

REGISTER



South Dakota Legislative Research Council

Volume 42

Tuesday, 8:00 a.m., February 16, 2016

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:01:18.

History-Notice: 42 SDR 99, Dec. 21, 2015
Hearing: January 14, 2016
Filed: February 10, 2016
Effective: March 1, 2016

Executive Appointment:

Steven R. Kalkman, Rapid City, was appointed on February 10, 2016, to the **South Dakota Ellsworth Development Authority**, to replace Kenny McNenny, effective immediately and shall continue until January 18, 2020.

**FILINGS IN THE LEGISLATIVE
RESEARCH COUNCIL'S OFFICE:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Game, Fish, and Parks:
(February 10, 2016) intends to amend a Refuges rule to eliminate the Dry Creek State Waterfowl Refuge; adopt Application for License and General Provisions rules to enable the Game, Fish and Parks Commission to establish by resolution the allocation of limited licenses and access permits for certain hunting seasons and the paddlefish snagging and archery season and require the Commission, prior to adopting a license allocation resolution, to provide the public with notice which conforms with the publication requirements established in SDCL Chapter 1-26 for adoption of administrative rules. The general authority for these rules, as cited by the department, is

SDCL § 41-2-18.

A public hearing will be held at the RedRossa Convention Center, 808 W. Sioux Ave., Pierre, South Dakota, on March 3, 2016, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. on the date of the hearing. Comments may also be sent by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All written and email comments must include the commenter's name, home town/city, and state. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

NOTICE:

The **Department of Social Services**, in conjunction with the **Department of Human Services, Division of Rehabilitation Services**, intends to make changes to the Assistive Daily Living Services (ADLS) 1915 (c) HCBS Waiver effective July 1, 2016. The proposed waiver amendment intends to: add services to include specialized medical equipment and supplies, respite care, environmental accessibility adaptations, and vehicle modifications; remove Case Management as a service and change it to

a Medicaid administrative function held by positions within DRS to comply with HCBS conflict free case management requirements; increase Personal Attendant hour maximum from 42 hours per week to 50 hours per week; increase the cost share threshold in the post-eligibility treatment of income formula; increase Incontinence Supply maximum to \$200 per month; add personal attendant care services through in-home service providers as a supplement to hiring personal attendants through the self-directed process with current ADLS providers; revise language to allow non-legal representatives to manage and direct services for a participant without requiring they be present when services are being provided; and change language to use aggregate per capita expenditures under the waiver instead of using individual costs. This amendment is a result of public input obtained from participant surveys, feedback from providers, and recommendations from the ADLS workgroup. This Amendment modifies Appendix A-2; Appendix B-1, B-2; Appendix C1/C3, C-5; Appendix D-1, D-2; Appendix E-1; Appendix F-1; Appendix G-2; Appendix I-2; and Appendix J-2 of the ADLS Waiver. The Department estimates there will be a federal fiscal impact of \$61,624 in Federal

Fiscal Year 2016 and \$184,872 in Federal Fiscal Year 2017. A copy of the proposed waiver amendment is available at the Department of Human Services, Division of Rehabilitation Services. Written requests for a copy of these changes, and corresponding comments, may be sent to Ronda Williams, ADLS Waiver Manager, Division of Rehabilitation Services, Department of Human Services, 3800 E. Hwy. 34, c/o 500 E. Capitol Ave., Pierre, SD 57501-5714.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

2-17-2016	Bureau of Human Resources: Civil Service Commission Amend a rule to allow the NGB22 form to be submitted to verify veterans' preference; 42 SDR 112, February 1, 2016.
3-3-2016	Department of Game, Fish, and Parks Amend a Refuges rule to eliminate the Dry Creek State Waterfowl Refuge; adopt Application for License and General Provisions rules to enable the Game, Fish and Parks Commission to establish by resolution the allocation of limited licenses and access permits for certain hunting seasons and the paddlefish snagging and archery season. The Commission would be required, prior to adopting a license allocation resolution, to provide the public with notice which conforms with the publication requirements established in SDCL Chapter 1-26 for adoption of administrative rules; 42 SDR 117, February 16, 2016.
3-3-2016	Department of Health: Board of Medical and Osteopathic Examiners Adopt rules to provide a process for locum tenens certificate holders to extend the duration of the certificate; remove requirement that a physician assistant and their supervising physician visit each separate practice location; update outdated language; create continuing education requirements for licensed physical therapists; and create rules

	for continuing education requirements for licensed nutritionists and dietitians; 42 SDR 112, February 1, 2016.
3-14-2016	Department of Education: Board of Education Adopt Emergency Safety Intervention rules to regulate the use of emergency safety intervention (seclusion and restraint) in schools and require schools to adopt policies and procedures regarding administration, notification, training, and reporting; 42 SDR 115, February 8, 2016.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Ninety-first Legislative Session to set the tentative meeting schedule for the 2016 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

