

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., May 21, 2018

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Game, Fish and Parks: (May 14, 2018) intends to amend rules to eliminate the preference point forfeiture; eliminate age requirements for mentored youth hunters to hunt big game seasons; repeal the current size of party limit for hunting; replace the term "factory-rated" with "rated"; require that at least a .50 caliber bullet be used when using muzzleloading handguns; clarify that muzzleloading handguns are authorized for use in big game seasons; require deer that are harvested from Custer State Park to be submitted for chronic wasting disease; allow an individual to carry a firearm while archery hunting as long as they possess a firearms big game license valid for the same geographic area and time of year as the archery license; allow an individual to possess a firearm while accompanying an archery hunter so long as the individual has a valid big game license for the same geographic area and time of year as the licensed archery hunter; repeal the required bowhunter education requirement for certain archery hunters; move the start date for the archery deer hunting season from the fourth Saturday in September to September 1; ban the use of certain snares and extend the time period that all snares are prohibited on public lands and improved road rights-of-way to the end of pheasant season; require trappers to mark their traps to identify who the trap belongs to; and require all fur dealers to list employees/agents on their application who will purchase or

contract to purchase fur-bearing animals. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-6-81, and 41-8-20.

A public hearing will be held at the Ramkota Hotel and Convention Center, 1400 8th Avenue NW, Aberdeen, South Dakota, on June 7, 2018, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501 or electronically at <https://gfp.sd.gov/forms/positions/>. Persons may also view the rules at <https://rules.sd.gov>. Materials sent by mail or electronically must reach the Department 72 hours prior to the date of the hearing. All written and email comments must include the name, city, and state of the person submitting them. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the public hearing.

Department of Health: Board of Nursing: (May 17, 2018) intends to amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure

Compact; and update the rules for nurse practitioners and nurse midwives. The general authority for these rules, as cited by the board, is SDCL §§ 36-9-21, 36-9-91, 36-9A-26, and 36-9A-41.

A public hearing will be held in the conference room at the South Dakota Board of Nursing Office, 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota, on June 28, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, Sioux Falls, SD 57106. Materials sent by mail must reach the Board by June 20, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Board can make arrangements are asked to call (605) 362-2760 at least 48 hours before the public hearing.

NOTICE:

The **Department of Social Services** intends to submit an 1115 demonstration application to the Center for Medicare and Medicaid Services to implement the Career Connector program. The Career Connector program goals and objectives are to empower participants to be successful in today's workforce, and improve participants' health and encourage the development of healthy habits. The demonstration is a pilot project that will operate in Minnehaha and Pennington Counties; these counties were selected due to employment opportunities and availability of employment and training resources. The program is limited to adult recipients age 19 to 59 who are enrolled in the parents and other caretaker relatives eligibility group. The following individuals are exempt from participation: individuals who work 80 hours or more a month; those 18 or younger or 60 or older; full-time students; pregnant women; individuals whose eligibility has been determined on the basis of disability or who have been determined disabled by the Social Security Administration; medically frail

individuals (e.g. unable to work due to cancer or other serious or terminal illness); those already participating in a workforce participation program that the State has determined meets the objective of the Career Connector program (e.g. SNAP, TANF or unemployment insurance); parents of dependent children under one year old living in the parent's residence; and primary caregivers of elderly or disabled individuals living in the caretaker's residence. Participation in the program will be determined at the time of initial application or during the renewal review for individuals currently enrolled in South Dakota Medicaid. Exempt individuals may elect to participate in the program on a voluntary basis. Participants in the program will have an individualized training plan. The individualized plan will help individuals develop skills and abilities to assist the individual in obtaining employment in his or her desired field. The plan will include monthly milestones or goals, such as job or skill training. Individuals must complete milestones each month or work 80 hours or more a month. The program also intends to improve participants' health. The program will promote preventative care and help increase identification and treatment of behavioral health and chronic conditions. Participants will be assisted by a DSS case manager who will help ensure participants are successful. In addition, participants will be referred to appropriate support services to address barriers to employment. Support services may include, but are not limited to, transportation, rent assistance, and child care assistance. Support services are not funded by Medicaid expenditures. Some participants' earned income may increase and exceed the Medicaid upper income limit. At the conclusion of their Medicaid coverage these individuals may be eligible for premium assistance to help pay for employer-sponsored health insurance or coverage through a Qualified Health Plan for up to one year. Individuals who do not accomplish their monthly milestones or work 80 or more hours a month will be provided the opportunity to take corrective action. Continual failure to take

