REGISTER

South Dakota Legislative Research Council

Volume 40 *Monday, 8:00 a.m., April 14, 2014*

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Social Services: Child Care Services: (April 8, 2014) intends to amend rules to include within the definition of a "relative provider" a caretaker who is a sibling of the child, rather than including such a sibling within the definition of "informal provider", establish that 15 semester credit hours at a college, university or technical institute is sufficient to meet the eligibility requirements for work and education to receive child care assistance, and increase the time period during which a recipient must notify the department of a change in child care providers. The general authority for these rules, as cited by the department, is SDCL § 28-1-61.

A public hearing will be held in Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 8, 2014, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Ann Holzhauser, Division of Legal Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by May 8, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

Department of Social Services: Division of Economic Assistance: (April 8, 2014) intends to amend rules to update payment standards regarding the Temporary Assistance for Needy Families program. The general authority for these rules, as cited by the department, is SDCL § 28-7A-3.

A public hearing will be held in Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 8, 2014, at 2:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to Ann Holzhauser, Division of Legal Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by May 8, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

Department of Social Services: Division of Medical Services: (April 8, 2014) intends to amend Physician and Other Health Services rules to move the rate for anesthesia services to the fee schedule on the department's website and remove invalid modifier codes; amend School Districts rules to update terminology and licensing requirements for psychological evaluators, speech-language pathologists, speech-language pathology assistants, and audiologists and remove redundant supervision requirements, update terminology for care plans

and clarify the requirements of a care plan, specify that covered nursing services include only those provided to treat a chronic medical illness and remove the limit on the allowable units per day for covered nursing services, and move the procedure codes for covered services to the department's website. The general authority for these rules, as cited by the department, is SDCL § 28-6-1.

A public hearing will be held in Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 8, 2014, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Ann Holzhauser, Division of Legal Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by May 8, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

Department of Social Services: Division of Finance: (April 8, 2014) intends to amend a Liens and Estate Recoveries rule to update the definition of an "estate" to delete reference to SDCL § 10-40-1 and include the definition in SDCL § 29A-1-201 and other property or assets in which the individual had any legal title or interest, and clarify the amount included in the "estate" from funds for prepaid burial expenses. The general authority for this rule, as cited by the department, is SDCL §§ 28-6-23 and 28-6-24.

A public hearing will be held in Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 8, 2014, at 3:30 p.m. Copies of the proposed rule may be obtained from and written comments sent to Ann Holzhauser, Division of Legal Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by May 8, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (April 9, 2014) intends to amend Application for License rules to enable any person who meets the eligibility requirements to apply for and receive a preference point for any hunting season with a limited license allocation. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18 and 41-6-21.

A public hearing will be held at the Sylvan Lake Lodge in Custer State Park, US Highway 16A, Custer, South Dakota, on May 1, 2014, at 2:00 p.m. (MDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. 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. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@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) 773-3387 before the hearing.

NOTICES:

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning the status of certain classes of prescription drugs effective April 1, 2014. The proposed State Plan Amendment (SPA) removes barbiturates, benzodiazepines, and agents used for smoking cessation from the list of excluded or otherwise restricted drugs. The proposed amendment does not affect current coverage of these classes of drugs. This SPA is required by the Centers for Medicare and Medicaid (CMS) under section 2502 of the Affordable Care Act. The proposed amendment amends page 1 of Attachment 3.1-A.1 of the South Dakota Medicaid State Plan. The Department estimates there will be no federal fiscal impact associated with this SPA. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **South Dakota Lottery** is ending instant ticket game numbers 434 – Carnival Cash and 444 – Candy Cane Cash. The last day that prizes will be paid for these games is October 5, 2014.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Bradley Tennant, Aberdeen, was reappointed on April 3, 2014, to the **State Historical Society Board of Trustees**, effective April 16, 2014, and shall continue until April 15, 2017.

Tom D. Tobin, Winner, was reappointed on April 3, 2014, to the **State Historical Society Board of Trustees**, effective April 16, 2014, and shall continue until April 15, 2017.

Executive Order:

The Governor has signed **Executive Order 2014-03** dated April 1, 2014. This order declares that the offices of state government, within the executive branch, shall be administratively closed for the afternoon of Good Friday, April 18, 2014.

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

4-17-2014	Environment and Natural Resources: Board of Minerals and Environment	Amend Contested Case Procedure rules to specify the conditions when a board member may not participate in a contested case hearing; 40 SDR 166.
4-17-2014	Labor and Regulation: SD Electrical Commission	Amend rules to adopt the 2014 National Electrical Code and update the references to the 2012 International Building Code; clarify a statutory reference regarding the maintenance electrical license; document the changes to

		allowable continuing education courses and the number of hours allowed; add the ability to final void an installation at the time of a rough-in or final inspection with notice of non-compliance to the owner; change the bonding inspection notification requirement for swimming pools; clarify the definition of patient care space; require tamper resistant receptacle protection be utilized in residential housing units moved to new locations; repeal a rule that requires specific wiring methods for seasonal dwelling; and adopt rules regarding the undertaking fund; 40 SDR 175.
4-21-2014	Labor and Regulation: Abstracters' Board of Examiners	Amend a rule to decrease the annual licensing fees for licensed abstracter plants; 40 SDR 179.
5-1-2014	Game, Fish and Parks	Amend Application for License rules to enable any person who meets the eligibility requirements to apply for and receive a preference point for any hunting season with a limited license allocation; 40 SDR 182.
5-8-2014	Social Services: Child Care Services	Amend rules to include within the definition of a "relative provider" a caretaker who is a sibling of the child, rather than including such a sibling within the definition of "informal provider", establish that 15 semester credit hours at a college, university or technical institute is sufficient to meet the eligibility requirements for work and education to receive child care assistance, and increase the time period during which a recipient must notify the department of a change in child care providers; 40 SDR 181.
5-8-14	Social Services: Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 40 SDR 181.
5-8-14	Social Services: Medical Services	Amend Physician and Other Health Services rules to move the rate for anesthesia services to the fee schedule on the department's website and remove invalid modifier codes; amend School Districts rules to update terminology and licensing requirements for psychological evaluators, speech-language pathologists, speech-language pathology assistants, and audiologists and remove redundant supervision requirements, update terminology for care plans and clarify the requirements of a care plan, specify that covered nursing services

		include only those provided to treat a chronic medical illness and remove the limit on the allowable units per day for covered nursing services, and move the procedure codes for covered services to the department's website; 40 SDR 181.
5-8-2014	Social Services: Finance	Amend a Liens and Estate Recoveries rule to update the definition of an "estate" to delete reference to SDCL§ 10-40-1 and include the definition in SDCL § 29A-1-201 and other property or assets in which the individual had any legal title or interest, and clarify the amount included in the "estate" from funds for prepaid burial expenses; 40 SDR 182.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, May 6, 2014, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: June 3, July 8, August 12, September 16, November 12, and December 16.

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.

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