

AGENDA Revised 9/14/17

Rules Review Committee



Representative Jean Hunhoff, Chair
Senator Alan Solano, Vice Chair

Three hundred sixty-eighth meeting
Monday
September 25, 2017

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Location:

University Center
4801 N. Career Ave., Room FADM 145
Sioux Falls, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

10:00 a.m. CDT Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Representative Hunhoff

Department of Health: Division of Health Systems Development and Regulation – Adopt rules to give the department authority to license and regulate community living homes in South Dakota.

Department of Human Services: Division of Developmental Disabilities – Amend rules to revise the definition of a community support provider to align the rule with statute; change the definition of an organized health care delivery system to include community services provider; align the rule definition of community services provider with statutory definition, allowing a for profit entity to provide direct services; add a definition of home and community services; repeal duplicative rule; require similar enrollment documents for profit and not for profit entities; replace the phrase "CSP or SP" with provider; clarify the applicable ARSD chapters for the biennial review of providers; change the language from CSP to provider to make the process applicable to SP's; clarify that either a CSP or SP provider of direct HCB services establish and use a human rights committee for certain rights restrictions; clarify that either a CSP or SP must have policies and procedures for calculations of wages owing to participants in a vocational training and employment setting; extend the time frame for implementing ISP revisions; require providers of direct HCB services to meet certain standards in owned or leased buildings and meet certain fire extinguisher requirements, and updates the DOH reference to linens and fire code; require any provider of direct HCB services to provide a medication administration system; extend fair hearing protections to a termination of waiver services by a SP; allow an individual employed by a SP to be a coordinator of family support waiver services; allow a SP to be an employer of record; allow a SP to provide home and community based services; allow a SP to be a provider and specifies the responsibilities of being a provider; correct references to ARSD; transfer a section regarding confidentiality; add SP to entities required to provide notice of a critical incident; add SP to those entities available to deliver services under the family support

program; add SP to the agency of choice model of service delivery; allow an individual to use a SP to deliver services; allow a SP to provide family support coordination; clarify the services available through the agency with choice service model; add SP to the transfer of records process; add SP to the entities subject to biennial review and to a participant satisfaction survey; add SP to those entities subject to revocation of a provider agreement for failure to meet ARSD standards; require CSP's, SP's and qualified providers to recognize rights of participants, parents and guardians; expand definition of coordinator; remove definition of provider; specify that a local family support provider can be a SP; shorten and clarify rule by changing phrase to provider; and clarify that community training services must meet the service standards of Chapter 46:11:05. The primary effect of the rules will be to allow for profit entities to deliver community services to individuals with intellectual and developmental disabilities.

Department of Health: South Dakota Board of Nursing - Amend rules to include a definition of registrant; add the requirements for the operation of the unlicensed assistive personnel registry by defining the application process for registration, the renewal and reactivation requirements, and the process for denial or removal from the registry; and amend the process for disciplinary action for licensed nurses and registrants.

Senator Solano

Department of Agriculture: Division of Agricultural Services - Amend rules to change the requirement for testing of lawn seed from every 12 months to every 15 months; require liquid feed manufacturers to label the moisture content for feed that contains more than 20% moisture; and repeal rules pertaining to the manufacture of ruminant livestock feed that are unnecessary.

Department of Transportation - Amend rules to change and extend a limited speed zone on State Trunk Highway 115 in and around Dell Rapids, reducing the speed limit from 65 miles per hour to 55 miles per hour on a 1.08 mile segment of State Trunk Highway 115 immediately southeast of the existing speed limit zone and proposing a 35 mile per hour zone for a 1.44 mile segment in Dell Rapids and then a 50 mile per hour speed zone for a 0.2 mile segment immediately west of the 35 mile per hour zone; extend a 35 mile per hour speed zone on U.S. Highway 14 east of the Interstate Highway 29 interchange in Brookings an additional 0.42 mile and then transition to 50 miles per hour for 0.20 mile; replace a 40 mile per hour speed zone on U.S. Highway 18 over Interstate Highway 29 at Exit 62 with a 55 mile per hour speed zone; and reduce the speed limits on U.S. Highway 18 in and around Mission and the Antelope Community in Todd County by extending a 35 mile per hour speed zone an additional 0.58 mile to the east of Mission and a 45 mile per hour speed zone to the east of the Antelope Community.

Department of Game, Fish and Parks - Amend rules to create a "no boating zone" on the waters of Swan Lake in Clark County from October 20 to December 31, inclusive; and establish a process whereby an owner of private property underlying any nonmeandered lake listed in SDCL 41-23-8 may petition the Game, Fish and Parks Commission to allow the owner of private property to restrict recreational use of the water overlying the owner's private property.

Senator Kennedy

Department of Revenue: South Dakota Lottery Commission - Amend a rule to increase the price of a Mega Millions play from \$1 to \$2, raise the starting jackpot from \$15 million to \$40 million,

reconstruct the game matrix, and allow the Just the Jackpot Promotion for the Mega Millions lotto game; and adopt rules to allow the sale of the Lotto America lotto game.

Department of Labor and Regulation: Division of Insurance - Adopt the National Association of Insurance Commissioners' Own Risk and Solvency Assessment (ORSA) Guidance Manual; and update the credit for reinsurance rules for domestic insurance companies.

Department of Revenue: South Dakota Commission on Gaming - Amend rules to add outriders to the officials for a race meeting; set forth the duties of outrider officials; clarify workouts necessary for the eligibility of a horse; eliminate the requirement that deposits of money for multi-jurisdictional totalizator hubs be located in banks in South Dakota; adopt a new variation of the game of blackjack called TriLux Bonus Blackjack with Super 3; allow an option to play the game of Texas Hold'em twice; adopt a new variation of the game of poker called Cover All Bonus; and adopt a new variation of the game of craps called Sharp Shooter.

Department of Labor and Regulation: South Dakota Real Estate Commission - Adopt rules to update the disciplinary process for licensees to allow disciplinary actions against licensees to be resolved in a more timely and efficient manner.

Senator Russell

Department of Labor and Regulation: Board of Barber Examiners - Amend rules to remove references to apprentice barbers; update and remove language; update reference to the Department of Labor and Regulation; and update laws implemented.

2:00 p.m. CDT Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.

PLEASE NOTE: The above times are approximate.

Members: Representative Jean Hunhoff (Chair); Senator Alan Solano (Vice Chair); Senators Craig Kennedy and Lance Russell; and Representatives Julie Bartling and Steven Haugaard.

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