

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 43*

*Monday, 8:00 a.m., August 8, 2016*

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### **FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:**

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Health: Joint Board of Nursing (BON) and Board of Medical and Osteopathic Examiner's (BMOE):** (August 2, 2016) intends to amend rules to improve the efficiency and operation of the joint boards, provide clarification to the licensing process, update collaboration requirements to improve access to care, include reference to medical assistants, and create a new article covering medical assistants. The general authority for these rules, as cited by the boards, is SDCL §§ 36-4-35, 36-4A-42, 36-9A-41, 36-4B-35, 36-9B-7, 36-10-36, 36-10B-3, 36-10B-7, 36-29-17, 36-31-13, and 36-36-12.

A public hearing will be held at the First Dakota National Bank, 101 N. Main Ave., Room 215, Sioux Falls, South Dakota, on September 8, 2016, at 9:00 a.m. CDT. Other DDN locations include: CAP A, 500 E. Capitol, Pierre, South Dakota and the Rapid City Dept. of Transportation, 2300 Eglin St., Rapid City, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the BMOE, 101 N. Main Ave., Suite 301, Sioux Falls, SD 57104 or by email to [SDBMOE@state.sd.us](mailto:SDBMOE@state.sd.us) or to the BON, 4305 South Louise Ave., Suite 201, Sioux Falls, SD 57106, or by email to [Gloria.Damgaard@state.sd.us](mailto:Gloria.Damgaard@state.sd.us). The text of the proposed rules is available on the following websites: <http://doh.sd.gov/boards/nursing/>, [www.sdbmoe.gov](http://www.sdbmoe.gov), or [www.rules.sd.gov](http://www.rules.sd.gov).

Written comments must be received by September 3, 2016, to be considered. Persons who have special needs for which the boards can make arrangements are asked to call (605) 367-7781 or (605) 362-2760 at least 48 hours before the public hearing.

**Department of Health: Board of Medical and Osteopathic Examiners:** (August 2, 2016) intends to amend rules to create standards for medical record documentation when prescribing opioids for chronic pain, remove restrictions related to the supervision of physician assistants, and clarify continuing education requirements for genetic counselors. The general authority for these rules, as cited by the board, is SDCL §§ 36-4-35, 36-4A-42, and 36-36-12.

A public hearing will be held at the First Dakota National Bank Building, 101 N. Main Ave., Room 215, Sioux Falls, South Dakota, on September 8, 2016, at 11:00 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Ave., Suite 301, Sioux Falls, SD 57104 or by email to [SDBMOE@state.sd.us](mailto:SDBMOE@state.sd.us). The text of the proposed rules is available on the following websites: [www.sdbmoe.gov](http://www.sdbmoe.gov), and <https://rules.sd.gov>. Written comments must be received by September 3, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 367-7781 at least 48 hours before the hearing.

**South Dakota Retirement System:** (August 3, 2016) intends to amend rules relating to the election of members to the Board of Trustees to allow the use of a third party to conduct the election and the use of electronic balloting and eliminate the requirement that a single member provide certification when purchasing a supplemental pension benefit. The general authority for these rules, as cited by the board, is SDCL § 3-12-58.

A public hearing will be held at View Thirty-Four, 4251 E. Highway 34, Pierre, South Dakota, on September 7, 2016, at 9:00 a.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, SD 57501. Material sent by mail must be received by September 6, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

**Electronic Recording Commission:** (August 4, 2016) intends to adopt rules to implement uniform standards for electronic transmission of certain documents to and from a register of deeds that has voluntarily elected to accept electronic document for recording in accordance with SDCL Chapter 7-9A. The general authority for these rules, as cited by the commission, is SDCL §§ 7-9A-2, 7-9A-8, and 7-9A-9.

A public hearing will be held at the Electronic Recording Commission's office, 211 East Prospect Ave., Pierre, South Dakota, on September 8, 2016, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Electronic Recording Commission, 211 East Prospect Ave., Pierre, SD 57501. A copy of the proposed rules is posted on the South Dakota Association of County Official's website: <http://www.sdcounties.org/>. Written comments must be received on or before the time of the

scheduled hearing, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 224-4554 at least 48 hours before the hearing.

## **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

### **Executive Appointments:**

**Barb Abeln**, Redfield, was appointed on August 1, 2016, to the **Planning Council on Developmental Disabilities**, to replace Jan Banghart, effective immediately.

**Tana Buresch**, Sioux Falls, was appointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, to replace Teresa Nold, effective immediately and shall continue until June 30, 2019.

**Patrick Czerny**, Piedmont, was reappointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2019.

**Sarah Carlson**, Canton, was appointed on August 1, 2016, to the **Family Support Council**, to replace Kim Benning, effective immediately and shall continue until June 30, 2019.

**Roberta Ecoffey**, Pine Ridge, was appointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, to replace Lyle Cook, effective immediately and shall continue until June 30, 2018.

**Cheri Knispel**, Rapid City, was appointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, to replace Kenneth Rollman, effective immediately and shall continue until June 30, 2019.

**Lynda I. O'Connor-Ohayon**, Sioux Falls, was reappointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2019.

**Lynne Rick**, Yankton, was reappointed on August 1, 2016, to the **Family Support Council**, effective immediately and shall continue until June 30, 2019.

**Cole Uecker**, Pierre, was appointed on August 1, 2016, to the **Board of Service to the Blind and Visually Impaired**, to replace Tim Neyhart, effective immediately and shall continue until June 30, 2017.

**Mike Jaspers**, Sioux Falls, was appointed on August 3, 2016, to the position of **Secretary of the Department of Agriculture**, effective July 5, 2016, and shall continue at the pleasure of the Governor.

**Scott Stern**, Chandler, Arizona, was appointed on August 3, 2016, to the position of **Commissioner of the Governor's Office of Economic Development**, effective September 1, 2016, and shall continue at the pleasure of the Governor.

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

<b>8-24-2016</b>	<b>Department of Transportation</b> Amend rules regarding the Local Bridge Improvement Grant Requirements; 43 SDR 15, August 1, 2016.
<b>8-26-2016</b>	<b>Department of Health: Board of Examiners in Optometry</b> Amend rules to update continuing education requirements and update the scope of practice/clinical procedural codes; 43 SDR 15, August 1, 2016.
<b>9-7-2016</b>	<b>South Dakota Retirement System</b> Amend rules relating to the election of members to the Board of Trustees to allow the use of a third party to conduct the election and the use of electronic balloting and eliminate the requirement that a single member provide certification when purchasing a supplemental pension benefit; 43 SDR 18, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Joint Board of Nursing and Board of Medical and Osteopathic Examiner's</b> Amend rules to improve the efficiency and operation of the joint boards, provide clarification to the licensing process, update collaboration requirements to improve access to care, include reference to medical assistants, and create a new article covering medical assistants; 43 SDR 17, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Board of Medical and Osteopathic Examiners</b> Amend rules to create standards for medical record documentation when prescribing opioids for chronic pain, remove restrictions related to the supervision of physician assistants, and clarify continuing education requirements for genetic counselors; 43 SDR 17, August 8, 2016.

<b>9-8-2016</b>	<b>Electronic Recording Commission</b> Adopt rules to implement uniform standards for electronic transmission of certain documents to and from a register of deeds that has voluntarily elected to accept electronic document for recording in accordance with SDCL Chapter 7-9A; 43 SDR 18, August 8, 2016.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Monday, August 22, 2016, in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Rapid City – SD School of Mines and Technology, 501 E. St. Joseph St., Public Room and Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has set the following meeting schedule for the 2016 Interim: September 26, and November 14.

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