

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., November 17, 2014

NOTICE OF PROPOSED RULES: (None)

Filed: November 12, 2014
Effective: December 2, 2014

NOTICE:

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement methodology for Intermediate Care Facilities for Individuals with Intellectual Disabilities Under 16 Beds effective December 1, 2014. The proposed State Plan Amendment (SPA) removes obsolete language pertaining to add-on payments for certain services. The amendment also updates language used to refer to individuals with intellectual disabilities. The proposed amendment revises pages 22 to 27 of Attachment 4.19-D of the South Dakota Medicaid State Plan. The Department estimates there will be no federal fiscal impact associated with this SPA in Federal Fiscal Year 2015 and in Federal Fiscal Year 2016. 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AG DEVELOPMENT:**
12:20:01:01 to 12:20:01:13, inclusive; and
12:20:02:01 to 12:20:02:09, inclusive.

History-Notice: 41 SDR 22, August 4, 2014
Hearing: September 9, 2014

DEPARTMENT OF TRANSPORTATION:
70:01:02:67.

History-Notice: 41 SDR 63, October 6, 2014
Hearing: October 23, 2014
Filed: November 12, 2014
Effective: December 2, 2014

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:03:04:03, 41:03:04:10.02, and
41:03:04:13.

History-Notice: 41 SDR 41, Sept. 2, 2014
Hearing: October 2, 2014
Filed: November 13, 2014
Effective: December 3, 2014

**DEPARTMENT OF LABOR AND
REGULATION: DIVISION OF
INSURANCE:** 20:06:36:01, 20:06:36:03 to
20:06:36:28, inclusive; 20:06:39:61,
20:06:39:71; 20:06:40:42 to 20:06:40:74,
inclusive; 20:06:43:01 to 20:06:43:02:01,
inclusive, Appendices A, B, C, & D;
20:06:55:49, 20:06:55:50, 20:06:55:50.02;
20:06:56:08, 20:06:56:21; and 20:06:58:01 to
20:06:58:45, inclusive.

History-Notice: 41 SDR 57, Sept. 29, 2014
Hearing: October 15, 2014
Filed: November 13, 2014
Effective: December 3, 2014

**DEPARTMENT OF SOCIAL SERVICES:
DIVISION OF ECONOMIC ASSISTANCE:**
67:10:05:17; 67:13:03:21; 67:16:01:03,
67:16:01:06; 67:16:11:04.01; 67:16:29:04.02;

67:16:35:07; 67:46:01:01 to 67:46:01:05, inclusive, 67:46:01:11, 67:46:01:13, 67:46:01:16 to 67:46:01:28, inclusive; 67:46:02:01, 67:46:02:06, 67:46:02:08; 67:46:03:04 to 67:46:03:15, inclusive, 67:46:03:18, 67:46:03:24; 67:46:04:05, 67:46:04:09, 67:46:04:14, 67:46:04:15, 67:46:04:17, 67:46:04:20; 67:46:05:01, 67:46:05:04, 67:46:05:06.01, 67:46:05:07, 67:46:05:09.02 to 67:46:05:10, inclusive, 67:46:05:12 to 67:46:05:15, inclusive, 67:46:05:21, 67:46:05:23, 67:46:05:24, 67:46:05:28, 67:46:05:30, 67:46:05:31, 67:46:05:35, 67:46:05:36, 67:46:05:42, 67:46:05:46, 67:46:05:48, 67:46:05:49; 67:46:06:02 to 67:46:06:05, inclusive, 67:46:06:07, 67:46:06:08, 67:46:06:11; 67:46:07:02, 67:46:07:05, 67:46:07:08 to 67:46:07:10, inclusive, 67:46:07:12, 67:46:07:16; 67:46:08:03; 67:46:09:01, 67:46:09:04, inclusive, 67:46:09:09, 67:46:09:10; 67:46:10:01; 67:46:11:01 to 67:46:11:04, inclusive, 67:46:11:06,

67:46:11:09, 67:46:11:10, 67:46:11:12, 67:46:11:13; 67:46:12:02, 67:46:12:10, 67:46:12:12, 67:46:12:14; 67:46:14:01.

History-Notice: 41 SDR 57, Sept. 29, 2014
 Hearing: October 22, 2014
 Filed: November 13, 2014
 Effective: December 3, 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

11-24-2014	Health: Division of Health Systems Development and Regulation	Amend a rule to provide additional optional services for assisted living centers to assist residents dependent on dining assistance and to allow to provide assistance to complete activities of daily living up to total assist and to turn and raise in bed and to transfer; 41 SDR 83, November 3, 2014.
11-24-2014	Social Services: Division of Child Support	Amend rules to update certain terminology to reflect current language and practice; 41 SDR 83, November 3, 2014.
12-1-2014	Revenue: Division of Property and Special Taxes	Amend rules to clarify the requirements for the renewal of certified appraiser assessor certificates, revise the requirements for maintaining the professional designation of a "Certified Appraiser Assessor," update the requirements for testing and retesting courses at annual assessor schools, and update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property; 41 SDR 89, November 10, 2014.

12-3-2014	Environment and Natural Resources: Water Management Board	Amend Surface Water Quality rules to update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties; 41 SDR 73, October 20, 2014.
12-6-2014	Health: Board of Chiropractic Examiners	Amend rules to update requirements for individuals not immediately seeking licensure after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant

		certifications; and update reference material for peer review process; 41 SDR 83, November 3, 2014.
12-8-2014	Agriculture: Division of Agricultural Sciences	Amend rules to maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; 41 SDR 89, November 10, 2014.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held on Tuesday, December 16, 2014, in Room 414, Fourth Floor, of the State Capitol.

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>.