

**ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE**  
 Prepared by Department of Social Services

	<b>CODE</b>	<b>NAME</b>
<b>DEPARTMENT</b>	08	Social Services
<b>DIVISION</b>	0841	Division of Child Support
<b>PROGRAM</b>	0841	Child Support Enforcement

PROPOSED RULES: § 67:18:01:20.01

HEARING DATE: August 13, 2019

**FISCAL IMPACT STATEMENT:** These rules do not have a fiscal impact. No additional staffing or resources are needed.

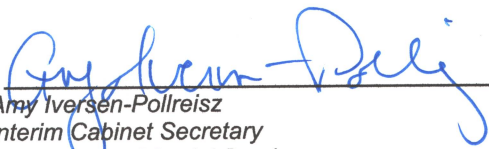
**FISCAL NOTE SUMMARY:** Rule change summary attached

**COST INCREASES (DECREASES)**

	<b>First-Year Impact</b>	<b>Continuous-Yearly Impact</b>
<b>State Agencies:</b>		
Social Services		
<b>TOTAL</b>	\$0	\$0
<b>Local Subdivisions:</b>		
<b>TOTAL</b>	\$0	\$0
<b>Small Business Increases (Decreases)</b>		
<b>TOTAL</b>	\$0	\$0

**REVENUE INCREASES (DECREASES)**

<b>Revenue Increases (Decreases) State, Local &amp; Small Business :</b>		
<b>TOTAL</b>	\$0	\$0

APPROVED  DATE 7-8-19  
 Amy Iversen-Pollreisz  
 Interim Cabinet Secretary  
 Department of Social Services

**ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE**  
 Prepared by Department of Social Services

	<b>CODE</b>	<b>NAME</b>
<b>DEPARTMENT</b>	08	Social Services
<b>DIVISION</b>	085	Behavioral Health
<b>PROGRAM</b>	08511	Substance Use

**PROPOSED RULES:** §§ 67:61:07:08, 67:61:12:03, 67:61:13:04, 67:61:14:04, 67:61:15:04 67:61:16:05, 67:61:17:08, 67:61:17:09, 67:61:18:06

**HEARING DATE:** August 13, 2019

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**FISCAL NOTE SUMMARY:** Rule change summary attached

**COST INCREASES (DECREASES)**

<b>State Agencies:</b>	<b>First-Year Impact</b>	<b>Continuous-Yearly Impact</b>
<b>Social Services</b>		
<b>TOTAL</b>	\$0	\$0
<b>Local Subdivisions:</b>		
<b>TOTAL</b>	\$0	\$0
<b>Small Business Increases (Decreases)</b>		
<b>TOTAL</b>	\$0	\$0

**REVENUE INCREASES (DECREASES)**

<b>Revenue Increases (Decreases) State, Local &amp; Small Business :</b>		
<b>TOTAL</b>	\$0	\$0

APPROVED Amy Nersen-Pollreisz DATE 7-8-19  
 Amy Nersen-Pollreisz  
 Interim Cabinet Secretary  
 Department of Social Services

**FORM 5, BFM 50.10**

**ADMINISTRATIVE PROCEDURES ACT  
FISCAL NOTE  
Prepared by Department of Social Services**

	<b>CODE</b>	<b>NAME</b>
<b>DEPARTMENT</b>	08	Social Services
<b>DIVISION</b>	0843	Child Care Services
<b>PROGRAM</b>	0843	Child Care Services

**PROPOSED RULES:** §§ 67:47:01:03.02, 67:47:01:10.02, 67:47:02:21

**HEARING DATE:** August 13, 2019

**FISCAL IMPACT STATEMENT:** These rules do not have a fiscal impact. No additional staffing or resources are needed.

**FISCAL NOTE SUMMARY:** Rule change summary attached

**COST INCREASES (DECREASES)**

<b>State Agencies:</b>	<b>First-Year Impact</b>	<b>Continuous-Yearly Impact</b>
<b>Social Services</b>		
<b>TOTAL</b>	\$0	\$0
<b>Local Subdivisions:</b>		
<b>TOTAL</b>	\$0	\$0
<b>Small Business Increases (Decreases)</b>		
<b>TOTAL</b>	\$0	\$0

**REVENUE INCREASES (DECREASES)**

<b>Revenue Increases (Decreases) State, Local &amp; Small Business :</b>		
<b>TOTAL</b>	\$0	\$0

APPROVED *Amy Iversen-Pollreisz* DATE 7-8-19  
 Amy Iversen-Pollreisz  
 Interim Cabinet Secretary  
 Department of Social Services

**ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE**  
 Prepared by Department of Social Services

	<b>CODE</b>	<b>NAME</b>
<b>DEPARTMENT</b>	08	Social Services
<b>DIVISION</b>	082	Economic Assistance
<b>PROGRAM</b>	0824	Medical Eligibility

PROPOSED RULES: §§ 67:10:05:03, 67:10:05:05, 67:46:04:08, 67:46:04:13, 67:46:05:09.03, 67:46:05:15, 67:46:05:32.03, 67:46:07:12

HEARING DATE: August 13, 2019

**FISCAL IMPACT STATEMENT:** These rules do not have an estimated fiscal impact. No additional staffing or resources are needed.

