

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., June 9, 2014

NOTICE OF PROPOSED RULES: (None)

NOTICES:

The **2014 Sessions Laws** are available on the LRC website at http://legis.sd.gov/Statutes/Session_Laws/menu.aspx?Session=2014.

The **Department of Social Services**, in conjunction with the **Department of Human Services**, intends to make changes to the CHOICES 1915 (c) HCBS Waiver concerning earned income cost sharing effective July 1, 2014. The CHOICES Waiver is operated by the Division of Developmental Disabilities in the South Dakota Department of Human Services. The proposed waiver amendment removes the payment reduction requirements for earned income from the post-eligibility treatment of income formula. This amendment is a result of public input received during a series of public forums during the waiver renewal process. Additionally, the amendment is a recommendation of the Governor's Employment Works Task Force. This amendment modifies Appendix B, subsection B-5 b. i. and B-5 d. i. of the CHOICES Waiver. The Department estimates there will be a federal fiscal impact of \$58,476 in Federal Fiscal Year 2014 and \$233,902 in Federal Fiscal Year 2015. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

SOUTH DAKOTA INVESTMENT

COUNCIL: 6:01:02:01, 6:01:02:02, 6:01:02:04; 6:01:03:01 to 6:01:03:03, inclusive; and 6:01:07:01 to 6:01:07:03, inclusive.

History-Notice: 40 SDR 165, March 17, 2014
Hearing: April 9, 2014
Filed: June 2, 2014
Effective: June 23, 2014

SOUTH DAKOTA INVESTMENT

COUNCIL: 6:01:06:01.

History-Notice: 40 SDR 165, March 17, 2014
Hearing: April 9, 2014
Filed: June 2, 2014
Effective: June 23, 2014

DEPARTMENT OF GAME, FISH AND

PARKS: 41:06:01:09 and 41:06:01:16.

History-Notice: 40 SDR 182, April 14, 2014
Hearing: May 1, 2014
Filed: June 3, 2014
Effective: June 23, 2014

Appointments:

Frances R. Becker, Rapid City, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Todd Bernhard, Pierre, was reappointed on May 30, 2014, to the **Governor's Task Force**

on Trust Administration Review and Reform, effective June 1, 2014, and shall continue until May 31, 2017.

David S. Bonde, Ft. Pierre, was reappointed on May 30, 2014, to the **South Dakota Real Estate Commission**, effective immediately and shall continue until April 14, 2017.

Jennifer E. Bunkers, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Jeb H. Clarkson, Belle Fourche, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Richard J. Corcoran, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Dan Donohue, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Bradley C. Grossenburg, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Charles M. Habhab, Aberdeen, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective

June 1, 2014, and shall continue until May 31, 2017.

Pierce H. McDowell, III, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

G. Mark Mickelson, Sioux Falls, was appointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, to replace David Lust, effective June 1, 2014, and shall continue until May 30, 2017.

Terry N. Prendergast, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Peter J. Randazzo, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Carl Schmidtman, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2014, and shall continue until May 31, 2017.

Thomas E. Simmons, Vermillion, was appointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform** effective June 1, 2014, and shall continue until May 31, 2017.

Mark S. Sivertson, Sioux Falls, was reappointed on May 30, 2014, to the **Governor's Task Force on Trust Administration Review and Reform**, effective

June 1, 2014, and shall continue until May 31, 2017.

Ryan Wordeman, Spearfish, was appointed on May 30, 2014, to the **South Dakota Real Estate Commission**, to replace Doug Nelson, effective immediately and shall continue until April 4, 2017.

