

South Dakota

Medicaid Program: South Dakota Medicaid

Program Administrator: South Dakota Dept. of Social Services

Regional Telehealth Resource Center: Great Plains Telehealth Resource and Assistance Center <https://www.gptrac.org>

South Dakota Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSURE COMPACTS	CONSENT REQUIREMENT
✓	✗	✗	✓	✗	IMLC, NLC, PTC	✓

South Dakota Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>South Dakota Medicaid provides reimbursement for live video, under some circumstances. Reimbursement is not provided for store-and-forward or remote patient monitoring services.</p>
	Definitions	<p>“Telemedicine is the use of an interactive telecommunications system to provide two-way, real-time, interactive communication between a provider and a Medicaid recipient across a distance.”</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 13 (May 2020) & Community Health Worker, pg. 7 (April 2020). (Accessed Sept. 2020).</p> <p>Office of Adult Services and Aging</p> <p>“Telehealth services” is a home-based health monitoring system used to collect and transmit an individual’s clinical data for monitoring and interpretation.</p> <p>Source: SD Regulation 67:40:19:01(21). (Accessed Sept. 2020).</p>
	Live Video Policy	<p>South Dakota Medicaid will reimburse for limited services via live video. Providers are reimbursed the lesser of their usual and customary charge or the fee schedule rate. See manual for complete list of CPT codes. Reimbursement for distant site telemedicine services is limited to the individual practitioner’s professional fees or the encounter rate if the service qualifies as an FQHC/RHC or IHS/Tribal 638 clinic service. The maximum allowable amount for services provided via telemedicine is the same as services provided in-person.</p> <p>All telemedicine services must comply with South Dakota Medicaid’s Out-Of-State Prior Authorization Requirements.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 4 & 13 (May 2020). (Accessed Sept. 2020).</p> <p>Services provided via telemedicine are subject to the same service requirements and limitations as in-person services.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 3 (May 2020). (Accessed Sept. 2020).</p>

See manuals for specific CPT codes.

Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 14-16 (May 2020). (Accessed Sept. 2020).

Community health worker services can be provided via telemedicine.

Source: SD Medicaid Billing and Policy Manual: Community Health Worker, pg. 8, April 2020. (Accessed Sept. 2020).

Speech language pathologist services can be provided via telemedicine.

Source: SD Medicaid Billing and Policy Manual: Birth to Three Non-School District Providers, pg. 3, June 2019. (Accessed Sept. 2020).

Psychotherapy is allowed to be provided via telehealth.

Source: SD Medicaid Billing and Policy Manual: Independent Mental Health Practitioners, pg. 13, March 2020. (Accessed Sept. 2020).

An encounter for the initial ordering of durable medical equipment may occur through telehealth.

Source: SD Medicaid Billing and Policy Manual: Durable Medical Equipment, Prosthetics, Orthotics and Supplies, pg. 2. June 2020. (Accessed Sept. 2020).

The following providers can provide services via telemedicine at a distant site:

- Certified Social Worker (PIP or PIP Candidate)
- Clinical Nurse Specialist
- Community Health Worker
- Community Mental Health Centers (CMHC)
- Diabetes Education Programs
- Dietitians
- Federally Qualified Health Centers (FQHC)
- Indian Health Services Clinics
- Licensed Marriage and Family Therapists
- Licensed Professional Counselor (MH or working toward MH designation)
- Nurse Practitioners
- Nutritionists
- Physicians
- Physician Assistants
- Podiatrists
- Psychologist
- Rural Health Clinic (RHC)
- Speech Language Pathologists
- Substance Use Disorder Agencies
- Tribal 638 facilities

Note: Audiologists, occupational therapists, physical therapists and optometrists are listed as temporarily allowed during COVID-19 PHE in the provider manual, but are not permanent eligible providers.

Unless prohibited by law or regulation the distant site location may be a provider’s home. South Dakota Medicaid does not require the distant site location be listed on their provider enrollment record. All services provided via telemedicine at a distant site must be billed with the GT modifier in the first modifier position to indicate the service was provided via telemedicine.

Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 1 & 4 (May 2020). (Accessed Sept. 2020).



Eligible Providers

Indian Health Services and Tribal 638 Providers

IHS/Tribal 638s may also provide distant site telemedicine services.

