

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., April 4, 2005

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

Department of Social Services: Office of Medical Services: (March 31, 2005) intends to amend rules that will exempt certain additional medical services from cost sharing, including inpatient psychiatric and rehabilitation services and prescriptions filled or refilled with generic drugs; increase the amount of a recipient's cost share for certain physician, dental, podiatry, optometric, optical, and chiropractic services; increase the cost share amount for prescriptions filled or refilled with a brand-name drug; increase the cost-share for visits to a federally qualified health center (FQHC) or a rural health clinic (RHC); increase the cost-share for certain early and periodic screening, diagnosis, and treatment (EPSDT) services provided to individuals 19 years of age and over; for individuals 19 years of age and over who receive services under the EPSDT Program, establish a cost share for prescriptions filled with brand-name drugs; establish a cost share for non-emergency inpatient hospital services; increase the cost share for mental health services provided by independent mental health practitioners; and increase the cost share for services provided under the diabetes education program. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in the Office of the Secretary, First Floor, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, April 21, 2005, at 1:15 p.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 May 2, 2005, 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 Appointments:

James Entenman, Sioux Falls, was appointed on March 24, 2005, to the **Board of Tourism**, effective immediately and shall continue until July 1, 2008.

Dr. Barry Timms, Vermillion, was appointed on March 24, 2005, to the **Advisory Council for Spinal Cord Traumatic Brain Injury Research**, effective immediately and shall continue until December 31, 2007.

Tom Leckey, Pierre, was reappointed on March 25, 2005, to the **South Dakota Lottery Commission**, effective immediately and shall continue until January 1, 2008.

Susan Shay Brugger, Pierre, was reappointed on March 25, 2005, to the **South Dakota Lottery Commission**, effective immediately

and shall continue until January 1, 2008.

Kathryn Johnson, Hill City, was appointed on March 30, 2005, to the **State Board of Regents**, to replace Pat Lebrun, effective April 1, 2005, and shall continue until March 31, 2011.

Executive Order:

The Governor has signed **Executive Order 2005-05** date March 25, 2005. This order waives certain permit fees and other height and weight restrictions on the movement of baled livestock feed provided in SDCL Chapter 32-22 and ARSD 70:03:01:02, 70:03:01:37, and 70:03:01:07. The order identifies certain

problems relating to drought conditions and its impact on the livestock industry as the rationale for the executive order. The executive order also provides that the exemption for nighttime movement does not apply for certain listed holidays and the Sturgis Motorcycle Rally.

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

4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "South Dakota Entrepreneur Support Program;" 31 SDR 133.
4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "Capital Investment Entity Program;" 31 SDR 133.
4-7-2005	Game, Fish and Parks	Amend rules to exempt military personnel (families) from park entrance license requirements from July 8 through July 10, 2005; prohibit camper units without horse to occupy an equestrian campground unless permitted by the park manager; establish/modify the number, types, and names of licenses available in Custer State Park for "any whitetail deer," "any deer," and "muzzleloader antlerless whitetail deer" and make changes to Unit numbers; close the Custer State Park Bighorn Sheep hunting season; modify the Special Custer State Park Antlerless Elk hunting season; modify the Archery Antelope hunting season; modify Archery Deer hunting season; repeal and modify the Muzzleloading Deer hunting season; modify the Archery Elk hunting season; modify the Black Hills Elk hunting season; modify the Prairie Elk hunting season; modify the Mountain Goat hunting season; amend the rule to state that the application for the second or subsequent lottery drawing for Black Hills Elk, Prairie Elk, and Archery Elk must be accompanied by the application fee

		<p>and license fee; modify types of certain deer licenses nonresidents may acquire after the second lottery drawing, modify present and future eligibility requirements for certain elk licenses, and remove the internet application requirement for certain elk licenses; modify Grouse hunting season; modify Pheasant hunting season; modify Private Shooting Preserves by modifying the sex of pheasants that are required to be released on a shooting preserve and which may be counted towards the minimum number and modify the daily bag limit for pheasants taken on certain shooting preserves; modify Quail hunting season dates; modify Gray Partridge hunting season dates; modify the Youth Pheasant hunting season dates; modify the Resident Pheasant hunting season dates and permit hunting on property owned by School and Public Lands; modify the Crow hunting season dates; and modify those areas closed to dog training in the Fort Pierre National Grasslands; 31 SDR 137.</p>
<p>4-14-2005</p>	<p>Agriculture: Weed and Pest Commission</p>	<p>Amend a rule that will add Salt Cedar (<u>Tamarix ramosissima</u>) and remove Field Bindweed from the statewide noxious weed list; 31 SDR 133.</p>
<p>4-14-2005</p>	<p>Labor: Retirement System</p>	<p>Amend the election provisions, adopt a procedure for filling vacancies on the Board of Trustees, and adopt definitions, internal administrative procedures and required provisions of federal law in regard to the South Dakota Retirement System Special Pay Program; 31 SDR 143.</p>
<p>4-21-2005</p>	<p>Social Services: Medical Services</p>	<p>Amend rules that will exempt certain additional medical services from cost sharing, including inpatient psychiatric and rehabilitation services and prescriptions filled or refilled with generic drugs; increase the amount of a recipient's cost share for certain physician, dental, podiatry, optometric, optical, and chiropractic services; increase the cost share amount for prescriptions filled or refilled with a brand-name drug; increase the cost-share for visits to a federally qualified health center (FQHC) or a rural health clinic (RHC); increase the cost-share for certain early and periodic screening, diagnosis, and treatment (EPSDT) services provided to individuals 19</p>

		years of age and over; for individuals 19 years of age and over who receive services under the EPSDT Program, establish a cost share for prescriptions filled with brand-name drugs; establish a cost share for non-emergency inpatient hospital services; increase the cost share for mental health services provided by independent mental health practitioners; and increase the cost share for services provided under the diabetes education program; 31 SDR 147.
4-26-2005	Labor: Division of Labor and Management	Update the Workers' Compensation Fee Schedule; 31 SDR 137.
4-26-2005	Agriculture: Animal Industry Board	Amend a rule to update the vaccinology related to rabies in dogs and to include cats in the importation requirements dealing with rabies; to control the spread of and eliminate trichomoniasis from cattle through restricting the sale, loan, lease, or importation of animals presenting the highest risk for this disease; place into regulation identification and record-keeping requirements for sheep and goat producers consistent with those the industry had enacted voluntarily in recent years in order to uniformly market their animals in efforts to control Scrapie, a transmissible spongiform encephalopathy of sheep and goats; 31 SDR 144.
4-29-2005	Labor: Board of Accountancy	Amend a rule that will allow the board to collect the fees associated with the computerized Uniform CPA Examination from candidates, to be paid to the third party providers upon receipt of their services; 31 SDR 137.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 19, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: May 17, June 14, August 9, September 20, October 18, December 6, and January 9, 2006.

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

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