



South Dakota
Department of
Social Services

**OFFICE OF THE SECRETARY
DIVISION OF LEGAL SERVICES**
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PHONE: 605.773.3305
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dss.sd.gov

October 20, 2021

David Schied
PO Box 321
Spearfish, SD 57783

RE: Information Request

Dear Mr. Schied,

The Department of Social Services' (DSS) is in receipt of your public record requests of August 8, 2021, as previously acknowledged in response letters on August 20 and September 9. DSS can provide the following responses to your requests, in order:

1. No granting or denial letter was sent from DSS pursuant to your request for "the legislative grounds for having [you] complete a W-9." DSS did not request the W-9 in the instance you refer to.
2. Laura Nord (or Charter), Rogine Page, Mary Rea, Leslie Lowe, Kim Malsam-Rysdon, Shawnie Rechtenbaugh, Jason Ravensborg, and Richard Baumer do not work for DSS, so DSS has no information to provide for them.

As for Laurie Gill and Nancy Giovanetti, per SDCL 1-27-1.5(7), personnel information, other than salary and directory information, is not a public record open to inspection or copying. Therefore, DSS cannot provide their personnel records. Salary and routine directory information can be found for state employees at <https://open.sd.gov/employees.aspx> and <https://apps.sd.gov/dp51SWPB/DP51InternetSearch.aspx>.

3. Pursuant to SDCL 1-27-1.5(12) correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees are not records open to inspection or copying. Therefore, DSS cannot produce them. South Dakota's laws and administrative rules can be accessed at https://sdlegislature.gov/Statutes/Codified_Laws and <https://sdlegislature.gov/Rules/Administrative>. SDCL 28-6 contains state statutes with respect to Medicaid, and ARSD 67:16 contains rules regarding covered medical services.
4. DSS has no data or information responsive to your requests (a) or (h) through (o). for the remaining requests (b) through (g), DSS does not have separate categories for tracking "quad-amputees," "quadriplegics," or "permanently and totally disabled." Because this

would require us to create a type of report that does not currently exist, the information you request is not subject to production under the open records laws pursuant to SDCL 1-27-4. In an effort to be of assistance, DSS can provide the following information:

- As of October 11, 2021, there are 9,884 individuals on LTC Medicaid. Of those individuals, 2,759 are in nursing facilities (including hospice and swing beds) and 7,125 are not.
 - Since 2017, DSS has completed 3,695 disability determinations. Of those determinations, 2,134 individuals were found disabled, and 1,535 were found not disabled; also, in 26 instances DSS upheld a Social Security Administration determination of no disability.
 - Non-emergency medical transportation to covered medical appointments is covered with no cost share for full coverage Medicaid recipients.
5. DSS cannot provide legal advice as to all laws pertaining to refugees or crime victims. As noted above, South Dakota's laws and administrative rules can be accessed at <https://sdlegislature.gov/>.
 6. DSS cannot give legal advice regarding possible crimes or penalties. Provisions regarding South Dakota's open records laws are generally found in SDCL 1-27, which can be accessed through <https://sdlegislature.gov/>.
 7. DSS has no information responsive to this request.
 8. DSS has no information responsive to this request.
 9. DSS has no information responsive to this request.

To the extent you consider this to be a denial, in whole or in part, please refer to SDCL §§ 1-27-35 through 1-27-44 for any remedies that may be available to you.

Sincerely,



Jeremy Lippert



DEPARTMENT OF HUMAN SERVICES

OFFICE OF THE SECRETARY

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dhs.sd.gov

David Schied
PO Box 321
Spearfish, SD 57783

October 21, 2021

Dear Mr. Schied,

Below are the Department of Human Service's responses to your records requests of August 8, 2021, as acknowledged in response letters on August 20th and September 9th. Our responses are given to the requests in the order they were submitted.