Source: SD Medicaid Billing and Policy Manual: IHS and Tribal 638 Providers, p. 5, (May 2020), (Accessed Sept. 2020).

Speech language pathology services can be provided via telemedicine.

Source: SD Medicaid Billing and Policy Manual: Birth to Three Non-School District Providers, p. 3, (June 2019), School Districts, pg. 4, June 2020, & Therapy Services, pg. 7, July 2020. (Accessed Sept. 2020).

School Districts

A school district may be a South Dakota Medicaid provider under certain conditions and certain providers employed by or under contract with the school district may deliver services through telehealth, including:

- Mental health providers
- Licensed physical therapists
- Certified graduate physical therapy assistants
- Occupational therapists
- Licensed occupational therapy assistants
- Speech-language pathologists
- Speech-language pathology assistants
- Audiologists
- Licensed nurses

Source: SD Medicaid Billing and Policy Manual: School Districts, p. 1-2. (June 2020). (Accessed Sept. 2020).

Eligible Sites

Originating sites listed in the eligible provider section are eligible to receive a facility fee for each completed telemedicine transaction for a covered distant site telemedicine service. Sites not listed may also serve as an originating site but are not eligible for a facility fee reimbursement. Originating sites are not reimbursed for any additional costs associated with equipment, technicians, technology, or personnel utilized in the performance of the telemedicine service. Originating sites must be enrolled with South Dakota Medicaid.

Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 1 & 3 (May 2020). (Accessed Sept. 2020).

FQHC/RHCs are eligible to serve as an originating site for telemedicine services. An originating site is the physical location of the Medicaid recipient at the time the service is provided.

Source: SD Medicaid Billing and Policy Manual: FQHC and RHC Services, pg. 6, April 2020. (Accessed Sept. 2020).

Indian Health Services and Tribal 638 Providers

IHS and Tribal 638 facilities can also be reimbursed for serving as an originating site. An originating site is the physical location of the Medicaid recipient at the time the service is provided.

Source: SD Medicaid Billing and Policy Manual: HIS and Tribal 638 Providers, p. 5, (May 2020). (Accessed Sept. 2020).

Geographic Limits

An originating site may not be located in the same community as the distant site, unless the originating site is a nursing facility; or telemedicine is being utilized primarily to reduce the risk of exposure of the provider, staff, or others to infection.

If telemedicine is being used primarily to reduce the risk of exposure to infection, the originating site would generally be expected to be a recipient's home or another site ineligible to bill an originating site facility fee.

Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 3 (May 2020). (Accessed Sept. 2020).



Medicaid Telehealth Reimbursement

Live Video	Facility/Transmission Fee	<p>Certain originating sites are eligible for a facility fee and are:</p> <ul style="list-style-type: none"> • Office of a physician or practitioner • Outpatient Hospital • Critical Access Hospital • Rural Health Clinic • Federally Qualified Health Center • Indian Health Services Clinic • Community Mental Health Center • Nursing Facilities • Schools <p>The originating site may not be located in the same community as the distant site unless the originating site is a nursing facility.</p> <p>Originating site are not reimbursed for any additional costs associated with equipment, technicians, technology, or personnel utilized in the performance of the telemedicine service.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 2-3 (May 2020). (Accessed Sept. 2020).</p>
	Policy	<p>South Dakota Medicaid defines telemedicine as occurring in “real-time”, excluding store-and-forward applications.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 13 (May 2020). (Accessed Sept. 2020).</p>
Store-and-Forward	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	No reference found.



Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Policy	<p>The Office of Adult Services and Aging defines “telehealth services” as a home-based health monitoring system used to collect and transmit an individual’s clinical data for monitoring and interpretation.</p> <p>Source: <i>SD Regulation 67:40:19:01(21)</i>. (Accessed Sept. 2020).</p> <p>The initial order encounter for home health services may occur through telehealth.</p> <p>Source: <i>SD Medicaid Billing and Policy Manual: Home Health Services, p. 3 (July 2020)</i>. (Accessed Sept. 2020).</p>
	Conditions	No reference found.
	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	<p>No reimbursement for phone. No reimbursement for email. No reimbursement for facsimile.</p> <p>Source: <i>SD Medicaid Billing and Policy Manual: Telemedicine, p. 13 (May 2020)</i>. (Accessed Sept. 2020).</p>	
Consent	<p>School Districts School districts are required to obtain a signed parental consent form prior to accessing Medicaid. Once the initial parental consent form has been signed, the school must provide annual written notification to the student’s parents or guardian. The consent forms and written notification must be kept on file with the school district.</p> <p>Source: <i>SD Medicaid Billing and Policy Manual: School Districts, pg. 5, June 2020</i>. (Accessed Sept. 2020).</p>	



