

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., September 29, 2014

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

Department of Health: Board of Examiners in Optometry: (September 24, 2014) intends to amend rules to increase the annual renewal fee; add to the listing of procedures approved as within the scope of practice of optometry; and adopt rules for a complaint investigation process. The general authority for these rules, as cited by the board, is SDCL §§ 36-7-15 and 36-7-20.

A public hearing will be held at the Tieszen Law Office, Prof. LLC, 306 East Capitol, Suite 300, Pierre, South Dakota, on October 22, 2014, at 12:30 p.m. (CST). Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners in Optometry, Executive Secretary, P.O. Box 6, Langford, South Dakota 57454. Written comments must be received by October 20, 2014, to be considered. A copy of the proposed rules is also available from the SD Administrative Rules Website: <http://rules.sd.gov>. 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 Tieszen Law Office, Prof. LLC, telephone (605) 224-1500 before the hearing.

Department of Labor and Regulation: Division of Insurance: (September 24, 2014) intends to amend rules to update the Risk Based Capital reporting requirements for insurers and health organizations; update Annuity Mortality tables; update the mental health parity rules in order to be consistent with the final rules under the Paul

Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; and update standards for qualified health plans, minimum essential health benefits, and the sale of individual health insurance outside of an exchange. The general authority for these rules, as cited by the department, is SDCL §§ 58-4-48, 58-17-87, 58-18-79, 58-26-66, 58-26-67, and 58-26-69.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on October 15, 2014, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota 57501. The text of the proposed rules will be posted on the department's website: http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

Department of Social Services: Division of Economic Assistance: (September 24, 2014) intends to amend rules to repeal duplicative and obsolete rules, update outdated information, align rules with current practice, clarify language of certain rules, more specifically identify coverage groups, ensure compliance with federal regulations, and comply with changes due to the implementation of the Affordable Care Act. The general authority for

these rules, as cited by the department, is SDCL §§ 28-6-1, 28-6-3.1, 28-6-18, 26-6A-12, 28-7A-3, and 42 U.S.C. § 1396d.

A public hearing will be held in the Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 22, 2014, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <http://rules.sd.gov>. Written comments must be received by November 1, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE: SOUTH DAKOTA LOTTERY COMMISSION:
48:03:16:01 to 48:03:16:03, inclusive.

History-Notice: 41 SDR 27, August 11, 2014
Hearing: September 4, 2014
Filed: September 19, 2014
Effective: October 9, 2014

ATTORNEY GENERAL: LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION: 2:01:13:01, 2:01:13:06.01, and 2:01:13:07.

History-Notice: 41 SDR 1, July 7, 2014
Hearing: August 19, 2014
Filed: September 22, 2014
Effective: October 14, 2014

BUREAU OF HUMAN RESOURCES:
55:05:02:03; 55:08:01:01; 55:08:03:04,
55:08:03:05; 55:08:04:03.

History-Notice: 41 SDR 11, July 21, 2014
Hearing: August 14, 2014
Filed: September 22, 2014
Effective: October 14, 2014

BUREAU OF HUMAN RESOURCES: CIVIL SERVICE COMMISSION:
55:09:01:01; 55:09:04:01, 55:09:04:16;
55:09:05:01; 55:10:04:04; 55:10:05:02,
55:10:05:03; 55:10:06:04; 55:10:07:04; and
55:10:08:05.

History-Notice: 41 SDR 11, July 21, 2014
Hearing: August 14, 2014
Filed: September 22, 2014
Effective: October 14, 2014

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF UNEMPLOYMENT INSURANCE:
47:06:01:01, 47:06:01:02; 47:06:02:14;
47:06:04:17, 47:06:04:17.01, 47:06:04:21, and
47:06:04:27.

History-Notice: 41 SDR 12, July 21, 2014
Hearing: August 26, 2014
Filed: September 22, 2014
Effective: October 14, 2014

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF SECURITIES: 20:08:05:29 and 20:08:07:30.

History-Notice: 41 SDR 22, August 4, 2014
Hearing: August 18, 2014
Filed: September 24, 2014
Effective: October 14, 2014

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

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.

10-15-2014	Labor and Regulation: Division of Insurance	Amend rules to update the Risk Based Capital reporting requirements for insurers and health organizations; update Annuity Mortality tables; update the mental health parity rules in order to be consistent with the final rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; and update standards for qualified health plans, minimum essential health benefits, and the sale of individual health insurance outside of an exchange; 41 SDR 57, September 29, 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 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 EtCO ₂ (capnography); 41 SDR 45, September 8, 2014.
10-22-2014	Health: Board of Examiners in Optometry	Amend rules to increase the annual renewal fee; add to the listing of procedures approved as within the scope of practice of optometry; and adopt rules for a complaint investigation process; 41 SDR 57, September 29, 2014.
10-22-2014	Social Services: Division of Economic Assistance	Amend rules to repeal duplicative and obsolete rules, update outdated information, align rules with current practice, clarify language of certain rules, more specifically identify coverage groups, ensure compliance with federal regulations, and comply with changes due to the implementation of the Affordable

		Care Act; 41 SDR 57, September 29, 2014.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Wednesday, November 12, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: 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>.

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