

NOTICE OF PUBLIC HEARING
DEPARTMENT OF SOCIAL SERVICES

A public hearing will be held in the Department of Social Services Building, Prairie Conference Room, 811 East 10th Street, Sioux Falls, SD 57103, on Thursday, June 22, 2023, at 11:00 a.m. Central Time, 10:00 a.m. Mountain Time, to consider the adoption and amendment of proposed Department of Social Services' Medical Services Administrative Rules of South Dakota numbered

§§ 67:16:04:33, 67:16:04:46, 67:16:04:49, 67:16:04:51, 67:16:04:52, 67:16:04:54, 67:16:04:60, 67:16:04:62, 67:45:03:01, to 67:45:03:12, inclusive.

The effect of the rule changes will be to update the nursing facility rate setting and case mix validation process. The case mix calculation will now use the Patient-Driven Payment Model (PDPM) instead of the M3PI. Nursing facility rates will be rebased to use current cost data to match with PDPM case mix data. Other methodology changes include removing the occupancy rule from direct care, removing the overall rate limit increase, and moving to inflation calculations based on the nursing facility market basket index. The rule changes will also update the depreciation edition referenced in rule, reflect a change in cost ceilings for capital costs, update the case mix validation process, remove the on-site requirement for classification reviews conducted by the department, remove outdated provisions, update Medicaid provider reimbursement manual citation, and repeal outdated provisions.

The reason for adopting the proposed rules is to transition nursing home rate methodology to a case mix calculation using the Patient-Driven Payment Model (PDPM) as the current methodology will no longer be used by CMS, along with other updates to support the new payment methodology. The rules also update the case mix review to clarify current requirements, expand the assessment review period in accordance with assessment schedule, clarify a nurse consultant may observe or interview a resident, and update form and style throughout.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may:

- 1) Appear in-person at the hearing;
- 2) May attend telephonically by calling 1-605-679-7263 and using conference code 235 971 658#;
- 3) Mail them to Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, SD 57103; or
- 4) Email them to DSSAdminRules@state.sd.us.

The deadline to submit any such written comments for consideration by the Department of Social Services is July 2, 2023, ten days after the date of the public hearing.

After the written comment period, the Department of Social Services will consider all written and oral comments it receives on the proposed rules. The Department of Social Services may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact Department of Social Services at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605)-367-5444 ext. 1000309.

Copies of the proposed rules may be obtained without charge from:

Teresa Schulte	and/or	http://rules.sd.gov
Administrative Rules	and/or	emailing a request to: DSSAdminRules@state.sd.us
Department of Social Services		
811 East 10 th Street		
Sioux Falls, SD 57103		

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