

STATE OF SOUTH DAKOTA



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FEB 01 2021
S.D. SEC. OF STATE

February 1, 2021

Honorable Steve Barnett
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Attorney General's Statement (Medicaid expansion initiated measure)

Dear Secretary Barnett,

Enclosed is a copy of a proposed initiated measure, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed Attorney General's Statement for this measure.

By copy of this letter, I am providing a copy of the Statement to the sponsor.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason R. Ravensborg".

Jason R. Ravensborg
ATTORNEY GENERAL

JRR/dd
Enc.

CC/encl. Laurie Jensen Wunder

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INITIATED MEASURE

ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure expanding Medicaid eligibility.

Explanation:

Medicaid is a program, funded by the State and the federal government, to provide medical coverage for low-income people who are in certain designated categories. This measure expands Medicaid eligibility in South Dakota. It requires the State to provide Medicaid benefits to any person age 19 or older and under 65 whose income is at or below 133% of the federal poverty level, plus 5% of the federal poverty level for the applicable family size, as provided in federal law. For people who qualify under this measure, the State may not impose burdens or restrictions that are greater than those imposed on any other person eligible for Medicaid benefits under South Dakota law.

The South Dakota Department of Social Services must submit to the federal government all documentation required to implement this measure, and must take all actions necessary to maximize federal funding for this expansion.

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BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That chapter 28-6 be amended by adding a NEW SECTION to read:

Notwithstanding any provision of law to the contrary, beginning July 1, 2023, the state shall provide medical assistance to any person nineteen years of age or older and under sixty-five years of age who qualifies for medical assistance under 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) and federal regulations as of January 1, 2021, and who has income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the federal poverty level for the applicable family size, as provided for by 42 U.S.C. § 1396a(e)(14) and federal regulations as of January 1, 2021.

Any person eligible for medical assistance under this section shall receive coverage that meets the benchmark or benchmark-equivalent coverage requirements, as such terms are defined under 42 U.S.C. § 1396a(k)(1) and any federal regulations as of January 1, 2021.

No later than March 1, 2023, the Department of Social Services shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The Department of Social Services shall take all actions necessary to maximize the federal financial medical assistance percentage in funding medical assistance pursuant to this section.

The state may not impose greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices on any person eligible under this section than on any person otherwise eligible for medical assistance under this chapter.

The Department of Social Services shall promulgate rules pursuant to chapter 1-26 to authorize any person eligible under this section for medical assistance, and any other rule as authorized by §28-6-1 that is necessary to implement this section.

If any provision in this section or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.