Crisis intervention services;
- (3) Outpatient treatment programs;
- (4) Intensive outpatient treatment programs;
- (5) Day treatment programs;
- (6) Clinically-managed low-intensity residential treatment programs;
- (7) Medically-monitored intensive inpatient treatment programs; and
- (8) Psychiatric residential treatment programs for substance use disorders; ~~and~~
- ~~(9) Short-term relapse treatment programs.~~

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(1).

Law Implemented: SDCL 28-6-1(1).

67:16:48:03. Services not covered. The following services are not covered under the provisions of this chapter:

(1) Treatment for a diagnosis of substance use disorder that exceeds the limits established by the division, unless prior authorization is approved by the division;

(2) ~~Except for pregnant women covered under this chapter, treatment for a diagnosis of substance use disorder for an adult;~~

~~(3)~~ Out-of-state substance use disorder treatment unless the division determines that appropriate in-state treatment is not available; ~~and~~

~~(4)~~ (3) Treatment for a gambling disorder;

~~(4)~~ Room and board for residential services;

~~(5)~~ Substance use disorder treatment before the integrated assessment is completed;

~~(6)~~ Substance use disorder treatment after 30 days if the treatment plan has not been completed;

~~(7)~~ Substance use disorder treatment if a required review has not been completed;

~~(8)~~ Court appearances, staffing sessions, or treatment team appearances; and

~~(9)~~ Substance use disorder services provided to a recipient incarcerated in a correctional facility.

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(1)(4).

Law Implemented: SDCL 28-6-1(1)(4).

67:16:48:04. ~~Treatment for an adolescent with a substance use disorder~~ — In state
Services requiring prior authorization. ~~Adolescent treatment is limited to services provided by a facility accredited under chapter 67:61:02, SDCL 34-20A-2, or a recognized tribal program. Prior authorization is required for a day treatment, clinically managed low intensity residential treatment, and psychiatric residential treatment program for a substance use disorder~~ The following services require prior authorization:

- (1) Medically-monitored intensive inpatient programs;
- (2) Clinically-managed low intensity residential treatment programs for pregnant women or women with dependent children;
- (3) Intensive methamphetamine services; and
- (4) Psychiatric residential treatment programs.

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(1)(2)(4).

Law Implemented: SDCL 28-6-1(1)(2)(4).

67:16:48:05. Prior authorization for day treatment and clinically managed low-intensity residential treatment programs requirements. The requirements for prior authorization of a ~~day treatment~~ medically monitored intensive inpatient program, ~~or~~ clinically-managed low-intensity residential treatment program for pregnant women or women with dependent children, and intensive methamphetamine services are as follows:

(1) An addiction counselor completes an integrated assessment, the assessment indicates a diagnosis of a substance use disorder, and the addiction counselor determines the ~~adolescent~~ recipient meets the criteria for placement in, transfer to, or continued stay in a substance use disorder treatment program;

(2) A physician or other licensed practitioner refers the ~~adolescent~~ recipient for placement in, transfer to, or continued stay in a substance use disorder treatment program and provides the division with written verification of pregnancy, if applicable; and

(3) The division authorizes the treatment.

Source: 43 SDR 80, effective December 5, 2016; 44 SDR 94, effective December 4, 2017.

General Authority: SDCL 28-6-1(1)(2)(4).

Law Implemented: SDCL 28-6-1(1)(2)(4).

67:16:48:07. Short-term relapse treatment for an adolescent with a substance use disorder. ~~A short-term relapse treatment program for an adolescent is a covered service if the following conditions are met:~~

~~(1) An addiction counselor completes the assessment; the assessment indicates a diagnosis of substance use disorder, and the addiction counselor determines that the adolescent meets the criteria for placement in, transfer to, or continued stay in a substance use disorder treatment facility;~~

~~(2) A physician or other licensed practitioner refers the adolescent for placement in, transfer to, or continued stay in a treatment facility;~~

~~(3) The division authorizes treatment; and~~

~~(4) The certification team, based on medical documentation, determines that treatment is medically necessary and meets the requirements listed in 42 CFR 441.152, as amended to April 1, 2017. The certification team notifies the division of their determination that medical necessity has been met or does not meet severity of illness criteria Repealed.~~

Source: 43 SDR 80, effective December 5, 2016; 44 SDR 94, effective December 4, 2017.

General Authority: ~~SDCL 28-6-1(1)(2).~~

Law Implemented: ~~SDCL 28-6-1(1)(2).~~

67:16:48:08. Treatment for ~~an adolescent with~~ a substance use disorder -- Out-of-state.

Out-of-state treatment for a substance use disorder is limited to those services provided in a facility which is licensed or accredited in another state as a substance use disorder treatment facility. Treatment is covered if the following additional requirements are met:

(1) An addiction counselor within that state completes an integrated assessment and sends the completed assessment to the division. The assessment must include a biopsychosocial history with appropriate testing instrument scores, indicate a diagnosis of a substance use disorder, and contain the credentials of the counselor completing the assessment;

(2) For ~~day treatment, clinically managed low intensity residential treatment,~~ intensive inpatient treatment, or psychiatric residential treatment, a physician or other licensed practitioner refers the ~~adolescent~~ recipient for placement in, transfer to, or continued stay in a substance use disorder treatment program;

(3) The division authorizes the treatment, and no appropriate in-state treatment is available; and

(4) The psychiatric residential treatment provided meets the prior authorization requirements found in § 67:16:48:06.