Medicaid Telehealth Reimbursement	Out of State Providers	<p>All telemedicine services outside South Dakota must comply with South Dakota Medicaid’s out-of-state prior authorization requirements.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 4 (May 2020). (Accessed Sept. 2020).</p>
	Miscellaneous	<p>Originating sites eligible for reimbursement must bill for the service using HCPCS Q3014.</p> <p>All telemedicine services provided at the distant site must be billed with the GT modifier.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 12 (May 2020). (Accessed Sept. 2020).</p> <p>Speech therapy services may be provided via telemedicine after an initial face-to-face contact and once every 90 days thereafter.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine, p. 4 (May 2020). (Accessed Sept. 2020).</p> <p>The telemedicine provider manual lists temporary COVID-19 specific policies. Please reference manual for additional information.</p> <p>See telemedicine provider manual for specific documentation requirements.</p> <p>Source: SD Medicaid Billing and Policy Manual: Telemedicine. (Accessed Sept. 2020).</p>
Private Payer Laws	Definitions	No reference found.
	Requirements	<p>Health insurers are prohibited from excluding a service from coverage solely because it was provided through telehealth. Health care services delivered by telehealth must be appropriate and delivered in accordance with applicable law and generally accepted health care practices and standards prevailing at the time the health care services are provided.</p> <p>Source: SD Codified Laws Ann. § 58-17-168. (SB – 137). (Accessed Sept. 2020).</p>
	Parity Service Parity	<p>Health insurers cannot exclude a service for coverage solely because the service is provided through telehealth and not provided through in-person consultation or contact between a health care professional and a patient.</p> <p>Health insurers are not required to provide coverage for health care services that are not medically necessary.</p> <p>Health insurers are NOT prohibited from:</p> <ul style="list-style-type: none"> Establishing criteria that a health care professional must meet to demonstrate the safety and efficacy of delivering a particular health care service via telehealth that the health insurer does not already reimburse other health care professionals for delivering via telehealth so long as the criteria are not unduly burdensome or unreasonable for the particular services; Requiring a health care professional to agree to certain documentation or billing practices designed to protect the health insurer or patients from fraudulent claims so long as the practices are not unduly burdensome or unreasonable for the particular services;



Private Payer Laws	Parity	Service Parity	<ul style="list-style-type: none"> Including a deductible, copayment, or coinsurance requirement for a health care service provided via telehealth, if the deductible, copayment, or coinsurance is not in addition to and does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through in-person contact. <p>Source: SD Codified Laws Ann. § 58-17-168. (SB – 137). (Accessed Sept. 2020).</p>
		Payment Parity	No reference found.
Professional Regulation/Health & Safety	Definitions	<p>Recently Passed Legislation (Effective July 1, 2020)</p> <p>“Telehealth,” the use of secure electronic information, imaging, and communication technologies by a health care professional to deliver health care services to a patient, including interactive audio-vid- eo, interactive audio with store and forward, store-and-forward technology, and remote patient monitoring. Telehealth does not include the delivery of health care services through electronic means under the provisions of chapter 27A-10, or the delivery of health care services through an audio-only telephone, electronic mail message, text message, mail service, facsimile transmission, or any combination thereof.</p> <p>Source: SD Codified Laws Sec. 34-52-1.(Accessed Sept. 2020).</p> <p>“Telehealth services” is a home-based health monitoring system used to collect and transmit an individual’s clinical data for monitoring and interpretation.</p> <p>Source: SD Regulation 67:40:19:01(21). (Accessed Sept. 2020).</p> <p>Mental Health Procedures in Criminal Justice</p> <p>“Telehealth” is a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management and self-management of patients at a distance from health care providers.</p> <p>Source: : SD Codified Laws Ann. § 23A-50-1(6). (Accessed Sept. 2020).</p> <p>Speech-language Pathology</p> <p>“Telepractice,” “telespeech,” “telespeech-language pathology,” or “telehealth” is the application of telecommunication technology to delivery speech-language pathology at a distance for assessment, intervention, or consultation.</p> <p>Source: SD Regulation 20:79:01:01(9). (Accessed Sept. 2020).</p>	
		Consent	<p>A health care professional using telehealth shall follow any applicable state or federal statute or rule for informed consent.</p> <p>Source: SD Codified Laws Sec. 34-52-7. (Accessed Sept. 2020).</p>
		Online Prescribing	<p>Telehealth may not be utilized by a health care professional with respect to any patient located in the state in the absence of a provider-patient relationship. Any health care professional who utilizes telehealth shall ensure that a proper health provider-patient relationship is established and includes:</p> <ul style="list-style-type: none"> Verifying and authenticating the location and, to the extent reasonable, identifying the requesting patient; Disclosing and validating the health care professional’s identity and applicable credentials, as appropriate;



