



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Representative Roger W. Hunt, Chair
Senator Jean M. Hunhoff, Vice Chair

Three hundred tenth meeting
Monday
December 20, 2010

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room Lib 117
Aberdeen, South Dakota

Department of Transportation
901 Dakota St.
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

University Center
2205 Career Ave., Room 282 S
Sioux Falls, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

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

10:00 a.m. CST Call to order, roll call, approval of minutes, staff report
9:00 a.m. MST

Review of proposed rules

Senator Hunhoff

Department of Human Services: Division of Developmental Disabilities and Division of Mental Health – Amend ICF/MR rules to clarify that only those behavior treatment plans that involve limitation need to be reviewed by the Human Rights committee and to provide criteria for rating the inventory for client and agency planning; and amend Mental Health rules to repeal outdated and unused rules; amend rules to ensure the highest quality of service delivered with the least amount of administrative burden on the mental health centers and better reflect quality improvement efforts and current practices; realign chapters for consistency with administrative rules for alcohol and drug providers that are also mental health providers; update the chapter in current rules on community mental health center services that has become core service responsibilities to reflect current

practices; modify safety, sanitation, and physical facilities standards to reflect current standards and expectations and has been renamed environmental sanitation safety and fire prevention; approval requirements has become accreditation and has been modified to align with similar requirements for alcohol and drug providers; the new section on personnel combines relevant information from other areas of current administrative rule and logically and clearly organizes it; modifies requirements for staff providing direct services and orientation of personnel to reflect current expectations; organize clinical procedures for mental health services including all clinical requirements for program areas; modify the services areas (Outpatient, CYF, CARE, and IMPACT) to better reflect current practice; and modify PASRR to better reflect federal regulations and make the rules more clear and concise.

Department of Human Services: Certification Board for Alcohol and Drug Professionals –
Adopt rules to remove outdated language throughout this article and clarify procedures and deadlines for the application process, recognition and certification process, renewal and upgrade process, and continuing professional training process, add corresponding acronyms being adopted by the International Certification & Reciprocity Consortium (IC&RC), repeal bachelor's level trainee recognition, repeal case presentation method oral examination and evaluator, change titles and definitions for prevention specialist domains and 12 core functions to coincide with IC&RC terminology, add statements saying Code of Ethics and applications are available at no cost on CBADP website, add requirement saying board may deny, suspend, or revoke status or pursue legal action if inaccurate information is reported on applications, add new subdivisions that address residency requirement, child support arrearage and board process for review of applications, add requirement that all fees are non-refundable, simplify the fee schedule and clarify current practice of pro-rating fees for initial trainee recognition, add \$100 mailing label fee as documented in statutes, modify academic and experience requirements for CCDC I, II, III, and CPS to correspond with IC&RC requirements, clarify current practice of requiring a minimum of three semester hours and a grade of "C" or higher for each course requirement, add new subdivision that reflects current practice of board approving all courses, clarify supervision hours, methods of observation and compliance with code of ethics, remove 12 step philosophies and clarify supervisor's role in providing guidance to trainees, clarify current practice that trainee may not be supervised by a relative, repeal subdivisions requesting extensions and waivers throughout this article and replace with §46:33:09:15, clarify retesting requirements, clarify that a list of approved continuing education activities is available upon request, repeal continuing professional training requirement for trainees, repeal fifty percent maximum restriction on continuing professional training from practitioner's employer and fifty percent maximum from internet or other on line education, clarify current practice that patient lectures or public education lectures may not be used to meet teaching and training requirements, repeal 30-day grace period, add requirement that trainees who lapse in status must wait 15 days before being allowed to reapply for recognition, add requirement that chemical dependency trainees who haven't completed the required three courses within two years, must complete the course work before being allowed to reapply for recognition, add statement reflecting current practice that professionals on retirement status pay half the renewal fee, clarify that practitioners on inactive status are not eligible for reciprocity, clarify that trainees on inactive status do not pay renewal fees and may not actively practice in the field, and add condition that board will not accept appeals of denial for certification based solely on the inability of the candidate to pass the written examination.

