

JOINT POWERS AGREEMENT
BETWEEN
SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES, DIVISION OF MEDICAL SERVICES
AND
SOUTH DAKOTA DEPARTMENT OF HEALTH, DIVISION OF HEALTH AND MEDICAL SERVICES

The South Dakota Department of Social Services, Division of Medical Services (hereinafter DSS) and the South Dakota Department of Health, Division of Health and Medical Services (hereinafter DOH), hereby enter into a Joint Exercise of Governmental Powers Agreement pursuant to SDCL §§ 1-24-2 through 1-24-9. The purpose of this agreement, as required by federal legislation for the State Title V, Block Grant and as more specifically set forth below, is to promote high quality health care and services for South Dakota Medicaid program recipients. SCL 1-24-4(3). This Agreement does not establish a separate legal entity and the Administrator Office of Medical Services, and the Administrator of the DOH Office of Family & Community Health Services, are the administrators responsible for administering this cooperative undertaking, SDCL §§ 1-24-4(2), 1-24-5(1). This Agreement does not involve real or personal property. SDCL 1-24-5(2). A copy of this Agreement shall be filed with the State Attorney General and the Legislative Research Council not more than 14 days after being executed. SDCL 1-24-6.1.

WHEREAS, DSS and DOH intend to promote high quality health care and services for recipients under the South Dakota Medicaid Program;

WHEREAS, DSS and DOH intend to comply with state and federal statutes, regulations, and guidelines requiring the proper expenditure of public funds for the administration of a medical assistance program;

WHEREAS, DSS and DOH intend to assure services provided under Title XIX, Title V and Title XXI are consistent with the needs of recipients, and DSS and DOH objectives and requirements;

WHEREAS, DSS and DOH intend to maximize utilization of Maternal and Child Health Services by DSS in the provision of medical assistance;

WHEREAS, DSS and DOH intend to maximize utilization of the South Dakota Medicaid Program by DOH in the provision of Maternal and Child Health Services; and

WHEREAS, DSS and DOH believe it is an efficient use of state resources to undertake this joint agreement demonstrating the commitment of both parties to ongoing collaboration.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

I. DSS agrees to:

- A. Refer Title XIX and Title XXI eligible children under 21 years of age to DOH Children's Special Health Services (CSHS) whose medical condition has existed or is expected to exist for two (2) years or more, requires evaluation, consultation and medical treatment.
- B. Provide information to DSS Medicaid program participants regarding services, risk assessment, or other potential services offered through the local Family Planning Clinic or other family planning providers.
- C. Refer all Title XIX pregnant women to the Community Health Services Program.
- D. Refer all known pregnant, postpartum and breastfeeding women, and infants/children (0 – 4 yrs.) potentially eligible for the Supplemental Nutrition Program for Women, Infants, and Children (WIC Program), to the WIC Program for potential services.
- E. Accept financial responsibility for reimbursement of medically necessary preventive, diagnostic, medical or remedial care and services provided to any individual under 21 years of age, or any individual who is pregnant, to the extent of that individual's medical assistance entitlement.
- F. Accept responsibility for payment of services within the scope of the Medicaid program provided by any of the eligible individuals in accordance with fees allowed through the South Dakota Medicaid Program, and South Dakota Department of Health Programs.
- G. Consult with DOH in developing the standards and periodicity and vaccination schedules for the Early Periodic Screening Diagnostic Treatment (EPSDT) program with DOH.

II. DOH agrees to:

- A. Refer to DSS all those children under 21 years of age and women of child-bearing age in need of preventive, diagnostic, medical or remedial care and services and who are, or may be, eligible for medical assistance under the terms and conditions of participation established by DSS.

- B. Inform any Title XIX/Children's Health Insurance Program (CHIP) eligible families with children about the EPSDT (EPSDT) program and periodicity/vaccination schedules and will refer all Title XIX eligible children to the child's attending physician for completion of an EPSDT screen.
 - C. Identify pregnant women and infants who are potentially eligible for Title XIX and assist them in applying to the Title XIX program.
 - D. Identify potentially eligible children and assist them in applying for the CHIP Program.
 - E. Participate in the establishment of periodicity schedules and content standards for the EPSDT program.
 - F. Provide risk assessments and other services to Title XIX and Title XXI eligible pregnant women potentially in need of the administrative case management activities.
 - G. Participate in the outreach efforts of the CHIP program by providing information with health fairs, immunization clinics, Community Health Services Offices, and Public Health Alliance offices.
 - H. Provide a toll-free telephone number for use by parents and consumers to access information about physicians, practitioners, and other health care providers in South Dakota.
- III. Both DSS and DOH agree to:
- A. Use their best efforts to enhance coordination between departments by establishing procedures for the early identification of individuals under 21 years of age in need of preventive, diagnostic, medical or remedial care and services provided by either department.
 - B. Retain the sole and exclusive right to determine eligibility for, and the extent of entitlement to, benefits or services provided to, or on behalf of, any individual under law or any rules and regulations adopted by each respective department.
 - C. Provide data to other entity as needed for reporting at the federal or state level.

- D. Designate a professional staff person on behalf of each department to act as the liaison for the activities contained in this agreement.
- E. Enhance coordination between departments by establishing procedures for the early identification of pregnant women in need of medical care and services provided by either department.

IV. OTHER PROVISIONS:

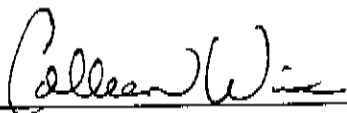
- A. Term and Termination: This agreement becomes effective and remains in effect for a period of five years from the date both parties sign this agreement or such time a change in scope is needed by either party. This agreement may be terminated upon thirty (30) days written notice to the other party.
- B. Amendment: This agreement contains the entire agreement between the parties and is subject to, and will be construed under, the laws of the State of South Dakota, and may be amended only in writing and signed by both parties. Each such amendment shall be attached to, and become a part of, this agreement.

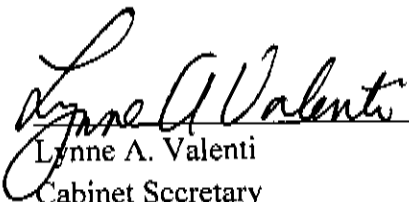
AUTHORIZED SIGNATURE APPROVAL AND ACCEPTANCE

In Witness whereof, the South Dakota Department of Social Services and the South Dakota Department of Health mutually agree and accept this agreement.

DEPARTMENT OF HEALTH

DEPARTMENT OF SOCIAL SERVICES


 _____ 11/4/14
 Colleen Winter (date)
 Division Director
 Division of Health and Medical Services
 Telephone: (605) 773-4780


 _____ 10/27/14
 Lynne A. Valenti (date)
 Cabinet Secretary
 Department of Social Services
 Telephone: (605) 773-3495