

REGISTER



South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., December 5, 2005

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

Department of Health: State Board of Dentistry: (November 30, 2005) intends to repeal the requirement for a written work order being prepared for dental work orders; amend the continuing education requirements for the one-hour radiology course required each year to require the completion of five hours of education in a five-year period; and amend rules to allow dental assistants to administer nitrous oxide. The general authority for these rules, as cited by the board, is SDCL 36-6A-14 and 36-6A-21.

A public hearing will be held in the St. Charles Hotel, large meeting room, 207 East Capitol Avenue, Pierre, South Dakota, on January 6, 2006, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, P.O. Box 1037, Pierre, SD 57501. Written comments must be received by January 6, 2006, to be considered. 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 (605) 224-1282 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

On December 1, 2005, the **DEPARTMENT OF SOCIAL SERVICES** filed an update to the South Dakota Food Stamp Program Certification and Accountability Manual. The update authorized a new exemption relating to secondary education programs for able-bodied

adults without dependents.

Executive Appointment:

Steve Kelsey, Aberdeen, was appointed on November 22, 2005, to the **Board of Service to the Blind and Visually Impaired**, to replace Julaine Arient-Rollman, effective immediately.

Executive Orders:

The Governor has signed **Executive Order 2005-15** dated November 28, 2005, which declared a statewide state of emergency to exist due to the blizzard conditions.

The Governor has signed **Executive Order 2005-16** dated November 30, 2005, which declared that the transportation of utility service vehicles into and through the State of South Dakota is granted without regard to any permits or regulations that may be required under SDCL chapter 32-12, 32-22, or section 49-28A-3 and 49 CFR parts 383 and 390 through 395 of the U.S. Department of Transportation. This order is in response to the need to restore electric power in the state. It will expire at the conclusion of the emergency, but no later than midnight, December 10, 2005.

The Governor has signed **Executive Order 2005-17** dated November 30, 2005, which declared that the drivers of petroleum transport vehicles are exempt from certain regulations relating to the transport of diesel, ethanol, gasoline, propane and natural gas necessary to restore certain vital services. The exemption does not extend to the requirements relating to driver fatigue or drug and alcohol testing. It will expire at the conclusion of the emergency, but no later than midnight, December 10, 2005.

The Governor has signed **Executive Order 2005-18** dated December 1, 2005. Due to the blizzard, the Governor has granted an extension of time for people to renew their license plates if the license plate was due to expire on November 30. These people will have until December 15, 2005, to renew their license plates.

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

12-7-2005	Revenue and Regulation: Insurance	Amend rules to modify the requirements when paper copies of life replacement notices must be provided to applicants for life insurance; require disclosure of policy provisions allowing for premium increases in certain advertisements and solicitations; require disclosure of policy provisions allowing for premium increases in certain advertisements for Medicare supplement insurance; require disclosure of policy provisions allowing for premium increases in certain advertisements for health insurance solicitation; and increase the allowable credit for certain continuing education coursework; 32 SDR 86.
12-8-2005	Administration	Amend rules to increase the maximum fees chargeable for legal publications required by state law; 32 SDR 85.
12-9-2005	Tourism and State Development: State Historical Society	Amend a rule to set standard fees for microfilm, photographic shipping, handling and processing, and for staff assistance and record searches; 32 SDR 99.
12-13-2005	Revenue and Regulation: Gaming Commission	Amend Deadwood Gambling Rules to eliminate language in the rules relating to copyrighting, patenting and rights to the game, as well as requirements that the table display the appropriate layout for Hold 'em eighty-eight, Three-card poker, Let it ride and let it ride bonus including three card bonus optional side bet, Caribbean stud poker, Bonus 6 poker, Twisted Pineapple poker, Texas Shootout poker, a variation of Texas Hold 'em poker, Silverado Study poker, Four-Card poker, and Hold 'em 212 poker; and amend a rule to recognize that bonus awards may be based on not only a specific wager, but also on a specific event and to clarify the procedures adhered to in slot machine promotional and

		bonus systems; 32 SDR 85.
12-14-2005	Health	Adopt and amend rules to add or clarify definitions, terms, and statements. In addition, rules will more closely comply with federal regulations and define the scope of article 44:03 (Radiation Safety), 44:04 (Medical Facilities), and 44:58 (Drug Control) to improve operator safety on x-ray equipment, improve public safety, clarify the experience of social service designee, amend reporting requirements to reflect current federal requirement, clarify use of chemicals, require safe food service, permit additional laundry processes, permit additional ventilation options for clean storage rooms, permit flexibility in removing putrescible garbage, improve occupant protection, expand qualifications for an assisted living center administrator, clarify personnel education, clarify tuberculin skin testing and history and physical examination requirements, provide a phase-in time period for new dietary guidelines, rename dining assistance program, clarify the purpose of social services in nursing facilities, remove vapor barrier and drain tile requirements, redefine purpose of wall finishes, revise exhaust ventilation requirements for cooking appliances, repeal soil treatment for termite control, introduce requirement for composition of interdisciplinary team for self-administration of drugs, remove the requirement regarding income of adult foster care owners, prohibit the use of portable space heaters and portable halogen lamps in adult foster care homes, update references, reverse distributor registration, and update theft report requirements; 32 SDR 93.
12-15-2005	Health: Board of Examiners in Optometry	Amend rules to increase by \$50 the annual renewal fee; clarify the code of ethics regarding division of fees by an optometrist; clarify and implement a more objective standard regarding business relationships of an optometrist; and to provide for a listing of procedures within the scope of practice of optometry; 32 SDR 99.
1-6-2006	Health: Board of Dentistry	Repeal the requirement for a written work order being prepared for dental work orders; amend the continuing education requirements

		for the one-hour radiology course required each year to require the completion of five hours of education in a five-year period; and amend rules to allow dental assistants to administer nitrous oxide; 32 SDR 105.
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Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 6, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: January 9, 2006.

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.