

REGISTER



South Dakota Legislative Research Council

Volume 37

Tuesday, 8:00 a.m., October 12, 2010

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

Department of Agriculture: South Dakota Value Added Finance Authority: (October 4, 2010) intends to amend rules to increase the bond amount for the Beginning Farmer Bond Program to purchase agricultural land and make minor changes to the qualification of the program. The general authority for these rules, as cited by the department, is SDCL 1-16E-24.

A public hearing will be held in the South Dakota Department of Ag Conference Room, 3rd floor, Foss Building, Pierre, South Dakota, on October 28, 2010, at 8:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Value Added Finance Authority, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by October 18, 2010, 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) 773-5436 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Becky Pitz, Mitchell, was appointed on October 7, 2010, to the **State Emergency Response Commission**, to replace Lisa Simpson, effective October 6, 2010.

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

10-13-2010	Social Services: Division of Adult Services and Aging	Adopt Hospice Services rules – adopt definitions, identify eligibility requirements for providers and recipients, outline covered service limitations, define notice requirements and reimbursement policy, and clarify claim submission requirements; 37 SDR 57.
10-14-2010	Education: Professional Administrators Practices and Standards Commission	Amend a rule to allow the Professional Administrators Practices and Standards Commission to address ethical violations occurring three years prior to the filing of a complaint; 37 SDR 41.

10-14-2010	Bureau of Administration	Amend rules to update requirements related to the fee for placement on the state bidders list, and to establish specifications and requirements for state government purchases of environmentally preferable products; 37 SDR 53.
10-14-2010	Bureau of Administration	Amend rules to update statutory citations related to the requirement that certain state publications bear an inscription listing the publisher, the number of copies published, and the approximate cost of publication per copy; 37 SDR 57.
10-21-2010	Revenue and Regulation: Division of Securities	Amend Broker-Dealer and Agent rules to change the use of NASD to FINRA due to the merger of these two organization; clarify the series 63 examination lapse of registration; provide for any SEC required fiduciary standards; add senior specific professional designations; and exempt certain business brokers from broker-dealer registration; amend Registration Requirements and Procedures rules to clarify existing rules and exempt certain advertising in public offerings prior to complete registration; amend Investment Adviser rules to repeal all existing rules and replace those with model rules that coordinate with the Uniform Securities Act of 2002 and include the new SEC ADV format; and provide for an exemption to registration for certain investments advisers; and amend Notice Filings for Covered Securities and Registration Exemptions rules to clarify how to calculate the number of purchasers under ARSD 47-31B-202(14) and the use of this same exemption by out of state issuers; and define "isolated non-issuer."; 37 SDR 63.
10-22-2010	Health: Board of Dentistry	Amend rules to change from regulating by the modality of the delivery of the sedative or anesthetic to regulating based on the level of sedation; define four levels of sedation – minimal, moderate, deep, and general anesthesia; and require dentists who are not specialists to disclaim as much if they advertise services in a recognized specialty area and places certain requirements on advertising in non-recognized specialty areas; 37 SDR 57.

10-25-2010	Revenue and Regulation: Division of Insurance	Amend rules to set forth minimum loss ratios for health insurance and to establish a refund formula; 37 SDR 67.
10-25-2010	Revenue and Regulation: Division of Insurance	Amend rules to prohibit insurers from discouraging applications for health insurance during open enrollment, revise the standards for internal appeals of health insurance claim determinations, establish standards for the coverage of preventive services in health insurance, require the extension of health insurance coverage for children who have not reached the age of 26, require access to certain health care specialists in health insurance, set standards for health insurance compensation with respect to emergency care, restrict the ability of health insurers to rescind coverage, prohibit the application of annual and lifetime limits in health insurance policies in certain situations, and provide for open enrollment in health insurance for those that have not reached the age of 19; 37 SDR 67.
10-25-2010	Human Services: Division of Rehabilitation Services	Amend Interpreters for the Deaf rules to add a complaint process against a certified interpreter, provide for notice to the interpreter of the complaint, add an investigation process and timeline; will require any interpreter registering with the Division to adhere to the Code of Professional Conduct as adopted by the Registry of Interpreters for the Deaf; allows an interpreter with an EIPA assessment score of 3.5 or higher who has failed to register within 12 months of the renewal date to register under the initial registration process providing they submit the continuing education as required under the annual registration process; combines initial registration for nationally certified interpreters and the interpreters registering with the EIPA assessment score under one rule; combines annual registration for the currently certified South Dakota certified interpreter, an interpreter registering with an EIPA assessment score and a nationally certified interpreter under one rule; changes the due date of annual registration to August 31 of each year for all interpreters; changes the continuing education contact hours to 80 hours in a four year maintenance cycle for South

		Dakota certified interpreters or an interpreter registering with an EIPA assessment score; provides for a modified first time cycle for an interpreter registering with an EIPA assessment score and starts all of the currently certified South Dakota interpreter cycles to begin on September 1, 2011; allows for an extension of continuing education maintenance under certain circumstances; amend Cochlear Implants rules to amend the eligibility requirements for funding of cochlear implants by the Division of Rehabilitation Services by removing the current requirement that the applicant must be five years old or if less than 21 have one implant before the age of five or a documented progressive hearing loss that led to deafness after speech and language were developed and by changing the requirement to the applicant be less than 21 years of age at the time of application; amends the application process to reflect that the requirement for deafness after speech and language development is no longer required; and amends the definition of an applicant to reflect the age change to less than 21 years of age; 37 SDR 68.
10-27-2010	Revenue and Regulation: Lottery Commission	Amend rules to adopt the latest amended game rules of the Multi-State Lottery Association for the Mega Millions Game, including the Megaplier Special Promotion Game rules, and the Powerball Game, including the Power Play rules, as the rules of the South Dakota Lottery for the games; 37 SDR 68.
10-28-2010	Agriculture: SD Value Added Finance Authority	Amend rules to increase the bond amount for the Beginning Farmer Bond Program to purchase agricultural land and make minor changes to the qualification of the program; 37 SDR 75.
11-17-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt rules to establish a county coroner training program; 37 SDR 67.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 17, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: 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>.

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 37 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>).
