

# REGISTER

*South Dakota Legislative Research Council*



*Volume 36*

*Monday, 8:00 a.m., December 28, 2009*

**NOTICES OF PROPOSED RULES:** (None)

**NOTICE:**

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning the payment methodology for Indian Health Service outpatient hospital and clinic visits. The State Plan Amendment (SPA) has an effective date of October 1, 2009. Estimated Federal fiscal impact is \$3,000,000 for Federal fiscal year 2010 and \$3,200,000 for Federal fiscal year 2011. The proposed changes are to amend Attachment 4.19-B of the State Plan, payment methodology for Indian Health Service clinics, to allow for payment for more than one visit by a Medicaid recipient to the same clinic the same day if the procedures or services have different diagnosis codes. The payment rate for visits to Indian Health Service clinics is set by the Federal government so the Federal fiscal impact associated with this amendment has not been calculated. Copies of the proposed SPA are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

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

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:**  
74:05:05:16 and 74:05:05:20.

History-Notice: 36 SDR 56, October 5, 2009  
Hearing: November 6, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:  
ENVIRONMENTAL SERVICES:**

74:04:11:01 to 74:04:11:05, inclusive; and  
74:04:12:41 to 74:04:12:45, inclusive.

History-Notice: 36 SDR 95, Nov. 23, 2009  
Hearing: December 9, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: WATER**

**MANAGEMENT BOARD:** 74:04:12:01,  
74:04:12:03, 74:04:12:07, 74:04:12:08,  
74:04:12:10 to 74:04:12:22, inclusive,  
74:04:12:24 to 74:04:12:33, inclusive,  
74:04:12:35, 74:04:12:39, 74:04:12:40, and  
74:04:12:46 to 74:04:12:49, inclusive.

History-Notice: 36 SDR 95, Nov. 23, 2009  
Hearing: December 9, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**DEPARTMENT OF HUMAN SERVICES:  
DIVISION OF ALCOHOL AND DRUG**

**ABUSE:** 46:05:01:01; 46:05:02:09;  
46:05:06:01; 46:05:09:01, 46:05:09:06,  
46:05:09:08, 46:05:09:09, 46:05:09:13;  
46:05:13:06; 46:05:15:05, and 46:05:15:06.

History-Notice: 36 SDR 81, Nov. 2, 2009  
Hearing: November 19, 2009

Filed: December 21, 2009  
Effective: January 11, 2010

Filed: December 22, 2009  
Effective: January 11, 2010

**DEPARTMENT OF REVENUE AND  
REGULATION: COMMISSION ON  
GAMING:** 20:04:21:44; 20:04:29:14;  
20:04:32:35; 20:18:12.01:07.01, and  
20:18:12.01:08.

History-Notice: 36 SDR 61, October 13, 2009  
Hearing: November 24, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**DEPARTMENT OF REVENUE AND  
REGULATION: DIVISION OF  
INSURANCE:** 20:06:29:01.

History-Notice: 36 SDR 75, October 26, 2009  
Hearing: November 12, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**SECRETARY OF STATE: BOARD OF  
ELECTIONS:** 5:02:03:16, 5:02:03:20;  
5:02:04:04; 5:02:05:24; 5:02:06:21; 5:02:08:07,  
5:02:08:08, 5:02:08:09, 5:02:08:11; 5:02:09:05;  
5:02:10:01, 5:02:10:01.03, 5:02:10:04; and  
5:02:16:00.

History-Notice: 36 SDR 89, Nov. 16, 2009  
Hearing: December 9, 2009  
Filed: December 21, 2009  
Effective: January 11, 2010

**DEPARTMENT OF GAME, FISH AND  
PARKS:** 41:03:03:06; 41:03:04:01,  
41:03:04:03, 41:03:04:13; 41:07:01:03;  
41:07:03:03; 41:07:05:02, 41:07:05:03,  
41:07:05:05; 41:09:04:02.01, 41:09:04:04;  
41:09:07:06.04; 41:09:08:03.01,  
41:09:08:03.03, 41:09:08:03.04; and  
41:09:15:04.

History-Notice: 36 SDR 67, October 19, 2009  
Hearing: November 5, 2009

**DEPARTMENT OF GAME, FISH AND  
PARKS:** 41:03:01:16; 41:03:04:04;  
41:06:13:01, 41:06:13:02; and 41:06:16:07.

History-Notice: 36 SDR 89, Nov. 16, 2009  
Hearing: December 3, 2009  
Filed: December 22, 2009  
Effective: January 11, 2010

**DEPARTMENT OF REVENUE AND  
REGULATION: APPRAISER  
CERTIFICATION PROGRAM:**  
20:14:04:05, 20:14:04:12.01, 20:14:04:12.02,  
20:14:04:13 to 20:14:04:17, inclusive;  
20:14:05:07.02, 20:14:05:08.01; 20:14:06:01;  
20:14:10:01, 20:14:10:02; 20:14:11:03;  
20:14:13:01, and 20:14:13:14.

History-Notice: 36 SDR 55, October 5, 2009  
Hearing: November 6, 2009  
Filed: December 22, 2009  
Effective: January 11, 2010

### **Executive Order:**

The Governor has signed **Executive Order 2009-11** dated December 22, 2009. The Governor has declared a state of emergency to exist in South Dakota due to a severe winter storm beginning on December 23, 2009.

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**

12-22-2009	Revenue and Regulation: Division of Insurance	Amend Producer Licensing rules to repeal continuing education requirements that are specific to new licensees, delete unnecessary provisions pertaining to instructor CEC hours, include requirements regarding new qualifications, and clarify certain CE hours; and amend Individual Plans, Employer Plans, and Health Insurance Risk Pool rules to define a Children's Health Insurance Program as creditable coverage; 36 SDR 99.
1-28-2010	Transportation	Amend a speed zone in Custer County on US Highway 16 from 11.5 miles east of the South Dakota – Wyoming border, then easterly for 3.5 miles to 35 mph; and amend a speed zone in Harding County on US Highway 85 through the town of Ludlow to 55 mph; 36 SDR 107.

**RULES REVIEW COMMITTEE MEETINGS**

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-fifth Legislative Session to set the tentative meeting schedule for the 2010 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 Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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