

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 Wednesday, October 11, 2023, at 10:30 a.m. Central Time, 9:30 a.m. Mountain Time, to consider the adoption and amendment of proposed Department of Social Services' Medical Services Administrative Rules of South Dakota numbered

§§ 67:16:01:25 to 67:16:01:27, inclusive, 67:16:02:03, 67:16:02:06, 67:16:07:04, 67:16:24:03:02, 67:16:24:07, 67:16:29:04, 67:16:29:04.02, 67:16:29:06.01, 67:16:29:09, 67:16:41:06, 67:16:41:10, 67:45:01:01 to 67:45:01:04.01, inclusive, 67:45:01:05, 67:45:01:05.01, 67:45:01:06, 67:45:01:08, 67:54:09:02, 67:54:09:11.01, 67:54:09:16, 67:54:09:18.

The effect of the rule changes will be to update citations, update procedure codes that are reimbursed at a percent of the provider's usual and customary charge and included on the applicable fee schedule, clarify coverage for the removal of implanted contraceptives, clarify coverage for routine foot care services for those diagnosed with metabolic, neurologic, or peripheral vascular diseases, update personal care assessment frequency and the information reviewed, clarify reasons for discontinuation of personal care services, remove the certificate of medical necessity requirement to align with Medicare, increase the timeliness of access to breast pumps by updating billing provisions, update treatment plan timing to coordinate with the mental health chapter and current practice, update and clarify nursing facility level of care definitions, categories, and various coverage for services, clarify what settings and services apply to each level of care classification, clarify and detail the specialized therapy services that are covered under the Family Support 360 waiver program and update the applicable procedure codes for billing those services, and remove repealed rule references.

The reason for adopting the proposed rules is to ensure citations are current, clarify nursing facility level of care categories, ensure current practice and federal requirements are reflected, and to provide appropriate detail regarding the Family Support waiver program and what specialized services are covered.

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 code: 914 158 355#;
- 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 October 21, 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:

- 1) Mailing a request to: Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, SD 57103;

2) <http://rules.sd.gov>

3) Emailing a request to: DSSAdminRules@state.sd.us.

Published at the total approximate cost of _____.