

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

472V0211

HOUSE ENGROSSED NO. **HB 1158** - 02/10/2014

Introduced by: Representatives Ecklund, Craig, Duvall, Gibson, Heinemann (Leslie), Hickey, Hunhoff (Bernie), Killer, Parsley, Rasmussen, Steele, and Wick and Senators Maher, Holien, Jones (Tom), Van Gerpen, 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. There is hereby created the prenatal care program, a separate health assistance
4 program as allowed under Title XXI of the federal Social Security Act, as amended to January 1,
5 2004, and 42 C.F.R. 457.10, solely to provide for the medical care of unborn children whose
6 mothers are ineligible for coverage under Title XIX of the federal Social Security Act based on
7 their citizenship status.

8 Section 2. Within thirty days after the effective date of this Act, the Department of Social
9 Services shall submit a state plan amendment or waiver for approval by the federal Centers for
10 Medicare and Medicaid Services to provide prenatal coverage under the medical assistance
11 program in accordance with this Act.

12 Section 3. The department shall implement the prenatal care program and shall receive and
13 distribute the state and federal funds appropriated or provided for benefits pursuant to this Act.

14 Section 4. The secretary shall promulgate rules pursuant to chapter 1-26 in accordance with



1 the provisions of Title XXI of the federal Social Security Act, as amended to January 1, 2004,
2 and 42 C.F.R 457.10. The rules shall specify the individuals and services for which state funds
3 or federal financial participation are available and may include:

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

16 Section 5. The department shall determine eligibility for this program using the same income
17 limits and methodology used to determine eligibility for the pregnancy program under Title
18 XIX.

19 Section 6. The department shall determine the scope of services eligible to provide health
20 coverage for the unborn child for this program in accordance with the federal regulations.

21 Section 7. No medical services for a medical issue unrelated to the pregnancy or separate
22 to the mother is covered under this Act.

23 Section 8. For purposes of this Act, the term, prenatal medical services, does not include an
24 abortion unless the abortion is necessitated by a medical emergency as defined in subdivision

1 34-23A-1(5).

2 Section 9. The department shall report at least annually to the Legislature on the financial
3 impact to the State of South Dakota on any waivers or state plan amendments to either expand
4 eligibility or services under Title XXI or Title XIX of the federal Social Security Act entered
5 into after January 1, 2014. Such report shall also include an analysis of medical outcomes after
6 adopting the waiver or state plan amendment and medical outcomes on similarly situated
7 recipients for a relevant time period prior to adopting the waiver or state plan amendment.