

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., April 28, 2014

NOTICE 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 Adult Services and Aging: (April 21, 2014) and **Department of Human Services: Division of Developmental Disabilities:** (April 22, 2014) intends to amend rules relating to Preadmission Screening and Resident Reviews including updating criteria for exemptions from reviews, updating the explanation of the review process and requirements, clarifying the determination and notification process for needed services, updating the appeal process, updating the length of stay requirements, updating the admission and facility transfer process, clarifying residency requirements, and updating terminology. The general authority for these rules, as cited by the departments, is SDCL §§ 1-36A-1.26 and 27B-2-26.

A public hearing will be held at the Department of Social Services Office, Conference Room 2, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on May 12, 2014, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Human Services, c/o Eve Smith, Administrative Rules Coordinator, Hillview Plaza, E. Highway 34, c/o 500 E. Capiol, Pierre, South Dakota 57501-5070 or the Department of Social Services, c/o Teresa Schulte, Kneip Building, 700 Governor's Drive,

Pierre, South Dakota 57701. Copies of the proposed rules may also be obtained from the following website at <http://rules.sd.gov> or by emailing eve.smith@state.sd.us. Written comments must be received by either department no later than 5:00 p.m. on May 22, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the departments at the time of the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the departments can make arrangements are asked to call (605) 773-5990 or (605) 773-6412 TTY at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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

5-1-2014	Game, Fish and Parks	Amend Application for License rules to enable any person who meets the eligibility requirements to apply for and receive a
----------	----------------------	--

		preference point for any hunting season with a limited license allocation; 40 SDR 182.
5-8-2014	Social Services: Child Care Services	Amend rules to include within the definition of a "relative provider" a caretaker who is a sibling of the child, rather than including such a sibling within the definition of "informal provider", establish that 15 semester credit hours at a college, university or technical institute is sufficient to meet the eligibility requirements for work and education to receive child care assistance, and increase the time period during which a recipient must notify the department of a change in child care providers; 40 SDR 181.
5-8-2014	Social Services: Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 40 SDR 181.
5-8-2014	Social Services: Medical Services	Amend Physician and Other Health Services rules to move the rate for anesthesia services to the fee schedule on the department's website and remove invalid modifier codes; amend School Districts rules to update terminology and licensing requirements for psychological evaluators, speech-language pathologists, speech-language pathology assistants, and audiologists and remove redundant supervision requirements, update terminology for care plans and clarify the requirements of a care plan, specify that covered nursing services include only those provided to treat a chronic medical illness and remove the limit on the allowable units per day for covered nursing services, and move the procedure codes for covered services to the department's website; 40 SDR 181.
5-8-2014	Social Services: Finance	Amend a Liens and Estate Recoveries rule to update the definition of an "estate" to delete reference to SDCL§ 10-40-1 and include the definition in SDCL § 29A-1-201 and other property or assets in which the individual had any legal title or interest, and clarify the amount included in the "estate" from funds for prepaid burial expenses; 40 SDR 182.
5-12-2014	Social Services: Adult Services and Aging and Human Services: Developmental Disabilities	Amend rules relating to Preadmission Screening and Resident Reviews including updating criteria for exemptions from reviews, updating the explanation of the review process and requirements, clarifying the determination

		and notification process for needed services, updating the appeal process, updating the length of stay requirements, updating the admission and facility transfer process, clarifying residency requirements, and updating terminology; 40 SDR 191.
5-19-2014	Education: Board of Education	Amend Postsecondary Vocational Education rules to remove the requirement that state fees charged to students at the postsecondary technical institutes pledged for the payment of lease purchase agreements not exceed 20% of total tuition and fees and revise the per student allocation; 40 SDR 187.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, May 6, 2014, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: June 3, July 8, August 12, September 16, November 12, and December 16.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 40 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the LRC website: <http://legis.sd.gov>. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.
