

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

445B0224

## HOUSE BILL NO. 1229

Introduced by: Representatives Howard, Beal, Brunner, Chaffee, Chase, Dennert, Duvall, Finck, Glanzer, Goodwin, Gosch, Greenfield (Lana), Gross, Hunhoff, Jensen (Kevin), Johnson (Chris), Johnson (David), Karr, Koth, Lake, Latterell, Livermont, Marty, Mills, Miskimins, Otten (Herman), Perry, Peterson (Sue), Pischke, Post, Qualm, Randolph, Rasmussen, Rounds, Steele, Weis, Wiese, York, and Zikmund and Senators Steinhauer, Blare, Cammack, Jensen (Phil), Maher, Monroe, Nelson, Otten (Ernie), Russell, Stalzer, Sutton, and Wiik

1 FOR AN ACT ENTITLED, An Act to require optional services through Medicaid to be  
2 authorized through special appropriation.

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

4 Section 1. That § 28-6-1 be amended to read:

5 28-6-1. The Department of Social Services may provide medical services and medical or  
6 remedial care on behalf of persons having insufficient income and resources to meet the  
7 necessary cost ~~thereof~~ of services or care, if the person has exhausted all other possible public  
8 and private medical and remedial care programs, income, or benefits, with the exception of  
9 county poor relief, in accordance with rules which the secretary of social services shall  
10 promulgate pursuant to chapter 1-26 in accordance with the provisions of Title XIX and Title  
11 XXI of the ~~federal~~ Social Security Act, as amended to January 1, 2004. The rules shall specify  
12 the ~~individuals~~ persons and services for which state funds or federal financial participation are



1 available and may include:

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

14 For any service that is optional to the state under Title XIX or Title XXI of the Social  
15 Security Act, and that is to provided starting on or after July 1, 2019, the department may not  
16 provide the service unless the service is authorized through a special appropriations Act as  
17 defined in § 4-7-1.