

# REGISTER



## South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., February 28, 2011

---

**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Health: Board of Pharmacy:** (February 24, 2011) intends adopt Prescription Drug Monitoring Program rules to establish requirements for a data base of controlled substance prescriptions dispensed to South Dakota residents. The general authority for these rules, as cited by the board is SDCL 34-20E-20.

A public hearing will be held at St. Mary's Hospital, 801 East Sioux Avenue, Pierre, South Dakota, on March 15, 2011, at 9:30 a.m. CST. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or sending comments to the South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104, Sioux Falls, South Dakota 57106. Copies of the proposed rules may be viewed at the board website [www.pharmacy.sd.gov](http://www.pharmacy.sd.gov) or obtained without charge from the Board's office. Material sent by mail must reach the Board of Pharmacy on or before March 10, 2011, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2737 before the hearing.

**Department of Revenue and Regulation: Division of Insurance:** (February 24, 2011) intends to amend rules to require agents to complete application and replacement forms for Medicare supplement insurance; change the time extension associated with continuing education requirements; require agents to complete application and replacement forms for long term care policies; change a cross reference

in the law implemented relating to disclosure requirements for limited benefit health insurance plans; adopt standards requiring parity between medical/surgical benefits and mental health or substance use disorder benefits in connection with a group health plan; require reports, set standards for determinations of disproportionate share, and clarify underwriting practices for health insurance issued to persons under the age of 19. The general authority for these rules, as cited by the division, is SDCL 58-4-1, 58-11-63, 58-17-87, 58-17A-2, 58-17B-4, 58-18-79, 58-30-117, and 58-33A-7.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on March 17, 2011, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by March 17, 2011, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at [www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm](http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm). The rules may also be obtained as a Microsoft Word attachment by emailing [melissa.klemann@state.sd.us](mailto:melissa.klemann@state.sd.us). This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3563 at least 48 hours before the hearing.

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

**Executive Appointments:**

**Mary B. Bordeaux**, Pine Ridge, was appointed on February 23, 2011, to the **State Arts Council**, to replace Mickey Miller, effective February 23, 2011, and shall continue until June 30, 2012.

**Lynne M. Byrne**, Sioux Falls, was appointed on February 23, 2011, to the **State Arts Council**, to replace Karen Tufty, effective February 23, 2011, and shall continue until June 30, 2012.

**Jacqueline A. Lanning**, Brookings, was appointed on February 23, 2011, to the **Board of Water and Natural Resources**, to replace Dale Kennedy, effective February 18, 2011, and shall continue until July 1, 2011.

**Sharon K. Neuharth**, Burke, was appointed on February 23, 2011, to the **South Dakota Board of Nursing**, to replace Dori Dufault, effective February 23, 2011, and shall continue until June 30, 2012.

**Michael Taplett**, Huron, was reappointed on February 23, 2011, to the **South Dakota Professional Administrators Practices and**

**Standards Commission**, effective immediately and shall continue until December 31, 2013.

**Bradley Tennant**, Aberdeen, was reappointed on February 23, 2011, to the **State Historical Society Board of Trustees**, effective April 16, 2011, and shall continue until April 15, 2014.

**Timothy L. Faiman**, Lead, was appointed on February 24, 2011, to the **Board of Massage Therapy**, to replace Timothy Faiman, effective February 23, 2011, and shall continue until June 30, 2011.

**Loren D. Scheer**, Box Elder, was appointed on February 24, 2011, to the **Interstate Commission on Educational Opportunity for Military Children**, to replace Dale Bertsch, effective February 23, 2011.

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**

3-3-2011	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to prohibit persons from jumping into the Big Sioux River from natural and manmade structures located within the boundaries of the Big Sioux Recreation Area (Minnehaha County); amend Public Water Zoning rules to create a "no boating zone" on a portion of the Belle Fourche River in Butte County and "no wake zones" on Twin Lakes (Minnehaha County) and on the portion of Lewis & Clark Lake (Yankton County) commonly known as the Midway Boating Beach; and amend a Refuges rule to increase the size of the
----------	----------------------	--

		Shadehill State Waterfowl Refuge in Perkins County; 37 SDR 143.
3-15-2011	Health: Board of Pharmacy	Adopt Prescription Drug Monitoring Program rules to establish requirements for a data base of controlled substance prescriptions dispensed to South Dakota residents; 37 SDR 157.
3-17-2011	Revenue and Regulation: Division of Insurance	Amend rules to require agents to complete application and replacement forms for Medicare supplement insurance; change the time extension associated with continuing education requirements; require agents to complete application and replacement forms for long term care policies; change a cross reference in the law implemented relating to disclosure requirements for limited benefit health insurance plans; adopt standards requiring parity between medical/surgical benefits and mental health or substance use disorder benefits in connection with a group health plan; require reports, set standards for determinations of disproportionate share, and clarify underwriting practices for health insurance issued to persons under the age of 19; 37 SDR 157.
3-22-2011	Social Services: Child Protection Services	Amend rules to repeal obsolete rules, remove obsolete references, update terminology, clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition and scope of child protective services, update the composition of the permanency planning review team, outline dispositional hearing requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies; 37 SDR 151.

## RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-sixth Legislative Session to set the tentative meeting schedule for the 2011 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>.