- Obtaining appropriate consent for treatment from a requesting patient after disclosure regarding the delivery models and treatment methods or limitations;
- Establishing a diagnosis through the use of acceptable medical practices, including patient history, mental status examination, physical examination, and appropriate diagnostic and laboratory testing;
- Discussing with the patient the diagnosis and its evidentiary basis and the risks and benefits of various treatment options;
- Ensuring appropriate follow-up care for the patient; and
- Providing a visit summary to the patient or consult note.

Exceptions to the requirements of this section include on-call, cross coverage situations, and consultation with another health care professional who has an ongoing health care provider relationship with the patient and agrees to supervise the patient's care and emergency treatment.

Source: *SD Codified Laws Sec. 34-52-3. (Accessed Sept. 2020).*

A health care professional using telehealth to provide medical care to any patient located in the state shall provide an appropriate face-to-face examination using real-time audio and visual technology prior to diagnosis and treatment of the patient, if a face-to-face encounter would otherwise be required in the provision of the same service not delivered via telehealth.

Source: *SD Codified Laws Sec. 34-52-5. (Accessed Sept. 2020).*

Without a proper provider-patient relationship, a health care professional using telehealth may not prescribe a controlled drug or substance, as defined by § 34-20B-3, solely in response to an internet questionnaire or consult, including any encounter via telephone.

Source: *SD Codified Laws Sec. 34-52-6. (Accessed Sept. 2020).*

An applicant who holds a valid medical license issued by another state can be licensed through reciprocity in South Dakota if:

- The applicant completed a residency program in the US or Canada;
- Has passed one of the listed licensure examinations. (Please see rule for list);
- Is in good standing with their state's professional board; and
- Has completed a state and federal criminal background investigation.

Source: *SD Regulation 20:78:03:12. (Accessed Sept. 2020).*

Any health care professional treating a patient in the state through telehealth shall be fully licensed to practice in the state or employed by a licensed health care facility, an accredited prevention or treatment facility, a community support provider, a nonprofit mental health center, or a licensed child welfare agency and subject to any rule adopted by the applicable South Dakota licensing body.

Source: *SD Codified Laws Sec. 34-52-2. (Accessed Sept. 2020).*

Member of Physical Therapy Compact.

Source: *PT Compact. (Accessed Sept. 2020).*

Member of Interstate Medical Licensure Compact.

Source: *Interstate Medical Licensure Compact. (Accessed Sept. 2020).*

Member of Nurse Licensure Compact.

Source: *Current NLC States & Status. Nurse Licensure Compact. (Accessed Sept. 2020).*



A health care professional or the originating site treating a patient through telehealth shall:

- Maintain a complete record of the patient's care;
- Disclose the record to the patient consistent with state and federal laws; and
- Follow applicable state and federal statutes and regulations for medical record retention and confidentiality.

Source: *SD Codified Laws Sec. 34-52-8. (Accessed Sept. 2020).*

Office of Adult Service and Aging

In-home services, which is defined as including "telehealth services", may be provided to an individual who demonstrates a need for long-term supports and services through an assessment and the following criteria:

- The individual is residing at home;
- The individual is age 60 or older or is age 18 or older with a disability; and
- The individual is not eligible for other programs which provide the same type of service.

Source: *SD Regulation 67:40:19:04. (Accessed Sept. 2020).*

Recently Passed Legislation (HB 1090)

Appropriates funds to evaluate the feasibility of the use of telehealth services within the criminal justice system and to declare an emergency.

Source: *SD HB 1090 (2020 Session). (Accessed Sept. 2020)*

