

REGISTER



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Volume 37

Monday, 8:00 a.m., August 16, 2010

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

Department of Agriculture: Agricultural Services: (August 11, 2010) intends to amend a rule to decrease the raw milk assessment fee. The general authority for this rule, as cited by the department, is SDCL 40-32-25.

A public hearing will be held in the South Dakota Department of Agriculture Conference Room, third floor Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, on September 14, 2010, at 1:30 p.m. Copies of the proposed rule may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by September 13, 2010, to be considered. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3796 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: BOARD OF MASSAGE THERAPY: 20:76:01:02, 20:76:01:03, 20:76:01:05, 20:76:01:06; 20:76:03:01, 20:76:03:04; 20:76:06:01; and 20:76:07:01.

History-Notice: 36 SDR 199, June 1, 2010
Hearing: June 29, 2010
Filed: August 9, 2010
Effective: August 30, 2010

Executive Appointments:

Paul Symens, Amherst, was appointed on August 6, 2010, to the **Governor's Commission on Fort Sisseton**, to replace Curt Jones, effective August 5, 2010, and shall continue until November 24, 2011.

David Lust, Rapid City, was appointed on August 11, 2010, to the **Governor's Task Force on Trust Administration Review and Reform**, effective August 11, 2010.

Chet Edinger, Mitchell, was reappointed on August 12, 2010, to the **Wheat Utilization Research and Marketing Development Commission**, effective immediately and shall continue until June 30, 2013.

Clint Vanneman, Ideal, was appointed on August 12, 2010, to the **Wheat Utilization Research and Marketing Development Commission**, to replace William Ferguson, effective August 11, 2010, and shall continue until June 30, 2013.

Executive Orders:

The Governor has signed **Executive Order 2010-29** dated August 11, 2010. This order rescinds Executive Order 2010-27 because the water levels of Lake Mitchell in Davison County no longer pose a threat to property, public health, and safety. The Governor has directed the Mayor of the City of Mitchell to remove signs and barriers and publish notices informing the public of the rescission.

The Governor has signed **Executive Order 2010-30** dated August 13, 2010. This order

rescinds Executive Order 2010-22 because the water levels of Lake Alvin in Lincoln County no longer pose a threat to property, public health, and safety. The Governor has directed the Department of Game, Fish and Parks to remove signs and barriers and publish notices informing the public of the rescission.

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.

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

REMINDER OF HEARINGS SCHEDULED

8-25-2010	Military and Veteran Affairs	Amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home; 36 SDR 199.
9-2-2010	Human Services: Division of Developmental Disabilities	Amend ICR/MR rules to change individual to person supported or supported person throughout the article, ensure the article is applicable to any facility that qualifies as an intermediate care facility for persons with mental retardation (ICR/MR), clarify what comprehensive functional assessments are needed versus evaluations, clarify when an individual support team must meet, clarify the responsibilities of a qualified mental retardation professional, remove language from the rule on time-out rooms due to their redundancy, clarify who may prescribe psychotropic medication other than a physician, change terminology throughout from strategies to behavior treatment plan, repeal the requirement to notify the parent or legal guardian at least quarterly of the status of the individual support plan, clarify who may discontinue medications other than the physician, add a new chapter that addresses those issues only applicable to a private ICF/MR not otherwise covered in the existing article including: the provision of an on-site review for the completion of an inspection of a minimum of five percent of the persons supported, a requirement to submit a plan to the division for approval of any new construction or remodeling; a requirement that no more than eight people may reside in any home managed by the private ICR/MR after January 1, 2011, a requirement that the

		<p>division may visit at any time without notice and the requirement that the private ICR/MR must grant access to the division, requirements on completing an inventory for client and agency planning to determine the supported person's functional limitations, an additional listing of rights that should be afforded to the supported person, a requirement that rights be limited to protection of the supported person or others, to provide specific services or supports and to promote the least restrictive alternative, and a requirement that the supported person, parent or guardian, be made aware of the appeal process, requirement to develop and implement a restoration plan any time rights are limited; requirement that the facility develop a policy on abuse neglect, exploitation or injury of unknown source and procedures for notifying the appropriate entities, a requirement to ensure that any allegations of abuse, neglect, exploitation or injury of unknown source is investigated by the ICR/MR or other officials pursuant to state law, a requirement to give verbal notice the next working day of any critical incident, what constitutes a critical incident and a requirement to submit a critical incident report using the division's on-line system within seven calendar days, a requirement to demonstrate how the supported person's preferences are identified and prioritized during the individual support plan development, a requirement to develop a transition plan within 180 days from the date of admission, to review that plan annually, and to provide the supported person, parent or guardian, with a list of home and community based services and the community support providers; 37 SDR 17.</p>
<p>9-14-2010</p>	<p>Agriculture: Division of Agricultural Services</p>	<p>Amend a rule to decrease the raw milk assessment fee; 37 SDR 29.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 31, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: September 28, November 17, and December 20.

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>.

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