

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., July 6, 2009

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

Department of Transportation: (June 29, 2009) is proposing to amend a speed zone in Meade County on South Dakota Highway 79 north of Sturgis to reduce the speed limits on a segment of highway north of Highway 34 during the first two weeks of August. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on July 23, 2009, at 9:05 a.m. CDST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by July 22, 2009, to be considered. 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning reimbursement methodology for nursing facilities and inpatient hospital. The proposed State Plan Amendments (SPAs) have an effective date of July 7, 2009. SPA 09-5 pertains to inpatient hospital, and SPA 09-6 pertains to nursing facilities. The

proposed changes amend Attachments 4.19-A and 4.19-D of the State Plan to remove the 3% inflationary increase in target amounts for inpatient hospital and allowable costs for nursing facilities that are used in calculating reimbursement rates, pursuant to legislative appropriations. The Federal fiscal impact associated with these amendments is a reduction of \$684,709 for Federal Fiscal Year 2009 and a reduction of \$2,054,128 for 2010 for nursing facilities, and a reduction of \$499,676 for Federal Fiscal Year 2009 and reduction of \$1,499,029 for 2010 for inpatient hospital. Copies of the proposed SPAs are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the 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:

Executive Appointments:

Chet Groseclose, Sioux Falls, was reappointed on June 11, 2009, to the **South Dakota State Railroad Board**, effective July 1, 2009, and shall continue until June 30, 2013.

Sarah Dykstra, Sioux Falls, was appointed on June 24, 2009, to the **Planning Council on Developmental Disabilities**, to replace Erik Brubakken, effective July 1, 2009, and shall continue until June 30, 2012.

Jack Parliament, Sioux Falls, was reappointed on June 25, 2009, to the **South Dakota State**

Railroad Board, effective July 1, 2009, and shall continue until June 30, 2013.

David Volk, Sioux Falls, was reappointed on June 25, 2009, to the **Commission on Human Rights**, effective July 1, 2009, and shall continue until June 30, 2013.

Vivian Asmussen, Pierre, was reappointed on June 30, 2009, to the **Commission on Human Rights**, effective July 1, 2009, and shall continue until June 30, 2013.

Phil Davis, Sioux Falls, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Kristie Fiegen, Sioux Falls, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Robin Hattervig, Howard, was reappointed on June 30, 2009, to the **State Board of Dentistry**, effective July 1, 2009, and shall continue until June 30, 2012.

Kennon Hines, Spearfish, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Kelby Krabbenhoft, Sioux Falls, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Stephen Schroeder, Miller, was reappointed on June 30, 2009, to the **South Dakota**

Commission on Health Care, effective July 1, 2009, and shall continue until June 30, 2012.

Bob Sutton, Pierre, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Audrey Ticknor, Vermillion, was reappointed on June 30, 2009, to the **State Board of Dentistry**, effective July 1, 2009, and shall continue until June 30, 2012.

Gale Walker, Parkston, was reappointed on June 30, 2009, to the **South Dakota Commission on Health Care**, effective July 1, 2009, and shall continue until June 30, 2012.

Sally J. Christenson, Pierre, was reappointed on July 1, 2009, to the **Commission on Judicial Qualifications**, effective July 1, 2009, and shall continue until June 30, 2013.

Ellen E. Durkin, Ft. Pierre, was appointed on July 1, 2009, to the **South Dakota Commission on Health Care**, to replace Vern Donnell, effective immediately and shall continue until June 30, 2012.

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

7-7-2009	Health: Board of Pharmacy	Adopt and amend rules to update requirements for internship, for registration of pharmacists by examination, and for registration of pharmacists by reciprocity; and to identify the
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		requirements for exception to the ratio of technicians to pharmacists; 35 SDR 311.
7-16-2009	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2007 through June 30, 2008. Changes include amending existing requirements for recycling; clarification of compliance monitoring requirements for hazardous waste combustion operations; and amending requirements for the management of wastewater treatment sludges generated by automobile assembly operations; 35 SDR 352.
7-16-2009	Education: Board of Education	Amend a Special Education rule to clarify student due process procedures; amend a Funding rule to comply with federal mandates for the American Recovery and Reinvestment Act and Individual with Disabilities Act (IDEA) in transferring of special education funds to another fund to carry out activities authorized under the Elementary and Secondary Education Act of 1965; amend Certification rules to allow teachers or special education paraprofessionals with one year of teaching experience to be granted the special education endorsement; and allow individuals with the National School Counselor Certification to receive stipends, as do Nationally Board Certified teachers, if money is appropriated; and amend General State Aid rules to clarify what a full course load for a secondary student consists of and what constitutes a full-time student; 35 SDR 311.
7-21-2009	Health: Board of Funeral Service	Amend rules to increase fees for renewal and applications, clarify the educational requirements for licensure, and eliminate outdated requirements on caskets displayed in the selection room; 35 SDR 317.
7-23-2009	Transportation	Amend a speed zone in Meade County on South Dakota Highway 79 north of Sturgis to reduce the speed limits on a segment of highway north of Highway 34 during the first two weeks of August; 36 SDR 1.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 28, 2009, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: September 1, October 6, November 18, and December 15.

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>.