**FISCAL NOTE SUMMARY:** Rule change summary attached

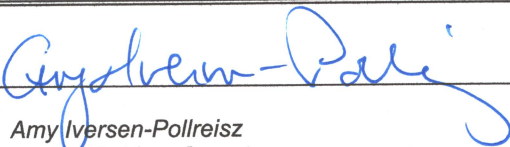
**COST INCREASES (DECREASES)**

	<i>First-Year Impact</i>	<i>Continuous-Yearly Impact</i>
<b>State Agencies:</b>		
Social Services		
TOTAL	\$0	\$0
<b>Local Subdivisions:</b>		
TOTAL	\$0	\$0
<b>Small Business Increases (Decreases)</b>		
TOTAL	\$0	\$0

**REVENUE INCREASES (DECREASES)**

<b>Revenue Increases (Decreases) State, Local &amp; Small Business :</b>		
TOTAL	\$0	\$0

APPROVED



Amy Iversen-Pollreisz  
 Interim Cabinet Secretary  
 Department of Social Services

DATE

7-8-19

**FORM 5, BFM 50.10**  
**ADMINISTRATIVE PROCEDURES ACT**  
**FISCAL NOTE**  
*Prepared by Department of Social Services*

	<b>CODE</b>	<b>NAME</b>
<b>DEPARTMENT</b>	08	Social Services
<b>DIVISION</b>	0831	Medical Services
<b>PROGRAM</b>	0831	Medical Services

**PROPOSED RULES:** §§ 67:16:01:08, 67:16:01:25, 67:16:01:26, 67:16:01:27, 67:16:04:62, 67:16:07:04, 67:16:25:02, 67:16:26:07.02, 67:16:29:04.01, 67:16:34:03, 67:16:34:05, 67:16:34:09, 67:16:37:05, 67:16:39:01, 67:16:39:02, 67:16:39:05, 67:16:39:06, 67:16:39:07, 67:16:39:08, 67:16:39:10, 67:16:39:11, 67:16:39:13, 67:16:39:15, 67:16:41:04, 67:16:41:06, 67:16:41:08, 67:16:41:10, 67:16:41:12, 67:16:41:14, 67:16:44:01 through 67:16:44:07, inclusive, 67:16:44:09, 67:16:44:11, 67:16:44:13, 67:16:48:02

**HEARING DATE:** August 13, 2019

**FISCAL IMPACT STATEMENT:** These rules do not have a fiscal impact. No additional staffing or resources are needed.

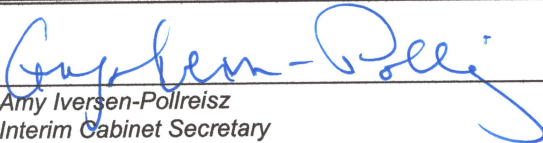
**FISCAL NOTE SUMMARY:** Rule change summary attached

**COST INCREASES (DECREASES)**

<b>State Agencies:</b>	<b>First-Year Impact</b>	<b>Continuous-Yearly Impact</b>
<b>Social Services</b>		
<b>TOTAL</b>	\$0	\$0
<b>Local Subdivisions:</b>		
<b>TOTAL</b>	\$0	\$0
<b>Small Business Increases (Decreases)</b>		
<b>TOTAL</b>	\$0	\$0

**REVENUE INCREASES (DECREASES)**

<b>Revenue Increases (Decreases)</b>		
<b>State, Local &amp; Small Business :</b>		
<b>TOTAL</b>	\$0	\$0

APPROVED  DATE 7-8-19  
 Amy Iversen-Pollreisz  
 Interim Cabinet Secretary  
 Department of Social Services

