

REGISTER



South Dakota Legislative Research Council

Volume 30

Monday, 8:00 a.m., June 28, 2004

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

Department of Health: Board of Pharmacy: (June 18, 2004) has filed rules to establish criteria to register and regulate pharmacy technicians who assist pharmacists in the pharmacy and to update, reorganize and clarify language of current rules and regulations pertaining to pharmacy interns, support personnel, and reference materials. The general authority for these rules, as cited by the board, is SDCL 36-11-10, 36-11-11, and 36-11-25.

A public hearing will be held at the office of the South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104, Sioux Falls, South Dakota on Friday, July 23, 2004, at 3:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104, Sioux Falls, South Dakota 57106. Material sent by mail must reach the Board of Pharmacy on or before July 22, 2004, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2737 before the hearing.

Department of Social Services: Office of Child Care Services: (June 22, 2004) intends to adopt rules relating to child care programs regulated by the department relating generally to child care facilities and specifically relating to family day care homes, group family day care homes, day care centers, environmental health standards, and before and after school care. The general authority for these rules, as cited by the department, is SDCL 26-6-16 and 28-1-39.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Tuesday, July 13, 2004, at 1:30 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 July 23, 2004, 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:

DEPARTMENT OF HEALTH: SOUTH DAKOTA FUNERAL SERVICES BOARD:

20:45:01:02, 20:45:01:03; 20:45:02:01, 20:45:02:02, 20:45:02:05, 20:45:02:06, 20:45:02:07; 20:45:03:02, 20:45:03:04, 20:45:03:05, 20:45:03:07; 20:45:04:02; 20:45:05:03, 20:45:05:05, 20:45:05:11, and 20:45:05:14

History-Notice: 30 SDR 169, April 26, 2004
Hearing: May 10, 2004
Filed: June 24, 2004
Effective: July 14, 2004

Executive Appointments:

Donald Montileaux, was appointed on June 21, 2004, to the **State Arts Council**, to replace **Bernice Premack**, effective July 2, 2004, and shall continue until July 1, 2007.

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

7-7-2004	Environment and Natural Resources: Board of Water Management	Repeal two existing chapters of the state drinking water rules and update them by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water; 30 SDR 193.
7-7-2004	Environment and Natural Resources: Board of Water Management	Amend rules regarding the designated beneficial use classifications and water quality standards and the federal EPA requirements established for state surface water quality standards; 30 SDR 210.
7-8-2004	Game, Fish and Parks	Amend rules relating to antelope, East River deer, National Wildlife Refuge deer, youth waterfowl, and early fall Canada goose hunting seasons, and modify the provisions of the Walk-In Program; 30 SDR 209.
7-12-2004	Agriculture: Animal Industry Board	Adopt and amend rules regarding the definition of carcass and contract hauler; provide for a regulating system for hauling of animal carcasses; and provide for identification and tracking of nondomestic animals permitted for possession in South Dakota; 30 SDR 209.
7-12-2004	Revenue and Regulation: Division of Insurance	Amend rules to update the dates of sources referenced; update general authority and law implemented references; add a definition of severe cognitive impairment and allow an additional exclusion in long-term care policies; and define terms used in statute; 30 SDR 209.
7-12-2004	Social Services: Office of Medical Services	Amend rules to update and clarify certain rules, reference materials, and cross-references; clarify a hospital's DRG rate of reimbursement; establish a lower rate of reimbursement and claim requirements in a psychiatric unit; amend the list of services that are subject to payment by the department; require certain hospitals to care for Medicaid-eligible individuals; and revise admission criteria for an infant admitted to a neonatal intensive care unit; 30 SDR 210.

7-13-2004	Social Services: Office of Child Care Services	Adopt rules relating to child care programs regulated by the department regarding child care facilities, family day care homes, group family day care homes, day care centers, environmental health standards, and before and after school care;30 SDR 215.
7-15-2004	Health: Board of Nursing	Amend rules to update the approval of nursing education programs with a major revision of accepting national nursing accreditation in lieu of the every four year on-site visit by the Board of Nursing for the purpose of maintaining on-going approval; add a rule for the regulation of distance education programs in nursing; amend the time period for calculation of the 75% pass rate requirement for first time writers on the licensing exam; and amend rules related to retaking the licensing examination; 30 SDR 197.
7-23-2004	Health: Board of Pharmacy	Adopt rules to establish criteria to register and regulate pharmacy technicians who assist pharmacists in the pharmacy and to update, reorganize and clarify language of current rules and regulations pertaining to pharmacy interns, support personnel, and reference materials; 30 SDR 215.
7-28-2004	Labor: State Plumbing Commission	Amend rules regarding plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved; 30 SDR 203.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 3, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: October 15.

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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