REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., March 10, 2008*

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

Department of Revenue and Regulation: Division of Insurance: (March 4, 2008) intends to amend rules to update the sources referenced in rule. The general authority for these rules, as cited by the division, is SDCL 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-17A-2, 58-26-13.1, 58-26-46, 58-27-7, and 58-27-108.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on March 27, 2008, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, 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 25, 2008, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at 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.Kusser@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.

Department of Social Services: (March 5, 2008) has filed a rule to implement new requirements for reimbursement for prescription drugs under Medicaid. In ARSD 67:16:14:06.11 tamper resistant prescription pads must be used for the State Medicaid program to provide reimbursement. The rule provides standards to identify a tamper resistant prescription pad.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: Medical Services: (March 5, 2008) intends to implement rules to establish the Medicaid Family Support Waiver Services provided through the Division of Developmental Disabilities for the Department of Human Services and covered under the Department of Social Services. These rules will define terms; specify those family support services covered and the requirements for coverage; establish eligibility criteria; establish service restrictions; require a physician's statement indicating the frequency of the service; require the service coordinator to coordinate the development of the individual's service plan; require providers to be certified by the Division of Developmental Disabilities and have a signed provider agreement with the Department of Social Services; specify that the Department of Human Services, Division of Developmental Disabilities will establish the rates of payment for service coordination and respite, personal and companion care services and specify that the remaining covered services will be paid based on the charges billed for the services provided; require that claims submitted for payment contain the applicable procedure codes for the covered services provided; specify the information that must be included on a claim submitted to the Department for reimbursement;

establish record retention requirements; specify that a provider must allow state and federal agencies access to information maintained by the provider that relates to the services provided; reference additional program rules that apply; and provide for utilization review of the services and supplies provided. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on March 28, 2008, at 9:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by April 7, 2008, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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) 773-3305 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2008-03** dated February 29, 2008. This order declares that the offices for state government, within the executive branch, shall be administratively closed for the afternoon of Friday, March 21, 2008.

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

3-11-2008	Revenue and Regulation: Gaming Commission	Amend a Gaming Rule to allow the Executive Secretary to accept testing results of gaming testing laboratories to assist in determinations for approval of slot machines as long as the testing laboratory has current International Organization of Standardization certification and accreditation; 34 SDR 217.
3-12-2008	Environment and Natural Resources: Water Management Board	Amend rules regarding Underground Injection Control-Class III Wells to update the requirements an applicant must meet to obtain a state permit. The updates include more comprehensive requirements for the permit application, well construction, well mechanical integrity testing, plugging of wells and drill holes, baseline water equality sampling, remedial action, ground water restoration and

		postclosure activities; 34 SDR 199.
3-17-2008	Education: Board of Education	Amend Vocational Education rules to assure that current practices for training instructional staff at the post-secondary technical institutes are up-to-date by changing from "vocational" to "career and technical", change the number of credits required to take in the first two years of teaching, determination of who can receive a two year and five year credential, and change in language for a one year credential; and amend National Board for Professional Teaching Standards Certification rules to add individuals deemed as school services specialists as well as administrators to be compensated for receiving National Board Certification; 34 SDR 221.
3-26-2008	Health: Health and Medical Services	Amend a rule to ensure that Children's Special Health Services (CSHS) is using the current poverty guidelines in determining cost share eligibility as a part of financial assistance to eligible clients; 34 SDR 225.
3-27-2008	Revenue and Regulation: Division of Insurance	Amend rules to update the sources referenced in rule; 34 SDR 229.
3-28-2008	Social Services: Medical Services	Implement rules to establish the Medicaid Family Support Waiver Services provided through the Division of Developmental Disabilities for the Department of Human Services and covered under the Department of Social Services. These rules will define terms; specify those family support services covered and the requirements for coverage; establish eligibility criteria; establish service restrictions; require a physician's statement indicating the frequency of the service; require the service coordinator to coordinate the development of the individual's service plan; require providers to be certified by the Division of Developmental Disabilities and have a signed provider agreement with the Department of Social Services; specify that the Department of Human Services, Division of Developmental Disabilities will establish the rates of payment for service coordination and respite, personal and companion care services and specify that the remaining covered services will be paid based on the charges billed for the services provided; require that claims submitted for payment contain the

		applicable procedure codes for the covered services provided; specify the information that must be included on a claim submitted to the Department for reimbursement; establish record retention requirements; specify that a provider must allow state and federal agencies access to information maintained by the provider that relates to the services provided; reference additional program rules that apply; and provide for utilization review of the services and supplies provided; 34 SDR 229.
4-2-2008	Environment and Natural Resources: Operator Certification Program	Modify the continuing education requirements for a water/wastewater operator to renew his operating certificate(s) and to clarify which operators are allowed to run groundwater systems serving less than 500 people that do not treat the water; 34 SDR 205.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 15, 2008. The committee chair has set the following tentative meeting schedule for the 2008 interim: May 13, June 10, August 19, September 23, December 2, and January 12, 2009.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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