

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., October 7, 2013

NOTICE 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 Developmental Disabilities: (October 1, 2013) intends to amend rules to combine all rules relating to developmental disabilities under one section to improve accessibility and ease of locating rules; repeal obsolete and unnecessary provisions; update terminology and definitions; update requirements for certification of community support providers; provide clarification regarding rights of participants; update community support provider requirements when dealing with abuse, neglect, and exploitation; update requirements for submission of critical incident reports by community support providers; clarify procedures for appeals, grievances, and rights restrictions; clarify administrative requirements for community support providers; update and clarify service standards for community support providers; update requirements of community support providers for safety, sanitation, and physical facilities; update requirements for medication administration and health care services through community support providers; include a new chapter describing the comprehensive Home and Community Based Services Medicaid waiver; update and clarify requirements of the Family Support Medicaid Waiver services as well as generally funded Family Support services; update the regulations involving Community Training services; update rules involving Respite services; and include Preadmission Screening and Resident Reviews regulations. The general authority for these rules, as cited by the department, is SDCL §§ 27B-2-25, 27B-2-26, 28-1-24.1, and

36-9-28.

A public hearing will be held in the Large Conference Room at the Department of Human Services, Hillsview Plaza, 3800 E. Highway 34, Pierre, South Dakota, on October 23, 2013, at 10:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Eve Smith, Administrative Rules Coordinator, Department of Human Services, Hillsview Plaza, East Hwy 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070. Copies of the proposed rules may also be obtained at the following Department's website at <http://dhs.sd.gov/> or by emailing eve.smith@state.sd.us. Persons interested in presenting data, statements, opinions and arguments for or against the proposed rules may do so by appearing in person at the hearing. Materials sent by mail must reach the Department of Human Services by 5 p.m. on November 4, 2013, 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) 773-5990 or (605) 773-6412 TTY at least 48 hours before the hearing.

Department of Social Services: Board of Examiners of Psychologists: (October 2, 2013) is proposing to amend rules to increase the fee for licensure renewal, repeal an obsolete provision, and update supervision requirements. The general authority for these rules, as cited by the board, is SDCL § 36-27A-2, 36-27A-12, and 36-27A-24.

A public hearing will be held on October 29, 2013, at 9:30 a.m. CT, 8:30 a.m. MT, via the

Digital Dakota Network at the following locations: South Dakota State University, SPC 205, Brookings, South Dakota; Chamberlain DHS, Chamberlain, South Dakota; Pierre CAP B, Pierre, South Dakota; South Dakota School of Mines and Technology, CB 109, Rapid City, South Dakota; University Center FADM 145, Sioux Falls, South Dakota; Spearfish High School, Spearfish, South Dakota; and the Yankton DHS, Yankton, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners of Psychologists, 810 N. Main #298, Spearfish, South Dakota 57783 or by emailing proflic@rushmore.com. Written comments must be received by October 29, 2013, to be considered. Persons who have special needs for which the board can make arrangements may call (605) 642-1600 at least 48 hours before the hearing.

NOTICE:

On September 25, 2013, **James Fry**, Pierre, resigned his position as Director of the Legislative Research Council. The Executive Board appointed **Fred Schoenfeld**, Pierre, as Interim Director.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Marcia Hultman, Pierre, was appointed on September 30, 2013, as **Interim Secretary of the Department of Labor and Regulation**, effective October 11, 2013, and shall continue at the pleasure of the Governor.

Gloria Pearson, Yankton, was appointed on October 2, 2013, as **Secretary of the Department of Human Services**, effective November 4, 2013.

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

10-9-2013	Agriculture	Adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer and set basic sanitary standards for the product; 40 SDR 47.
10-17-2013	Labor and Regulation: Division of Insurance	Amend rules to update a short term major medical advertising disclosure; update the standards for determining the hazardous financial condition of an insurer; change a cross reference; and establish standards for multiple employer trusts; 40 SDR 57.
10-23-2013	Human Services: Division of Developmental Disabilities	Amend rules to combine all rules relating to developmental disabilities under one section to improve accessibility and ease of locating rules; repeal obsolete and unnecessary provisions; update terminology and definitions; update requirements for

		certification of community support providers; provide clarification regarding rights of participants; update community support provider requirements when dealing with abuse, neglect, and exploitation; update requirements for submission of critical incident reports by community support providers; clarify procedures for appeals, grievances, and rights restrictions; clarify administrative requirements for community support providers; update and clarify service standards for community support providers; update requirements of community support providers for safety, sanitation, and physical facilities; update requirements for medication administration and health care services through community support providers; include a new chapter describing the comprehensive Home and Community Based Services Medicaid waiver; update and clarify requirements of the Family Support Medicaid Waiver services as well as generally funded Family Support services; update the regulations involving Community Training services; update rules involving Respite services; and include Preadmission Screening and Resident Reviews regulations; 40 SDR 63.
10-24-2013	Labor and Regulation: State Plumbing Commission	Amend a rule to increase the fee for residential plumbing inspections; 40 SDR 57.
10-29-2013	Social Services: Board of Examiners of Psychologists	Amend rules to increase the fee for licensure renewal, repeal an obsolete provision, and update supervision requirements; 40 SDR 63.

RULES REVIEW COMMITTEE MEETINGS

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

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 40 are \$25. 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.aspx>).