

# REGISTER



## South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., August 12, 2013

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

**Department of Social Services: Board of Addiction and Prevention Professionals:** (August 5, 2013) intends to amend rules to update terminology; update internal references; provide for a licensure option and establish the requirements and criteria for licensure; combine and modify current certification levels and tracks into one designation; outline processes for obtaining and renewing recognition, certification, and licensure; repeal obsolete and unnecessary provisions; specify application deadlines; outline practices for application review and grounds for denial of application; update fees; update academic and work experience requirements; provide a grandfather provision for current practitioners; clarify approval process for specialized education courses; outline qualifications for independent practice; update clinical supervision standards; eliminate oral interview requirement; update examination and retesting requirements; clarify continuing professional training requirements and related documentation requirements; add a reinstatement period; revise status upgrade provisions; clarify reciprocity provisions; modify acronyms and certification requirements to correspond with the International Certification & Reciprocity Consortium (IC&RC); and clarify complaint and investigation procedures. The general authority for these rules, as cited by the board, is SDCL §§ 36-34-12, 36-34-13, and 36-34-15.

A public hearing will be held in the Palisades I Room at the Holiday Inn City Centre, 100 West 8<sup>th</sup> Street, Sioux Falls, South Dakota, on

August 26, 2013, at 9:00 a.m. (CDT). Copies of the proposed rules may be obtained without charge from and written comments sent to the BAPP Administrative Office, 3101 West 41<sup>st</sup> Street, Suite 205, Sioux Falls, South Dakota 57105. Written comments must be received by August 26, 2013, to be considered. Copies of the proposed rules may also be obtained from the BAPP website at [www.dss.sd.gov/behavioralhealthservices/licensingboards](http://www.dss.sd.gov/behavioralhealthservices/licensingboards). 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) 332-2645 at least 48 hours before the hearing.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### Executive Appointments:

**Margaret V. Gillespie**, Hudson, was appointed on July 15, 2013, to the **South Dakota Athletic Commission**, effective immediately and shall continue until June 30, 2015.

**Lee Lohoff**, Yankton, was appointed on July 17, 2013, to the **South Dakota Athletic Commission**, effective immediately and shall continue until June 30, 2015.

**Curtis Mortenson**, Fort Pierre, was appointed on July 17, 2013, to the **Hagen-Harvey Memorial Scholarship Board**, to replace LaRayne Woster, effective immediately and shall continue until June 30, 2018.

**Thomas W. Hawley**, Aberdeen, was appointed on July 22, 2013, to the **Critical Teaching Needs Scholarship Board**, effective

immediately and shall continue until June 30, 2016.

**Amy Iversen-Pollreisz**, Pierre, was appointed on July 22, 2013, to the **Oversight Council**, effective immediately.

**Dennis L. Kaemingk**, Pierre, was appointed on July 22, 2013, to the **Oversight Council**, effective immediately.

**Timothy M. Mitchell**, Rapid City, was appointed on July 22, 2013, to the **Critical Teaching Needs Scholarship Board**, effective immediately and shall continue until June 30, 2017.

**Melody Schopp**, Pierre, was appointed on July 22, 2013, to the **Critical Teaching Needs Scholarship Board**, effective immediately and shall continue until June 30, 2014.

**James D. Seward**, Pierre, was appointed on July 22, 2013, to the **Oversight Council**, effective immediately.

**Robert A. Sittig**, Baltic, was appointed on July 22, 2013, to the **Critical Teaching Needs Scholarship Board**, effective immediately and shall continue until June 30, 2015.

**Mark R. Smith**, Pierre, was appointed on July 22, 2013, to the **Oversight Council**, effective immediately.

**Lyle Cook**, Eagle Butte, was reappointed on July 29, 2013, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2016.

**Brett Glirbas**, Sioux Falls, was reappointed on July 29, 2013, to the **Board of Vocational Rehabilitation**, effective immediately and shall

continue until June 30, 2016.

**Mark Krogstrand**, Aberdeen, was reappointed on July 29, 2013, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2016.

**Patricia Kuglitsch**, Sioux Falls, was appointed on July 29, 2013, to the **Board of Vocational Rehabilitation**, to replace Nicole Darland, effective immediately and shall continue until June 30, 2016.

**Chad Maxon**, Rapid City, was appointed on July 29, 2013, to the **Board of Vocational Rehabilitation**, to replace Barbara Storbeck, effective immediately and shall continue until June 30, 2014.

**Colleen Moran**, Sioux Falls, was appointed on July 29, 2013, to the **Board of Vocational Rehabilitation**, to replace Kathleen A. Hasebrook, effective immediately and shall continue until June 30, 2014.

**Connie Tucker**, Rapid City, was appointed on July 29, 2013, to the **Board of Examiners for Speech-Language Pathology**, to replace Marilyn A. Vietor, effective immediately and shall continue until July 30, 2014.

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**

8-14-2013	Revenue: SD Lottery Commission	Adopt the Powerball Game Rules and the Power Play rules of the Powerball game, the
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		Wild Card Game Rules, the Hot Lotto Game Rules, and the Mega Millions Game Rules and the Megaplier promotion special game rules of the Mega Millions game, as last amended by each of the respective Product Game Groups of the Multi-State Lottery Association ("MUSL"), as the rules of the South Dakota Lottery for said games; 40 SDR 21.
8-15-2013	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, 2010 through June 30, 2012. Changes include establishing procedures for identifying and managing certain hazardous secondary materials destined for recycling, and making technical and typographical corrections to the federal rules; 39 SDR 201.
8-22-2013	Transportation	Amend Speed Zone rules in Pennington, Butte, Custer, Harding, and Meade Counties; 40 SDR 29.
8-26-2013	Social Services: Board of Addiction and Prevention Professionals	Amend rules to update terminology; update internal references; provide for a licensure option and establish the requirements and criteria for licensure; combine and modify current certification levels and tracks into one designation; outline processes for obtaining and renewing recognition, certification, and licensure; repeal obsolete and unnecessary provisions; specify application deadlines; outline practices for application review and grounds for denial of application; update fees; update academic and work experience requirements; provide a grandfather provision for current practitioners; clarify approval process for specialized education courses; outline qualifications for independent practice; update clinical supervision standards; eliminate oral interview requirement; update examination and retesting requirements; clarify continuing professional training requirements and related documentation requirements; add a reinstatement period; revise status upgrade provisions; clarify reciprocity provisions; modify acronyms and certification requirements to correspond with the International Certification & Reciprocity Consortium (IC&RC); and clarify complaint

		and investigation procedures; 40 SDR 30.
9-26-2013	Agriculture: SD Value Added Finance Authority	Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority; 40 SDR 25.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 20, 2013, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: September 17, November 12, and December 17.

**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>.