

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., September 8, 2014

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

Department of Health: State Board of Dentistry: (September 3, 2014) intends to amend rules to allow a dental hygienist, advanced dental assistant or dental assistant that holds a permit to monitor patients under general anesthesia and deep sedation or moderate sedation to inject medication through an intravenous site while under personal supervision of a dentist that holds a permit to administer general anesthesia and deep sedation or moderate sedation and to update sedation and anesthesia rules to require that any dentist that administers moderate sedation or provides dental services to patients under moderate sedation ensure that the office in which the work is performed has pulse oximetry and electrocardiogram display and require that any dentist that administers general anesthesia and deep sedation or provides dental services to patients under general anesthesia and deep sedation ensure that the office in which the work is performed has pulse oximetry, electrocardiogram display, precordial stethoscope and measurement of EtCO₂ (capnography). The general authority for these rules, as cited by the board is SDCL §36-6A-14.

A public hearing will be held in the South Dakota High School Activities Association Large Conference Room, 804 N. Euclid Ave., Pierre, South Dakota, on October 17, 2014, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, P.O. Box 1079, Pierre, South Dakota 57501. A copy of the proposed rules is

also available on the board's website: <https://www.sdboardofdentistry.com/>. Material sent by mail must reach the Board by October 15, 2014, 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) 224-1282 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
ANIMAL INDUSTRY BOARD:** 12:68:06:11.

History-Notice: 40 SDR 232, June 23, 2014
Hearing: July 15, 2014
Filed: August 19, 2014
Effective: September 8, 2014

Executive Appointments:

Jolleen Laverdure, Lower Brule, was appointed on August 28, 2014, to the **Board of Vocational Rehabilitation**, to replace Lyle Cook, effective immediately and shall continue until June 30, 2016.

Tim Neyhart, Pierre, was appointed on August 28, 2014, to the **Board of Vocational Rehabilitation**, to replace Robert Kean, effective immediately and shall continue until June 30, 2017.

Tim Neyhart, Pierre, was appointed on August 28, 2014, to the **Board of Service to the Blind and Visually Impaired**, to replace Robert Kean, effective immediately and shall continue until June 30, 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

9-9-2014	Agriculture: Division of Ag Development	Amend rules regarding the Farm Loan Mediation program and adopt rules for the expansion of the mediation program for federal lands mediation and oil and gas mediation; 41 SDR 22, August 4, 2014.
9-10-2014	Revenue: Commission on Gaming	Amend Racing rules to require that individuals give written notice to a state steward rather than the racing secretary when scratching horses from races, remove Naproxen and add Flunixin to the list of substances that may be administered to horses, repeal the prohibition on sale of tip sheets and other programs in the grandstand, and clarify the definition of a satellite facility; and amend Gaming rules to authorize a new variation of blackjack known as Lucky Lucky, revise a rule to recognize technological advances in slot machine meters, and reduce the length of time records must be kept from five years to three years; 41 SDR 33, August 18, 2014.
9-15-2014	Education: Board of Education	Amend Career and Technical Education rules to outline the purpose, process, criteria and conditions for grant applications and distribution of funds from the workforce education fund and update definitions within the article; and amend a Certification rule to remove the school library/media endorsement as a stand-alone certificate; 41 SDR 33, August 18, 2014.
10-2-2014	Game, Fish and Parks	Amend Camping Permits and Rules to adjust the group lodging fee at Mina Lake State Recreation Area and Shadehill State Recreation Area to \$185 a night for the first eight persons regardless of age plus \$10 for each additional person regardless of age, with a maximum occupancy of 10 persons, and also adjust the group lodging fee at Lake Thompson State Recreation Area, Palisades State Park,

		Sheps Canyon State Recreation Area, and Newton Hills State Park to \$240 a night for the first 12 persons regardless of age plus \$10 for each additional person regardless of age, with a maximum occupancy of 15 persons; restrict camping cabin and rent-a-camper occupancy to the number of sleeping spaces provided, or one family with an extra tent, and define a single bed as one sleeping space, and a double or larger bed as two sleeping spaces; and establish a facility use fee of \$50 for the Palisades State Park event shelter located adjacent to the lodge; 41 SDR 41, September 2, 2014.
10-7-2014	Corrections	Adopt a rule to give Tribal Parole Agents, hired pursuant to the tribal parole project, the authority to detain parolees for the purpose of preventing escape and enforcing discipline on parolees; 41 SDR 37, August 25, 2014.
10-9-2014	Corrections: Board of Pardons and Paroles	Amend rules to align rule content with recent statutory changes regarding attendance at parole hearings, victim notice, procedures for parole with insufficient evidence of program directive compliance, parole to other jurisdictions and indeterminate sentences; establish a process for an expedited pardon application for minor offenses; and clarify that the Parole Board can impose an inmate's suspended sentence for institutional rule violations and/or for failing to participate in required programming; 41 SDR 37, August 25, 2014.
10-17-2014	Health: State Board of Dentistry	Amend rules to allow a dental hygienist, advanced dental assistant or dental assistant that holds a permit to monitor patients under general anesthesia and deep sedation or moderate sedation to inject medication through an intravenous site while under personal supervision of a dentist that holds a permit to administer general anesthesia and deep sedation or moderate sedation and to update sedation and anesthesia rules to require that any dentist that administers moderate sedation or provides dental services to patients under moderate sedation ensure that the office in which the work is performed has pulse oximetry and electrocardiogram display and require that any dentist that administers

		<p>general anesthesia and deep sedation or provides dental services to patients under general anesthesia and deep sedation ensure that the office in which the work is performed has pulse oximetry, electrocardiogram display, precordial stethoscope and measurement of EtCO₂ (capnography); 41 SDR 45, September 8, 2014.</p>
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, September 16, 2014, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room CB 109; and Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has set the following tentative meeting schedule for the 2014 interim: 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>.