**RULE CHANGE SUMMARY**

<b><u>RULE NUMBER:</u></b>	<b><u>DESCRIBE CHANGE(S) AND THE EFFECT(S):</u></b>	<b><u>FISCAL IMPACT:</u></b>
	<b>Economic Assistance</b>	
<b>Ch. 67:10:05</b>	<b>Budgeting for TANF</b> (pp. 1-4)	
67:10:05:03 67:10:05:05	This change moves the TANF payment amounts to the Department's website. The amount of TANF payments did not change this year so there is no fiscal impact associated with this change. This change is consistent with other economic assistance programs. Any future changes to TANF payment amounts occur through appropriations process during legislative session.	None
	<b>Medical Services</b>	
<b>Ch. 67:16:01</b>	<b>General Provisions</b> (pp. 5-12)	
67:16:01:08	Clarifies incontinence items are covered under the state plan authority and not limited to HCBS waiver authority.	None
67:16:01:25	Updates reference to most recent version of CPT manual.	None
67:16:01:26	Updates reference to most recent version of ICD-10 manual.	None
67:16:01:27	Updates reference to most recent version of HCPCS manual.	None
<b>Ch. 67:16:04</b>	<b>Nursing Facility Rate Setting</b> (p. 13)	
67:16:04:62	Updates the date certain for the Medicare provider reimbursement manual.	None
<b>Ch. 67:16:07</b>	<b>Podiatric Services</b> (pp. 14-15)	
67:16:07:04	Removes the podiatry coverage limit from this rule as the limitation is duplicative of the third-party liability requirements in 67:16:26:07.01. This does not change existing podiatry coverage.	None
<b>Ch. 67:16:25</b>	<b>Transportation Services</b> (pp. 16-17)	
67:16:25:02	Clarifies that medically necessary treatment provided by a ground ambulance is covered even if the recipient is not transported. This clarification reflects current practice.	None
<b>Ch. 67:16:26</b>	<b>Third-Party Liability</b> (pp. 18-19)	
67:16:26:07.02	Updates to reflect the current practice that an individual's primary insurance must be billed before Medicaid for prenatal care.	None

<b>Ch. 67:16:29</b>	<b>Medical Equipment</b> (p. 20)	
67:16:29:04.01	The coding structure for some durable medical equipment previously bundled training costs into the reimbursement rates for the equipment. The updated coding structure has unbundled the training from the equipment. The rule is being clarified to reflect that training costs are still covered for the equipment that previously had a bundled coding structure. This does not increase coverage or training costs for durable medical equipment.	None
<b>Ch. 67:16:34</b>	<b>Records</b> (pp. 21-24)	
67:16:34:03	Clarifies medical records documentation requirements to ensure the record contain the date of entry, date of service, and time spent with a recipient for time-based services.	None
67:16:34:05	Clarifies that record retention requirements can be satisfied through Electronic Health Records and other means.	None
67:16:34:09	Clarifies application record retention requirements apply to providers.	None
<b>Ch. 67:16:37</b>	<b>School Districts</b> (pp. 25 -26)	
67:16:37:05	Updates the list of psychology services providers in a school district setting to be consistent with our eligible providers in our Mental Health Services by Independent Practitioners rules found in ARSD Ch. 67:16:41.	None
<b>Ch. 67:16:39</b>	<b>Case Management – Primary Care Provider</b> (pp. 27-39)	
67:16:39:01 67:16:39:02	Updates the terminology from primary care case management to “primary care provider program” which is currently used by the department.	None
67:16:39:05	Clarifies that a primary care provider (PCP) addendum to the provider agreement is required to participate in the PCP program.	None
67:16:39:06	Updates to “primary care provider program” terminology.	None
67:16:39:07	Clarifies which methods a recipient can use to change their primary care provider.	None
67:16:39:08	Clarifies that a PCP referral may be provided retroactively.	None
67:16:39:10	Updates to “primary care provider program” terminology.	None
67:16:39:11	Allows a recipient to receive up to four urgent care visits per year without a referral from their PCP. These services were otherwise covered, but required a referral from their PCP.	None

