

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., September 17, 2001

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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

Department of Human Services: Division of Rehabilitation Services: (September 10, 2001) is proposing rules to provide an appeal and hearing process for interpreters in the event of denial, suspension, or revocation of certification, clarify the minimum number of evaluators necessary on the interpreter review panel, clarify the endorsement process, and increase the fee for the initial evaluation or reexamination for certification. The general authority for these rules, as cited by the department, is SDCL 1-36A-12 and 1-36A-15.

A public hearing will be held in Room 412, Fourth Floor of the State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on Tuesday, October 2, 2001, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Velda Bartel, Administrative Rules Coordinator, Department of Human Services, Hillview Plaza, East Highway 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070. Written comments must be received by October 12, 2001, to be considered. Copies of the proposed rules may also be obtained on the Internet at: www.state.sd.us/dhs or www.state.sd.us/dhs/drs. 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) 773-5990 or (605) 773-6412 (TTY) at least forty-eight hours before the hearing.

Department of Social Services: (September 13, 2001) intends to adopt rules to allow the Department to begin paying providers for

diabetes education services provided on behalf of eligible individuals. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Friday, October 5, 2001, at 9:00 a.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. Written comments must be received by October 15, 2001, 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) 773-3305 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS: SOUTH DAKOTA BOARD OF EDUCATION: 24:15:01:01 and 24:15:03:02.

History-Notice: 27 SDR 133, June 4, 2001
Hearing: June 28, 2001
Filed: August 3, 2001
Effective: August 23, 2001

DEPARTMENT OF AGRICULTURE: 12:07:20:16.

History-Notice: 28 SDR 11, July 23, 2001
 Hearing: August 27, 2001
 Filed: September 11, 2001
 Effective: October 2, 2001

41:06:46:04, 41:06 46:05, 41:06 46:06,
 41:06:46:07, 41:06 46:08, 41:07:03:01, and
 41:07:03:03.

**DEPARTMENT OF AGRICULTURE:
 VALUE ADDED FINANCE AUTHORITY:**
 12:22:02:01 to 12:22:02:20, inclusive.

History-Notice: 28 SDR 11, July 23, 2001
 Hearing: August 9, 2001
 Filed: September 12, 2001
 Effective: October 3, 2001

History-Notice: 28 SDR 19, August 6, 2001
 Hearing: August 30, 2001
 Filed: September 11, 2001
 Effective: October 2, 2001

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**DEPARTMENT OF GAME, FISH AND
 PARKS:** 41:03:01:19, 41:04:02:06,
 41:04:02:12, 41:04:02:53, 41:04:02:54,
 41:06:16:01, 41:06:16:02, 41:06:16:02.01,
 41:06:16:05, 41:06:16:07, 41:06:19:04,
 41:06:46:01, 41:06 46:02, 41:06 46:03,

REMINDER OF HEARINGS SCHEDULED

9-17-2001	Education and Cultural Affairs: Board of Education	Establish standards and streamline process for alternative teacher certification; 28 SDR 35.
9-20-2001	Joint Board of Nursing and Board of Medical and Osteopathic Examiners	Eliminate conflicting license expiration cycles and update licensure education requirements; 28 SDR 31.
9-20-2001	Commerce and Regulation: Commission on Gaming	Eliminate requirement that coin or token acceptors be installed in slot machines, coin acceptors must be able to detect metal composition, eliminate 20-coin limit on slot machines, clarify that game may be cleared by attendant or by the game itself after displaying errors; 28 SDR 35.
9-21-2001	Commerce and Regulation: Board of Chiropractic Examiners	Define manipulation/mobilization and committee; requirements for declaratory rulings; application for examination, license

		reciprocity, duplicate certificates and licenses; continuing ed courses; update code of ethics and establish committee, acceptable advertising, comply with statute concerning healthcare corporations, procedures for disciplinary actions, establish disciplinary committee, update actions that warrant sanctions, increase fee for certificate of registration and provide continuing ed for radiography, define negative peer review, set fees for peer review; 28 SDR 27.
9-25-2001	Social Services	Allow department to continue providing TANF assistance beyond 60-month limit under hardship provisions; 28 SDR 35.
9-25-2001	Social Services	Increase amount allowed for utilities when computing food stamp household's shelter expenses; 28 SDR 36.
9-28-2001	Social Services	Homemaker, respite care, personal care and alternative care services, Home- and Community-Based Waivered Services (HCBWS), and level of care by a medical review team; 28 SDR 39.
10-2-2001	Human Services: Division of Rehabilitation Services	Appeal and hearing process for interpreters, number of evaluators on review panel, endorsement process, increase fee for certification; 28 SDR 43.
10-5-2001	Social Services	Diabetes education services for eligible persons; 28 SDR 43.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee (via telephone conference call) will be held on Thursday, September 20 at 11:30 a.m. in the Conference Room in the LRC Office. The final meeting of the 2001 interim will be November 28.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC website.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).