

# REGISTER



## South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., April 16, 2012

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

**Department of Social Services: Division of Economic Assistance:** (April 13, 2012) intends to repeal obsolete provisions regarding the Sales Tax on Food Refund Program. The general authority for these rules, as cited by the department, is SDCL 28-1-72.

A public hearing will be held in the DSS Conference Room, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 3, 2012, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by May 13, 2012, 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. 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) 773-3165 at least 48 hours before the hearing.

**Department of Social Services: Division of Medical Services:** (April 13, 2012) intends to amend rules to clarify the payment rate for inpatient services provided at out-of-state hospitals; specify that the daily rates for perinatal units, rehabilitation units, children's care hospitals, and swing-bed hospitals are located on the department's website; outline new

reimbursement guidelines for in-state acute care hospitals submitting cost outlier claims containing charges for implantable devices; specify that coverage of non-emergency dental services for adults will be limited to \$1,000 per state fiscal year; maintain the dispensing fees for certain items dispensed by a pharmacy or public health service provider; and update the cost share amount for brand name drugs and propose a cost share amount for generic name drugs. The general authority for these rules, as cited by the department, is SDCL 28-6-1 and 28-6-1.1.

A public hearing will be held in the DSS Conference Room, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 8, 2012, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by May 18, 2012, 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. 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) 773-3165 at least 48 hours before the hearing.

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

**DEPARTMENT OF HEALTH: BOARD OF MASSAGE THERAPY:** 20:76:04:06;

20:76:08:01 to 20:76:08:03, inclusive.

History-Notice: 38 SDR 127, January 23, 2012  
 Hearing: February 15, 2012  
 Filed: April 6, 2012  
 Effective: April 26, 2012

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:04:02:06, 41:04:02:17, 41:04:02:22, 41:04:02:41, 41:04:02:66; 41:04:05:03, 41:04:05:16; and 41:07:05:03.

History-Notice: 38 SDR 131, February 6, 2012  
 Hearing: March 1, 2012  
 Filed: April 10, 2012  
 Effective: April 30, 2012

**Executive Appointments:**

**Robert A. Wharton**, Rapid City, was appointed on April 5, 2012, to the **South Dakota Science and Technology Authority**, to replace Charles Shank, effective immediately and shall continue until April 9, 2014.

**Karen Crew**, Sioux Falls, was reappointed on April 6, 2012, to the **South Dakota Commission on Gaming**, effective immediately and shall continue until April 14, 2015.

**Timothy J. Holland**, Custer, was appointed on April 6, 2012, to the **South Dakota Commission on Gaming**, to replace Karl Fischer, effective April 15, 2012, and shall continue until April 14, 2015.

**Sarah D. Jennings**, Sioux Falls, was appointed on April 6, 2012, to the **South Dakota Advisory Council on Aging**, to replace Mary Husby, effective immediately.

**Matthew D. Krogman**, Brookings, was appointed on April 6, 2012, to the **South Dakota Real Estate Commission**, to replace Charles Larkin, effective April 12, 2012, and shall continue until April 11, 2015.

**Paula Lewis**, Rapid City, was appointed on April 6, 2012, to the **South Dakota Real Estate Commission**, to replace Loren Anderson, effective immediately and shall continue until April 11, 2015.

**Robert J. Place**, Huron, was reappointed on April 6, 2012, to the **South Dakota Advisory Council on Aging**, effective immediately.

**Ruth M. Thomas**, Rosebud, was appointed on April 6, 2012, to the **South Dakota Advisory Council on Aging**, to replace Buron Lindbloom, effective immediately.

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**

4-17-2012	Secretary of State: Board of Finance	Amend a rule to change the per diem rate for official, in-state travel; 38 SDR 165.
4-18-2012	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend Police Canine Team Certification rules to permit canine teams to be trained and certified by other agencies such as the Bureau of Alcohol, Tobacco and Firearms, the International Police Bloodhound Training Institute, the International Congress of Police

		<p>Service Dogs and the United States Police Canine Association; recognize standards established by other agencies for the training of canines; and eliminate any application fees for canine teams and eliminate the requirement to maintain the South Dakota Police Canine Association, Inc.; 38 SDR 159.</p>
<p>4-30-2012</p>	<p>Agriculture: Animal Industry Board</p>	<p>Amend rules to relax bovine tuberculosis and brucellosis testing requirements for captive cervids moving between permitted premises within the state; change the surveillance program for Chronic Wasting Disease (CWD) in captive cervid herds from a mandatory program to a voluntary program, and to reduce the amount of surveillance required to maintain recognition of herds which have voluntarily conducted CWD surveillance for at least five years; 38 SDR 165.</p>
<p>5-1-2012</p>	<p>Labor and Regulation: Appraiser Certification Program</p>	<p>Amend rules to define written examination; change supervising to supervisory appraiser; allow only state-certified residential and state-certified general appraisers to supervise state-registered appraisers; allow state-registered appraisers to assist only state-certified residential and state-certified general appraisers in the preparation of appraisals; eliminate state-licensed appraisers from the supervisory role; require supervisory appraisers to be in good standing and have three years of experience; allow a supervisory appraiser to renew the supervisory certificate within six months of expiration and pay a late renewal fee; require supervisory appraisers to sign the state-registered appraiser's appraisal log; require appraisers to complete the education and experience required prior to completing the appraiser examination; establish time limit by requiring state-registered appraisers to complete education five years prior to application; distinguish appraisal education from college education requirements for the state-licensed appraiser; require college level courses for the state-licensed appraiser classification; renumber rules; require a Bachelor's degree for state-certified residential appraiser classification applicants; eliminate college level courses in lieu of degrees for the state-certified residential</p>

		and state-certified general appraiser classifications; allow credit toward qualifying education requirements if an applicant holds a real estate degree; establish mandatory disciplinary actions for certain reasons; prohibit duplication of continuing education courses during the continuing education reporting period; add acceptable continuing education course topics; require instructors of the uniform standards courses to be in good standing; and require equivalent uniform standards courses to be approved by the Appraiser Qualifications Board; 38 SDR 171.
5-2-2012	Bureau of Personnel	Amend rules concerning state employee health and life benefits into conformity with the legislature's adoption of House Bill 1028, SDCL 3-6E; 38 SDR 165.
5-2-2012	Labor and Regulation: Division of Insurance	Amend rules to update sources referenced in rule; incorporate the new 2012 Medicare deductibles and update the rules in accordance with federal regulations; allow for insurers to utilize persons other than insurance agents to complete applications for insurance; and modify the number of continuing education hours that crop insurance agents may obtain from a single source; 38 SDR 171.
5-3-2012	Social Services: Division of Economic Assistance	Repeal obsolete provisions regarding the Sales Tax on Food Refund Program; 38 SDR 177.
5-9-2012	Social Services: Division of Medical Services	Amend rules to clarify the payment rate for inpatient services provided at out-of-state hospitals; specify that the daily rates for perinatal units, rehabilitation units, children's care hospitals, and swing-bed hospitals are located on the department's website; outline new reimbursement guidelines for in-state acute care hospitals submitting cost outlier claims containing charges for implantable devices; specify that coverage of non-emergency dental services for adults will be limited to \$1,000 per state fiscal year; maintain the dispensing fees for certain items dispensed by a pharmacy or public health service provider; and update the cost share amount for brand name drugs and propose a cost share amount for generic name drugs; 38 SDR 177.

**RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 29, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: July 10, August 14, September 18, November 13, and December 18.

**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>.

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