REGISTER

South Dakota Legislative Research Council

Volume 32 *Monday, 8:00 a.m., June 5, 2006*

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

Department of Social Services: Division of Medical Services: (June 1, 2006) intends to amend rules to update the definitions of "Center" and "Clinic"; delete the definition of "Hospital-based provider"; no longer relate to a hospital-based provider as a separate type of provider; incorporate by reference the standards established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 and specify that the department uses BIPA to determine a facility's rate of payment; limit payment for mental health services to those providers and services covered under the provisions of Chapter 67:16:41 – Mental health services provided by independent practitioners; clarify that claims may be submitted in electronic format; and no longer cost settle following completion of an audit. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in the Department of Social Services Conference Room, First Floor, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, June 22, 2006, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by July 3, 2006, 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. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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) 773-3305 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Appointments:

Scott Cordts, Huron, was appointed on May 26, 2006, to the **State Fair Commission**, effective May 23, 2006.

Pam Geppert, Kimball, was appointed on May 26, 2006, to the **State Fair Commission**, to replace Cindy Frederick, effective May 22, 2006.

Loren Noess, Mitchell, was appointed on May 26, 2006, to the **State Fair Commission**, to replace Lance Carson, effective May 23, 2006.

Richard Shelton, Huron, was appointed on May 26, 2006, to the **State Fair Commission**, to replace Jeffrey Smith, effective May 22, 2006.

Tonnis H. Venhuizen, Armour, was reappointed on June 1, 2006, to the **State Board of Regents**, effective July 1, 2006, and shall continue until June 30, 2008.

Note: A copy of the rules may be obtained directly from the above agencies. 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

6-9-2006	Revenue and Regulation: Appraiser Certification Program	Amend rules to remove contradictory language regarding the accumulation of appraisal experience, correct a typographical error, and adopt the most recent edition of the uniform standards.; 32 SDR 196.
6-22-2006	Health: Board of Nursing	Adopt and amend rules for the implementation of criminal background checks as a condition for initial licensure as a nurse in South Dakota; 32 SDR 209.
6-22-2006	Social Services: Division of Medical Services	Amend rules to update the definitions of "Center" and "Clinic"; delete the definition of "Hospital-based provider"; no longer relate to a hospital-based provider as a separate type of provider; incorporate by reference the standards established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 and specify that the department uses BIPA to determine a facility's rate of payment; limit payment for mental health services to those providers and services covered under the provisions of Chapter 67:16:41 – Mental health services provided by independent practitioners; clarify that claims may be submitted in electronic format; and no longer cost settle following completion of an audit; 32 SDR 215.
7-1-2006	Agriculture: Veterinary Medical Examining Board	Amend a rule to clarify the specific tasks allowed for registered veterinary technicians to perform; 32 SDR 183.
7-1-2006	Military and Veteran Affairs	Amend rules to allow the Secretary of DMVA to authorize couples where one is ambulatory and one is in a wheel chair, and allows applicants who utilize electric wheel chairs but have ability to take care of their own needs; amend the reapplication procedure for an individual who wants to be readmitted; amend rules to reflect current chain of command; establishes clearer sign out policy, when leaving the campus grounds; changes how sponsors/residents must arrange for meal tickets and use of the guest house or guest room; allow the superintendent to extend use

		of the guest house or guest room for residents family members if needed and to allow the guest house use for staff who have an emergency situation; clarify existing rules and allow superintendent more latitude in meeting the needs of all residents including those that have refrigerators, entertainment centers and computers; eliminates rule which no longer meets present day residents' needs and changes wording within the rule to reflect present administration chain of command; allow for a more reasonable time and way to handle AWOL; and to better explain how maintenance rent fees are calculated and applied; 32 SDR 195.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 13, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: August 29, September 28, December 5, and January 8, 2007.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 32 are $20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at http://legis.state.sd.us. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (http://legis.state.sd.us/mylrc/index.aspx).