

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 44*

*Monday, 8:00 a.m., December 11, 2017*

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

#### **Notice:**

The **Department of Social Services** intends to submit an 1115 Demonstration Waiver to the Center for Medicare & Medicaid Services (CMS) to continue to provide Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota. This group is currently covered under the Medicaid state plan. CMS has provided guidance indicating that states should use 1115 Demonstration Waiver authority to cover these individuals. The department previously issued public notice on August 28, 2017 and is reissuing notice with an estimate of expenditures. To be eligible for Medicaid coverage under the waiver, an individual must be a citizen of the United States or have a non-citizen status that qualifies for federally funded Medicaid, be a South Dakota resident, be under the age of 26, not otherwise mandatorily eligible for coverage under the state plan, were in foster care under the responsibility of another state and enrolled in Medicaid under another state's plan or 1115 demonstration when they turned 18 or at the time of aging out of the state's foster care program, and have an income less than 182% of the Federal Poverty Level. South Dakota has provided Medicaid coverage for youth who aged out of foster care in a different state and now reside in South Dakota since January 1, 2014. From that time through July 7, 2017, 8 youths had Medicaid coverage through this eligibility group and total expenditures for this group were approximately \$12,900. As of July 7, 2017, 3 individuals were covered through this

eligibility group. The state anticipates an average of 3 individuals covered under this eligibility group each year of the demonstration at a projected cost of \$15,000 per year. Youths eligible for coverage under the waiver will continue to have the same benefit coverage, cost sharing, and delivery system as those with full coverage under the Medicaid state plan. The goal and objective of the waiver is to continue to provide Medicaid coverage to youth who aged out of foster care in a different state, now reside in South Dakota, and meet all of the eligibility criteria. The state will conduct analysis on no less than an annual basis to determine the number of individuals with Medicaid coverage under this waiver. This analysis will allow the state to test its hypothesis that the waiver will maintain access to Medicaid coverage for former foster care youth that meet the eligibility criteria. The waiver application requests 1115(a)(2) expenditure authority to cover former foster care youth. The non-federal share of expenditures for this eligibility group will continue to be financed through state general funds.

During the original public notice period two public hearings were conducted at the following times and locations: August 29, 2017, at 3:00 p.m. CST at the Kneip Building, Kneip 1 Conference Room, 700 Governors Drive, Pierre, South Dakota, and September 1, 2017, at 8:00 a.m. CST at the Department of Social Services, Pasque Conference Room, 811 E. 10<sup>th</sup> Street, Sioux Falls, South Dakota. Commenters were allowed to appear telephonically at these hearings. No comments were received during the hearings or the original public notice period. A copy of the proposed waiver is on the

Department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of the waiver, and corresponding comments, may also be sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291. Comments may also be emailed to [Matthew.Ballard@state.sd.us](mailto:Matthew.Ballard@state.sd.us). The comment period ends January 12, 2018. All comments should be submitted before or on this date.

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

**OFFICE OF THE SECRETARY OF STATE:** 5:04:03:01 and 5:04:03:04, inclusive.

History-Notice: 44 SDR 47, Sept. 5, 2017  
Hearing: October 10, 2017  
Filed: November 16, 2017  
Effective: December 6, 2017

**DEPARTMENT OF REVENUE:  
SOUTH DAKOTA LOTTERY  
COMMISSION:** 48:03:06:05.

History-Notice: 44 SDR 64, October 2, 2017  
Hearing: October 26, 2017  
Filed: December 4, 2017  
Effective: December 26, 2017

**Legislative Appointments:**

**Representative Doug Barthel** was appointed on December 5, 2017, to the **Interstate Compact for Adult Offender Supervision State Council**, to fill the vacancy created by the death of Representative Craig Tieszen.

**Representative Kevin Jensen** was appointed on December 5, 2017, to the **Corrections Commission**, to fill the vacancy created by the death of Representative Craig Tieszen.

**Senator Alan Solano** was reappointed on December 7, 2017, to the **Council for the Interstate Compact for Juveniles**.

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 the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<b>12-14-2017</b>	<b>Department of Game, Fish and Parks:</b> Adopt a rule to require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait; and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has had their bait dealer license suspended, revoked, or been denied a bait dealer license; 44 SDR 98, November 27, 2017.
<b>12-15-2017</b>	<b>Department of Education: South Dakota Board of Technical Education:</b> Transfer existing rules from Article 24:10 under the Board of Education Standards to Article 24:59 under the Board of Technical Education; and amend relevant references from the director of Career and Technical Education to the Executive Director of the Board of Technical Education, from the Board of Education Standards to the Board of Technical Education, and from the Department of Education to the Board of Technical Education; 44 SDR 97, November 27, 2017.

<b>12-21-2017</b>	<b>Department of Transportation:</b> Amend rules to revise the speed limits on the Interstate Highway 90 business loop through Chamberlain to match the speed limit signs currently in place on certain segments; adjust the location of speed limit signs at the east end of the bridge over the railroad tracks near Paul Gust Road; replace a reference to the county boundary with a reference to the American Legion Memorial Bridge; establish a 45 mile per hour speed zone on a segment of South Dakota Highway 46 at Pickstown; and extend a 35 mile per hour speed limit on U.S. Highway 14 in Miller to replace a 40 mile per hour speed zone; 44 SDR 101, December 4, 2017.
<b>12-22-2017</b>	<b>Department of Agriculture: South Dakota Veterinary Medical Examining Board:</b> Amend rules to update application and assessment requirements for veterinarians seeking licensure in South Dakota; update current language of reference materials and names of national veterinary assessments and scores; eliminate the option of licensure by endorsement of another state's veterinary licensing authority; and update application requirements for persons seeking registration as a veterinary technician; 44 SDR 97, November 27, 2017.

### RULES REVIEW COMMITTEE MEETING

The Interim Rules Review Committee has completed their meeting schedule for the 2017 interim. Watch for notices of 2018 meetings in this publication, 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 LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.

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