1. No granting or denial letter was sent to your request for "the legislative grounds for having [you] complete a W-9". Per SDCL 1-27-37 (5), for this reason, the request is deemed denied. In reviewing your new request, this denial stands, because DHS is not relying on a particular statute. A W-9 is required so that all information required for the accounting system is recorded. South Dakota state statutes and administrative rules can be found at <https://sdlegislature.gov/>. For legal advice, please consult with a private attorney.
2.
 - a. Personnel information is not an open record, except for salary and routine directory information. SDCL 1-27-1.5 (7). Salary and routine directory information can be found online at <https://open.sd.gov/employees.aspx> and <https://apps.sd.gov/dp51SWPB/DP51InternetSearch.aspx>. For any request beyond the public information, your request is denied.
 - b. Your request for specific personnel records for Rogine Page is denied pursuant to SDCL 1-27-1.5 (7).
 - c. Personnel information is not an open record, except for salary and routine directory information. SDCL 1-27-1.5 (7). Salary and routine directory information can be found online at <https://open.sd.gov/employees.aspx> and <https://apps.sd.gov/dp51SWPB/DP51InternetSearch.aspx>. For any request beyond the public information, your request is denied.

d. Personnel information is not an open record, except for salary and routine directory information. SDCL 1-27-1.5 (7). Salary and routine directory information can be found online at <https://open.sd.gov/employees.aspx> and <https://apps.sd.gov/dp51SWPB/DP51InternetSearch.aspx>. For any request beyond the public information, your request is denied.

e. Nancy Giovanetti does not work for the Department of Human Services, so no information is being provided in our response.

f. Kim Malsam-Rysdon does not work for the Department of Human Services, so no information is being provided in our response.

g. Personnel information is not an open record, except for salary and routine directory information. SDCL 1-27-1.5 (7). Salary and routine directory information can be found online at <https://open.sd.gov/employees.aspx> and <https://apps.sd.gov/dp51SWPB/DP51InternetSearch.aspx>. For any request beyond the public information, your request is denied.

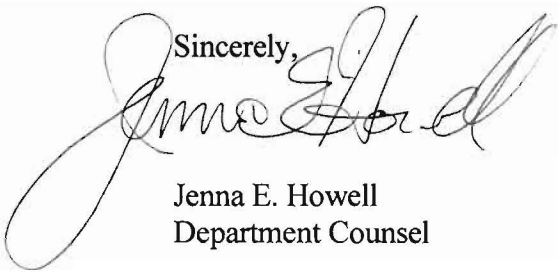
h. Laurie Gill does not work for the Department of Human Services, so no information is being provided in our response.

i. Jason Ravensborg does not work for the Department of Human Services, so no information is being provided in our response.

j. Richard Baumer does not work for the Department of Human Services, so no information is being provided in our response.

3. Requests for internal notes, transcripts or conversations are denied pursuant to SDCL 1-27-1.5 (12). South Dakota's laws and administrative rules can be accessed at <https://sdlegislature.gov/>.
4. The Department of Human Services does not have this information, therefore, the request is denied.
5. The Department of Human Services cannot provide advice as to all laws pertaining to refugees or crime victims. South Dakota's laws and administrative rules can be accessed at <https://sdlegislature.gov/>. For legal advice, please consult with a private attorney.
6. Provisions regarding South Dakota's open records laws are generally found in SDCL 1-27, which can be accessed through <https://sdlegislature.gov/>. The Department of Human Services cannot give advice regarding all possible crimes or penalties. For legal advice, please consult with a private attorney.
7. The Department of Human Services does not have this information, therefore, the request is denied.
8. The Department of Human Services does not have this information, therefore, the request is denied.
9. Job placement is a vocational rehabilitation service. The job placement service is provided when it is agreed upon by the eligible individual and counselor as a service that is needed to obtain the employment goal. No other criteria dictates when that service is provided.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenna E. Howell', written over a light gray rectangular background.

Jenna E. Howell
Department Counsel