	This reduces the administrative burden of PCP's.	
67:16:39:13 67:16:39:15	Updates the term "medical assistance identification number" to "National Provider Identifier number". This is consistent with current practice and our other claim requirements.	None
<b>Ch. 67:16:41</b>	<b>Mental Health Services Provided by Independent Practitioners</b> (pp. 40-53)	
67:16:41:04	Clarifies the requirements for diagnostic assessments to include required components and timeframes. This is consistent with the integrated assessment requirements found in the Behavioral Health's rules ARSD 67:61:07:05 for substance use disorders and ARSD 67:62:08:05 for mental health.	None
67:16:41:06	Aligns rules with the Division of Behavioral Health's rules to promote consistent treatment plan requirements. This is consistent with the treatment plan requirements found in the Behavioral Health's rules ARSD 67:61:07:06 for substance use disorders and ARSD 67:62:08:07 for mental health.	None
67:16:41:08	Clarifies that signatures and initials on records do not have to be handwritten.	None
67:16:41:10	Removes language that is duplicative of the requirements in ARSD 67:16:39:10.	None
67:16:41:12	Repealed. Clarifies that signatures and initials on records do not have to be handwritten.	None
67:16:41:14	Corrects typographical error.	None
<b>Ch. 67:16:44</b>	<b>Federally Qualified Health Centers and Rural Health Centers</b> (pp. 54-64)	
67:16:44:01	Updates the definitions of center and clinic to federally qualified health center (FQHC) and rural health clinic (RHC) and clarifies the list of practitioners a recipient is currently able have a face-to-face visit with at a FQHC/RHC.	None
67:16:44:02	Aligns FQHC/RHC settings where covered services can take place with Medicare.	None
67:16:44:03	Repealed. Moved reference to 67:16:44:02.	None
67:16:44:04	Repealed. The reimbursement methodology is based on BIPA as stated in 67:16:44:06.	None
67:16:44:05	Clarifies the document FQHC/RHCs should use as guidance for completing their cost report.	None
67:16:44:06	Clarifies that FQHC/RHC services not paid at the all-inclusive rate are reimbursed using the applicable Medicaid	None



	reimbursement methodology.	
67:16:44:07	Clarifies instances when a second visit is reimbursable.	None
67:16:44:09	Provision is duplicative of 67:16:44:02 as revised.	None
67:16:44:11	Rule is obsolete. Medicare cost report is audited by Noridian.	None
67:16:44:13	Updates terminology to use FQHC/RHC instead of center/clinic.	None
<b>Ch. 67:16:48</b>	<b>Treatment for Substance Use Disorders</b> (p. 65)	
67:16:48:02	Allows early intervention as a covered service. This is currently being covered through a combination of state funds and a federal block grant through behavioral health. This change allows coverage through Medicaid which would be subject to the FMAP. The effect will be a different billing methodology for a subset of individuals. This is a service currently being provided so there is no anticipated fiscal impact.	None
	<b>Child Support Enforcement</b>	
<b>Ch. 67:18:01</b>	<b>Child Support Enforcement Program</b> (p. 66)	
67:18:01:20.01	Updates to cite the applicable federal authority and removes language that is duplicative of the federal regulations.	None
	<b>Economic Assistance</b>	
<b>Art. 67:46</b>	<b>Eligibility for Medical Services</b> (pp. 67-80)	
67:46:04:08	Updates a repealed citation to an accurate citation.	None
67:46:04:13	Moves the annual SSI standard benefit annual adjustment amount to the Department's website. This amount is determined annually on the federal level. As a state, we must use the amount provided federally. The federal law preempts state law and we feel listing the amount is duplicative. The information is used to determine eligibility and will still be available on the Department's website with other eligibility criteria.	None
67:46:05:09.03	Repeal. This rule is duplicative of federal regulation.	None
67:46:05:15	Moves the home property equity value to the Department's website. This amount is determined annually on the federal level. As a state, we must use the amount provided federally. The federal law preempts state law and we feel listing the	None

	amount is duplicative.	
67:46:05:32.03	Updates to align with current federal regulation. The 21st Century Cures Act amended the Social Security Act to allow for the creation of a (d)(4)(a) trust by the individual themselves. A parent, guardian, etc. is no longer necessary so long as the individual is the sole beneficiary.	None
67:46:07:12	Updates the combined spousal allowance to cite federal regulations. This information will also be accessible on the Department's website. This amount is determined annually on the federal level. As a state, we must use the amount provided federally. The federal law preempts state law and we feel listing the amount is duplicative.	None
<b>Article 67:47</b>	<b>Child Care Services</b> (pp. 81-83)	
67:47:01:03.02 67:47:01:10.02 67:47:02:21	Update repealed rule reference	None
	<b>Behavioral Health</b>	
<b>Article 67:61</b>	<b>Substance Use Disorders</b> (pp. 84-93)	
67:61:07:08 67:61:12:03 67:61:13:04 67:61:14:04 67:61:15:04 67:61:16:05 67:61:17:09 67:61:18:06	We are aligning our substance use disorder rules with our medical services rules to reference the Department's fee schedule website for billing information.  We are clarifying the progress note requirements to specifically address that progress notes are not required weekly if no services are being provided.	None
67:61:17:08	Updated to better reflect actual practice of how services are provided in clinically-managed residential detoxification programs.	None