

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

418U0016

HOUSE BILL NO. 1214

Introduced by: Representatives Hunhoff (Bernie), Bartling, Craig, Cronin, Feickert, Feinstein, Greenfield, Hajek, Hansen, Hawks, Hickey, Kirschman, Nelson, Olson (Betty), Steele, and Wick and Senators Adelstein, Bradford, Kirkeby, Maher, Soholt, Sutton, and Welke

1 FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn children.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. The Legislature finds that unborn children do not have a citizenship status and
4 their eligibility for medical assistance is independent of the mother's eligibility for medical
5 assistance programs.

6 Section 2. There is hereby created the prenatal care program, a separate health assistance
7 program as allowed under Title XXI of the federal Social Security Act, as amended to, and 42
8 C.F.R. 457.10, solely to provide for the medical care of unborn children whose mothers are
9 ineligible for coverage under Title XIX of the federal Social Security Act based on their
10 citizenship status.

11 Section 3. Within thirty days after the effective date of this Act, the Department of Social
12 Services shall submit a state plan amendment or waiver for approval by the federal Centers for
13 Medicare and Medicaid Services to provide prenatal coverage under the medical assistance
14 program in accordance with this Act.



1 Section 4. The department shall implement the prenatal care program and shall receive and
2 distribute the state and federal funds appropriated or provided for benefits pursuant to this Act.

3 Section 5. The secretary shall promulgate rules pursuant to chapter 1-26 in accordance with
4 the provisions of Title XXI of the federal Social Security Act, as amended to, and 42 C.F.R
5 457.10. The rules shall specify the individuals and services for which state funds or federal
6 financial participation are available and may include:

- 7 (1) The amount, scope, and duration of prenatal medical services;
- 8 (2) The basis for and extent of provider payments on behalf of an eligible person;
- 9 (3) The establishment and collection of co-payments, premiums, fees, or charges for
10 sharing the cost of risk protection or services to persons. All such collections shall
11 be remitted to the general fund;
- 12 (4) Methods of administration found necessary for the operation of the prenatal care
13 program;
- 14 (5) Safeguards against the disclosure or improper use of information, required by
15 statutory law to be held confidential, concerning applicants for or recipients of
16 medical assistance; and
- 17 (6) Such other requirements as may be necessary to obtain federal financial participation
18 in the medical assistance program.

19 Section 6. The department shall determine eligibility for this program using the same income
20 limits and methodology used to determine eligibility for the pregnancy program under Title
21 XIX.

22 Section 7. The department shall determine the scope of services eligible to provide health
23 coverage for the unborn child for this program in accordance with the federal regulations.

24 Section 8. Medical services for medical issues unrelated to the pregnancy or separate to the

1 mother are not covered under this Act.