

## FORM 6

### Department of Social Services Notice of Public Hearing to Adopt Rules

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 Friday, June 21, 2024, at 10:00 a.m. Central Time, to consider the adoption and amendment of proposed Administrative Rules of South Dakota numbered

§§ 67:16:01:22 to 67:16:01:23, inclusive, 67:16:01:25 to 67:16:01:27, inclusive, 67:16:39:17, 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.

The effect of the rules will be to repeal Medicaid recipient cost sharing requirements, update citations, update nursing facility level of care classifications, clarify classification levels, and detail what settings or services apply to each level of care classification.

The reason for adopting the proposed rules is Medical Services has not found a feasible way to successfully implement cost sharing mechanisms while remaining compliant with federal regulations. Federal requirements are too burdensome on the State MMIS system, on providers, and on those enrolled Medicaid recipients for whom cost sharing is applicable. Other reasons for adopting the proposed rules include ensuring citations are current, removing outdated language, clarifying and updating the nursing facility level of care classifications, updating classification language to reflect a recent waiver amendment for individuals to be more representative of individuals who are at risk for nursing facility placement and better meets the needs of individuals participating in the CARE or IMPACT behavioral health programs, and clarifying what settings or services apply to each level of care classification.

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 941 423 829#;
- 3) Mail them to Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10<sup>th</sup> Street, Sioux Falls, SD 57103; or
- 4) Email them to [DSSAdminRules@state.sd.us](mailto:DSSAdminRules@state.sd.us).

The deadline to submit any such written comments for consideration by the Department of Social Services is July 1, 2024, 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 the 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](mailto:DSSAdminRules@state.sd.us)  
Department of Social Services

811 East 10<sup>th</sup> Street  
Sioux Falls, SD 57103

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