

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., November 22, 2004

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

Department of Social Services: Office of Medical Services: (November 15, 2004) intends to amend rules that will increase the cost outlier amount for inpatient hospital claims, amend the date used as the basis for establishing the rate of reimbursement for outpatient services provided by out-of-state hospitals, and decrease the rate of reimbursement for inpatient services provided by an out-of-state hospital if the hospital's home state refuses to price the claim using that state's Medicaid payment methodology. 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 #3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, December 9, 2004, at 1:00 p.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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by December 20, 2004, 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. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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 48 hours before the hearing.

Department of Social Services: Office of Food Stamps: (November 15, 2004) intends to amend rules that will increase the standard utility allowance, the limited utility allowance, the one-utility allowance, and the telephone allowance and adopt the thrifty food plan as established by the United States Department of Agriculture, Food and Nutrition Services. The general authority for these rules, as cited by the department, is SDCL 28-12-1.

A public hearing will be held in Conference Room #3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, December 9, 2004, at 1:15 p.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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by December 20, 2004, 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. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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 48 hours before the hearing.

Bureau of Personnel: (November 17, 2004) intends to amend a rule to insure that any employee having contact with inmates within the secure perimeter of a corrections department facility be drug free. The general authority for this rule, as cited by the bureau, is SDCL 23-3-69.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on December 17, 2004, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, State Capitol, Room A-418, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by December 16, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-3148 at least 48 hours before the hearing.

Department of Social Services: Office of Medical Services: (November 19, 2004) intends to amend rules that will increase the Supplemental Security Income (SSI) standard benefit amount; allow the department to impose a partial month of ineligibility when an individual disposes of assets for the purpose of establishing Medicaid eligibility and clarify when the period(s) of ineligibility begin; require a trustee to provide to the Department an annual accounting of the transactions made by the trust; specify that when income placed into a Medicaid Income Trust exceeds the amount paid out of the trust for medical services, the excess income is subject to penalties under the transfer of assets provisions; increase the amount of nonexempt resources that may be protected for the community spouse; increase the community spouse's monthly maintenance allowance; repeal rules that relate to the principal wage earner for households eligible for Medicaid under the Low Income Family (LIF) Program; and apply the provisions of ARSD chapter 67:10:04 when determining if a vehicle will be included in the household's resource limit and

the value to be included in the limit. The general authority for these rules, as cited by the department, is SDCL 28-6-1, 28-6-3.1, and 28-6-18.

A public hearing will be held in Conference Room #3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Friday, December 17, 2004, at 8:30 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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by December 27, 2004, 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. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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 48 hours before the hearing.

Department of Social Services: Office of Food Stamps: (November 19, 2004) intends to adopt rules to establish operating guidelines for the Sales Tax on Food Refund Program that was passed as House Bill 1308 during the 2004 legislative session. The general authority for these rules, as cited by the department, is SDCL 28-1-72.

A public hearing will be held in Conference Room #3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Friday, December 17, 2004, 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. Ms. Wellhouse may be contacted

by telephone at (605) 773-3305. Written comments must be received by December 27, 2004, 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. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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 48 hours before the hearing.

Todd Christensen, Rapid City, was appointed on November 10, 2004, to the **South Dakota Advisory Panel for Children with Disabilities**, to replace Greg King, effective immediately and shall continue until June 30, 2007.

Greg Riley, Rapid City, was appointed on November 10, 2004, to the **South Dakota Advisory Panel for Children with Disabilities**, to replace Kevin Steele, effective immediately and shall continue until June 30, 2005.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Dr. Mike Bartlett, Pierre, was appointed on November 9, 2004, to the **State Board of Examiners in Optometry**, to replace Dr. Jeff Rausch, effectively immediately and shall continue until July 1, 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

11-24-2004	Agriculture	Amend rules to reduce the tonnage inspection fee for fertilizer and feed products distributed in South Dakota; 31 SDR 67.
12-2-2004	Personnel: Career Service Commission	Amend a rule to allow for the granting of administrative leave for career service employees who serve as reserve police force and emergency rescue squad members and clarify that such administrative leave will be granted when the employee is called out on an emergency basis during work hours; 31 SDR 75.
12-9-2004	Social Services: Medical Services	Amend rules that will increase the cost outlier amount for inpatient hospital claims, amend the date used as the basis for establishing the rate of reimbursement for outpatient services provided by out-of-state hospitals, and decrease the rate of reimbursement for inpatient services provided by an out-of-state hospital if the hospital's home state refuses to price the claim using that state's Medicaid payment methodology; 31 SDR 79.

12-9-2004	Social Services: Food Stamps	Amend rules that will increase the standard utility allowance, the limited utility allowance, the one-utility allowance, and the telephone allowance and adopt the thrifty food plan as established by the United States Department of Agriculture, Food and Nutrition Services; 31 SDR 79.
12-16-2004	Environment and Natural Resources: Board of Minerals and Environment	Amend rules that will require a person to obtain a solid waste permit whenever a waste tire bale, waste tire, or parts thereof are buried or partially buried; 31 SDR 75.
12-17-2004	Personnel	Amend a rule to insure that any employee having contact with inmates within the secure perimeter of a corrections department facility be drug free; 31 SDR 79.
12-17-2004	Social Services: Medical Services	Amend rules relating to Medicaid eligibility that will update current rules, delete provisions that no longer apply, increase certain allowances to reflect the increased cost of living, change the method of calculating a period of ineligibility when an asset is disposed of for purposes of establishing Medicaid eligibility, require a trustee to submit an annual accounting to the department, and institute a penalty when income placed into the trust exceeds the amount paid out of the trust for medical services; 31 SDR 80.
12-17-2004	Social Services: Food Stamps	Adopt rules to establish operating guidelines for the Sales Tax on Food Refund Program; 31 SDR 80.

Rules Review Committee Meetings

The last meeting of the Interim Rules Review Committee is scheduled for Tuesday, December 7, 2004, in Room 413 of the State Capitol.

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

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 31 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>).