Out-of-state outpatient services do not require prior authorization when provided within 50 miles of the South Dakota border.

Source: 43 SDR 80, effective December 5, 2016; 44 SDR 94, effective December 4, 2017.

General Authority: SDCL 28-6-1(1)(2).

Law Implemented: SDCL 28-6-1(1)(2).

67:16:48:09. Treatment for a pregnant woman with a substance use disorder -- In-state. ~~Treatment for a pregnant woman is limited to services provided by a facility accredited under chapter 67:61:02, SDCL 34-20A-2, or a recognized tribal program. Requirements for prior authorization of a day treatment or intensive inpatient treatment program are as follows:~~

~~—— (1) An addiction counselor completes an integrated assessment; the assessment indicates a diagnosis of a substance use disorder, and the addiction counselor determines the pregnant woman meets the criteria for placement in, transfer to, or continued stay in a substance use disorder treatment program;~~

~~—— (2) A physician or other licensed practitioner refers the pregnant woman for placement in, transfer to, or continued stay in a substance use disorder treatment program and provides the division with written verification of pregnancy; and~~

~~—— (3) The division authorizes the treatment Repealed.~~

Source: 43 SDR 80, effective December 5, 2016; 44 SDR 94, effective December 4, 2017.

~~—— **General Authority:** SDCL 28-6-1(1)(2).~~

~~—— **Law Implemented:** SDCL 28-6-1(1)(2).~~

67:16:48:10. Treatment for a pregnant woman with a substance use disorder -- Out-of-state. ~~Out-of-state treatment for pregnant women who are diagnosed with a substance use disorder is limited to those services provided in a facility that is licensed or accredited in another state as a substance use disorder treatment facility. Treatment is covered if the following additional requirements are met:~~

~~—— (1) An addiction counselor within that state completes an integrated assessment and sends the completed assessment to the division. The assessment must include a biopsychosocial history with appropriate testing instrument scores, indicate a diagnosis of a substance use disorder, and contain the credentials of the counselor completing the assessment; and~~

~~—— (2) For day treatment or intensive inpatient treatment, a physician or other licensed practitioner refers the pregnant woman for placement in, transfer to, or continued stay in a substance use disorder treatment program and provides the division with written verification of the pregnancy; and~~

~~—— (3) The division authorizes the treatment, and no appropriate in-state treatment is available~~
Repealed.

Source: 43 SDR 80, effective December 5, 2016; 44 SDR 94, effective December 4, 2017.

~~—— **General Authority:** SDCL 28-6-1(1)(2).~~

~~—— **Law Implemented:** SDCL 28-6-1(1)(2).~~

67:16:48:12. Rate of payment -- Treatment for a substance use disorder. A service covered under this chapter is subject to the limits listed on the department's billing guidance website. Payment for the treatment of a substance use disorder covered under this chapter is limited to the provider's usual and customary charge or the fee established by the division, whichever is less. The covered procedures and the associated procedure codes are found on the department's fee schedule website.

~~The history and physical for an adolescent required pursuant to article 67:61 is included in the daily rate. A medically necessary, comprehensive history and physical for a pregnant woman or adolescent is reimbursed outside the daily rate and is payable pursuant to chapter 67:16:02. The services described in § 67:61:18:02 are included in the daily rate.~~

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(1)(2)(4).

Law Implemented: SDCL 28-6-1(1)(2)(4).

67:16:48:14. Recognizing a tribal program as a participating provider. A tribal substance use disorder treatment program seeking to participate as a provider under the provisions of this chapter shall submit all of the following information to the division:

(1) A written request from the tribal chairman to the secretary of the ~~department~~ Department requesting permission for the program to provide services to ~~adolescents or pregnant women~~ a recipient under this chapter;

(2) A copy of the last onsite review conducted by Indian Health ~~Services~~ Service that indicates the program obtained the minimum points necessary to provide services to ~~pregnant women and adolescents~~ for the level of care being provided;

(3) A written statement signed by the program director that states the program has met the minimum national or applicable state or Indian Health ~~Services~~ Service standards for the level of care provided, and a statement that the program is in good standing with Indian Health Services;

(4) A copy of the contract the tribe has with Indian Health ~~Services~~ Service ~~under~~ pursuant to the provisions of Pub. L. 93-638 (the Indian Self-Determination Act), effective January 4, 1975; and

(5) A copy of the signed provider agreement between the Department and the tribe.

The division may not recognize a tribal program as a participating provider until the division is in possession of all the documentation required in this section. Recognition of a tribal program is subject to annual review and approval by the division.

Source: 43 SDR 80, effective December 5, 2016.

General Authority: SDCL 28-6-1(4)(6).

Law Implemented: SDCL 28-6-1(4)(6).