corrective action may result in closure of an individual’s Medicaid eligibility. A 30 day comment period will be held from May 21, 2018 through June 19, 2018. The State will also conduct two public hearings: May 24, 2018, at 11:00 a.m. CT, at the Department of Social Services, 811 East 10th Street, Sioux Falls, South Dakota, and May 31, 2018, at 1:00 p.m. MT, at the Department of Labor and Regulation, 2330 North Maple Avenue, Suite 1, Rapid City, South Dakota. Individuals requiring assistive technology or other services in order to participate in a meeting should submit a request to Marilyn Kinsman at (605) 773-3165 or by email to Marilyn.kinsman@state.sd.us at least 48 hours prior to the meeting in order to make accommodations available. Commenters may appear telephonically at the hearings; to do so, dial (866) 410-8397 and enter conference code 8176972761. A more detailed public notice and the proposed demonstration application

are available for review and comment on the Department’s website at <https://dss.sd.gov/medicaid/1115waiver.aspx>. Comments may be emailed to dss.medicaid@state.sd.us. Include “Career Connector Public Comment” in the subject line. Written requests for a copy of the demonstration application, and corresponding comments, may also be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>5-24-2018</p>	<p>Department of Transportation: Amend rules to change the speed limit from 35 to 25 miles per hour on portions of U.S. Highway 14A in and around Lead and Deadwood; 44 SDR 165, May 7, 2018.</p>
<p>6-7-2018</p>	<p>Department of Game, Fish and Parks: Amend rules to eliminate the preference point forfeiture; eliminate age requirements for mentored youth hunters to hunt big game seasons; repeal the current size of party limit for hunting; replace the term “factory-rated” with “rated”; require that at least a .50 caliber bullet be used when using muzzleloading handguns; clarify that muzzleloading handguns are authorized for use in big game seasons; require deer that are harvested from Custer State Park to be submitted for chronic wasting disease; allow an individual to carry a firearm while archery hunting as long as they possess a firearms big game license valid for the same geographic area and time of year as the archery license; allow an individual to possess a firearm while accompanying an archery hunter so long as the individual has a valid big game license for the same geographic area and time of year as the licensed archery hunter; repeal the required bowhunter education requirement for certain archery hunters; move the start date for the archery deer hunting season from the fourth Saturday in September to September 1; ban the use of certain snares and extend the time period that all snares are prohibited on public lands and improved road rights-of-way to the end of pheasant season; require trappers to mark their traps to identify who the trap belongs to; and require all fur dealers to list employees/agents on their application who will purchase or contract to purchase fur-bearing animals; 44 SDR 171, May 21, 2018.</p>

6-13-2018	Department of Health: Amend rules to clarify the authority and processes that administer the J-1 Visa Program; 44 SDR 168, May 14, 2018.
6-14-2018	Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to establish the criteria and approval process for a dry needling course of study that is completed by a physical therapist; and clarify the qualifications of a medical assistant applying for registration; 44 SDR 167, May 14, 2018.
6-15-2018	Department of Health: South Dakota State Board of Dentistry: Amend rules to remove obsolete provisions, update references, clarify and update requirements regarding licensure and registration, clinical competency examinations, and continuing education to make the rules more uniform; and move administrative rules to better organize rules by designated licensee or registrant categories; 44 SDR 161, April 30, 2018.
6-18-2018	Office of the Secretary of State: Board of Elections: Amend rules to provide a check box on the Voter Registration Address Verification Notice to note if a person no longer resides at that address; clarify the offices for which an independent candidate can run and where to submit petitions in the notice of deadline for filing nominating petitions for the primary election and for filing independent candidate petitions; remove language that pertains to the use of an ExpressLink ballot printer at the polling place as that was specific to the 2018 primary election; provide additional requirements on guidelines for acceptance of petitions and for counting signatures on petitions; provide a sample size for the random sample table for statewide candidates to allow for up to 20,000 signatures to be submitted; provide additional language in the petition circulator's oath on the statewide initiative, referendum, and initiated constitutional amendment petitions to include that the circulator is not attesting to any signature obtained by another person and that the circulator is a resident of South Dakota; amend the affidavit of completed ballot petition to include new language the petition sponsor needs to provide on each circulator; add a new column to the recapitulation sheet to provide for ballot counts for those counties using the new ExpressVote ballot marking device; and clarify the instructions absentee voters receive to inform them they need to pay the postage to return their absentee ballot and that the ballot must be received by the person in charge of the election before the polls close; 44 SDR 167, May 14, 2018.
6-28-2018	Department of Health: Board of Nursing: Amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure Compact; and update the rules for nurse practitioners and nurse midwives; 44 SDR 171, May 21, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, June 4, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held July 9, August 20, September 17, and November 13.

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

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