REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., November 5, 2007*

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

Department of Education: Board of Education: (November 1, 2007) intends to amend a rule to change the April 1st timeline for applications for new or expanded postsecondary programs. The general authority for this rule, as cited by the board, is 13-39-37.

A public hearing will be held in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota, on November 19, 2007, at 1:00 p.m. CDT. Copies of the proposed rule may be obtained without charge from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291 or on the Internet at http://doe.sd.gov/secretary/adminrules/index.asp Written comments may be sent to the board at the address above and must be received by November 16, 2007, 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) 773-3426 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF TRANSPORTATION: 70:01:02:17.

History-Notice: 34 SDR 49, August 6, 2007
Hearing: August 23, 2007
Filed: October 30, 2007
Effective: November 19, 2007

DEPARTMENT OF SOCIAL SERVICES: 67:13:01:17.

History-Notice: 34 SDR 93, October 1, 2007
Hearing: NA
Filed: November 1, 2007
Effective: November 1, 2007

Executive Appointments:

Tim Bjork, Pierre, was appointed on October 30, 2007, to the **Water Management Board**, to replace Dr. Dwayne Rollag, effective immediately and shall continue until June 30, 2011.

Scott Erstad, Badger, was appointed on October 31, 2007, to the **South Dakota Snowmobile Advisory Council**, to replace Larry Bonrud, effective October 31, 2007, and shall continue until June 30, 2009.

Executive Order:

The Governor has signed **Executive Order 2007-23**. This order declares that the state government offices, within the executive branch, shall be administratively closed on Friday, November 23, 2007.

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

11-8-2007	Social Services: Medical Services	Amend rules relating to psychiatric residential treatment to delete the definition of "care manager"; define the terms "certification team," "DSM-IV," and "placing agency"; no longer allow Title XIX reimbursement for group care centers providing residential treatment; allow reimbursement to an out-of-state psychiatric residential treatment facility that obtains certain, specified accreditation from the Joint Commission, the Council on Accreditation, or the Commission on Accreditation of Rehabilitation Facilities; if treatment begins before the individual reaches age 21, allow the treatment to continue to be a covered service until the date it is no longer needed or the date the individual reaches age 22, whichever occurs earlier; specify that the state review team and the certification team must determine that the conditions of eligibility have been met for admission to and treatment in a psychiatric residential treatment facility; require certain state agencies to have representatives on the state review team; specify the responsibilities of the state review team; require the certification team to have at least one medical doctor and require that all team members be knowledgeable about the diagnosis and treatment of the mental illnesses of children; list the responsibilities of the certification team; establish a list of DSM-IV diagnostic codes recognized for treatment and specify that an individual must be experiencing problems relating to the individual's DSM-IV diagnosis; require the certification team to prior approve an individual's admission to a facility and, for emergency admissions, allow the certification team to complete its review on the first working day following the admission; require a provider to notify a child's placing agency in advance of treatment team meetings and within 24 hours of the occurrence of certain, specified incidents; delete references to group care centers; require the certification team to approve an individual's continuous and

		uninterrupted stay in a facility if certain conditions are met; limit covered services to those authorized by the certification team; specify that reimbursement for the day of discharge, days the individual is in a juvenile detention center, and days when the individual is absent for non-medical reasons are not reimbursable; specify that services will be terminated if the certification team determines that the individual has reached maximum potential, the facility failed to provide necessary documentation, or the individual is no longer eligible; base a provider's rate of payment on cost data; allow a claim to be submitted electronically; and specify the procedure code that must be used if submitting a claim for services; 34 SDR 115.
11-9-2007	Revenue and Regulation: Division of Insurance	Amend rules to exempt conversion sales among affiliates from the life replacement requirement; revise the standards for producer licensing and continuing education provider transactions with the division; require prominent and clear disclosures in any policy or certificate of specified disease, short-term hospital-surgical care of six months or less duration, hospital confinement indemnity, or limited benefit health insurance, and clarify the interpretation of policies that are cancelled by the carrier when an individual premium payment is received from an employer; 34 SDR 115.
11-9-2007	Revenue and Regulation: Banking Commission	Repeal current rules regarding loans to bank officers; reduce the time period that banks can hold overdrafts on their books as an asset; allow other retention methods for records required to be kept by banks; repeal the rules related to remote electronic banking as the law implemented for each rule was previously repealed; make the references to responsible parties consistent for mortgage lending entity applicants; add a reference to the right of a hearing to contest the denial of a license or registration based upon the results of the required criminal background investigation; provide for bond forms that reflect the name of an individual in addition to forms that reflect the name of an entity and language necessary only for the implementation of SB 165 will be

		deleted; 34 SDR 116.
11-14-2007	Human Services: Rehabilitation Services	Amend rules that will add new definitions, clarify and expand the covered services to include implants in both ears, clarify and expand the eligibility criteria to include individuals through age 20 with one existing implant or an individual through age 20 with a documented progressive hearing loss leading to deafness after speech and language have developed, and clarify the application process; 34 SDR 105.
11-16-2007	Public Safety: Emergency Medical Services	Amend rules to define terms, update equipment requirements for all ambulance services, and to eliminate the Medical Air Transport level of licensing for air ambulance services; 34 SDR 115.
11-19-2007	Education: Board of Education	Amend a rule to change the April 1st timeline for applications for new or expanded postsecondary programs; 34 SDR 135.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Tuesday, December 4, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: January 7, 2008.

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

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