Department of Health: Board of Chiropractic Examiners – Amend rules to delete language regarding inactive chiropractor from the definitions; update educational institution requirements and delete obsolete information regarding the same; clarify rules for reciprocity provisions; update rules for reactivation of inactive license; establish a rule for activating a lapsed license; modify language regarding inactive license fee; amend a rule regarding Code of Ethics and update disciplinary procedures.

Department of Health: Board of Examiners in Optometry – Amend rules to increase the number of hours of continuing education credits required for renewal of optometric license, and to establish classifications of self-directed learning and number of hours of continuing education credits allowed for each.

Representative Gibson

Department of Social Services: Medical Programs – Amend ICF-MR/DD rules to amend definitions; update utilization review provisions; clarify that payment will not be allowed for reserved bed days; remove obsolete ICAP and on-site review requirements; and remove unnecessary and duplicative claim requirements.

Senator Hundstad

Department of Agriculture: South Dakota Oilseeds Council – Amend rules to update the collection, remittance, enforcement, and refund procedures for the Oilseeds Council.

Department of Revenue and Regulation: Commission on Gaming – Amend Gaming rules to provide a list of the variations of blackjack authorized for play; add several variations of poker that have been previously authorized for play in Deadwood; and allow a progressive side bet variation of play for Let it Ride Poker, Caribbean Stud Poker, Four-Card Poker, Texas Hold'em Bonus Poker, Mississippi Stud Poker, and Ultimate Texas Hold'em Poker.

Department of Revenue and Regulation: Division of Insurance – Amend rules to set forth minimum loss ratios for health insurance and to establish a refund formula.

Representative Lust

Attorney General: Law Enforcement Officers Standards Commission -- Adopt rules to establish a county coroner training program.

Attorney General: 24/7 Sobriety Program – Amend rules to provide a definition for the term "ignition interlock device;" provide additional enrollment requirements for ignition interlock device testing; provide for allowing more use of electronic alcohol monitoring devices and permit the use of an ignition interlock device for use in the 24/7 sobriety program; revise the situations in which electronic alcohol monitoring device testing may be utilized and provide requirements for the use of ignition interlock testing; set minimum requirements for electronic monitoring devices; set minimum requirements for ignition interlock device testing; make certain that only approved devices are utilized in the 24/7 sobriety program; require all participants utilizing ignition interlock devices to pay all costs and expenses associated with the installation and operation of the device; and provide that 24/7 program participants utilizing ignition interlock devices pay all costs and expenses to the authorized ignition interlock vendor.

Department of Education: Board of Education – Amend a rule to require the curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education.

Department of Education: Professional Administrators Practices and Standards Commission – Amend a rule to allow the Professional Administrators Practices and Standards Commission to address ethical violations occurring three years prior to the filing of a complaint.

Senator Vehle

Department of Game, Fish and Parks – Adopt a Refuges rule to establish a refuge in Hand County to be known as the Wall Lake State Game Refuge; amend a Hunting Requirements and Prohibited Methods rule to remove the language which limits the caliber size of muzzleloading firearms used in the hunting of wild turkeys; amend Spring Wild Turkey Hunting Season rules to establish season dates, requirements and restrictions; change the opening date for the archery hunting season only to the first Saturday in April; establish the number of licenses/tags available which will include offering residents 200 more one-tag "male turkey" and 50 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2010 for an overall increase of 76 tags; and amend a Custer State Park Spring Wild Turkey Hunting Season rule to establish season dates, requirements and restrictions, establish the number of available licenses, and change the end date of the season from the third Sunday of May to the eighth day prior to Memorial Day.

1:00 p.m. CST Adjourn

*Breaks will be at the call of the Chair

Members: Senators Jean M. Hunhoff, Jim Hundstad, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and David Lust.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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