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

6-11-2014	Revenue: SD Commission on Gaming	Amend Gaming rules to prohibit licensees employed by manufacturers or distributors from playing a device operated on a slot management system or a device sold or leased by the manufacturer; prohibit communication by use of electronic devices and to further prohibit electronic devices from being placed on or used during the play of any licensed gaming device; require licensees holding slot tournaments to provide additional information to the Executive Secretary prior to a game or slot tournament beginning; clarify that additional tournament buy-ins are permitted in the Executive Secretary's discretion, but to prohibit unconditional additional buy-ins; require tournament seating to be randomly assigned by a method approved by the Executive Secretary; require the periodic removal of cards used on a blackjack table and to set forth the procedure for the cards removal; allow for a variation of the play of blackjack known as Dead Man's Hand; allow for a variation of the play of blackjack known as War blackjack; require the periodic removal of cards used on a poker table and to set forth the procedure for the cards removal; provide for additional player rules in poker; define the criteria by which the Commission may place a person on the exclusion list pursuant to SDCL § 42-7B-61; and provide for the appropriate distribution and contents of the exclusion list; 40 SDR 209.
6-11-2014	Social Services: Economic Assistance	Amend rules to update the federal poverty level; update terminology and applicable

		<p>definitions to reflect current language; modify eligibility requirements for multiple groups by removing resource requirements for modified adjusted gross income eligibility groups and reference to aid to families with dependent children income requirements; and modify residency requirements for certain program eligibility; 40 SDR 209.</p>
<p>6-12-2014</p>	<p>Labor and Regulation: SD Athletic Commission</p>	<p>Adopt rules to establish the requirements for approval of a boxing, kickboxing or mixed martial arts contest; prohibit certain types of contests; establish requirements for bout contracts; establish safety requirements for contests; establish the grounds for denial of an application for registration or licensure under Article 20:81; establish drug and pregnancy testing requirements for contestants; recognize medical, administrative or disciplinary actions of other jurisdictions; establish disciplinary action for infractions of SDCL 42-12 and Article 20:81; set the schedule of fees for registration or licensure of contestants, contests, and parties involved in contests; set the fee for the review of a request for exemption of an amateur organization or educational institution for certain provisions of SDCL 42-12 and Article 20:81; set the requirements for registration or licensure of all contestants, contests and parties involved in contests; set the minimum requirements for boxers, contests, scoring, and rings, participating in or used in a boxing contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a contest; adopt rules for amateur boxing contests; set the minimum requirements for mixed martial artists, contests, scoring, and rings, participating in or used in a mixed martial arts contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a contest; adopt rules for amateur mixed martial arts contests; adopt the World Kickboxing and Karate Association's rules of competition for all kickboxing events; establish requirements for tickets sold for a</p>

		<p>boxing, kickboxing or mixed martial arts contest; define gross revenue from a contest for purposes of determining the contest fee; establish the financial records required to be maintained and submitted to the Commission; establish the criteria the Commission will use to recognize amateur organizations and educational institutions for exemptions from the provisions of SDCL 42-12 and Article 20:81; and establish the process by which the Commission will receive, investigate and handle complaints for infractions of SDCL 42-12 and Article 20:81; 40 SDR 199.</p>
<p>6-12-2014</p>	<p>Health: Board of Nursing</p>	<p>Amend rules to update the definition section to include certified registered nurse anesthetist and clinical nursing specialist in the definition of licensee; update the references to the American Nurses Association Nursing Scope and Standards of Practice and Guide to the Code of Ethics for Nurses: Interpretation and Application for registered nurses and the National Association of Practical Nurse Education and Service's Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs; repeal the course outline and criteria for approval of a course for the preparation of licensed practical nurses for kidney dialysis functions and grants authority for licensed practical nurses to perform kidney dialysis functions if a course is completed that includes required content; include the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel in accordance with a required protocol; require registration for individuals trained to perform insulin administration, for individuals that have completed a 20 hour medication administration training program and for dialysis technicians; remove certification language from the rules for certified registered nurses anesthetists and replace it with licensure; change the Nurse Education Loan Assistance Program to a scholarship program; and change the number of days that a nurse may practice on a former home state license when changing primary residence from 30 to 90 days; 40 SDR 201.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 8, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: 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>.