

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., December 28, 2009

NOTICES OF PROPOSED RULES: (None)

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning the payment methodology for Indian Health Service outpatient hospital and clinic visits. The State Plan Amendment (SPA) has an effective date of October 1, 2009. Estimated Federal fiscal impact is \$3,000,000 for Federal fiscal year 2010 and \$3,200,000 for Federal fiscal year 2011. The proposed changes are to amend Attachment 4.19-B of the State Plan, payment methodology for Indian Health Service clinics, to allow for payment for more than one visit by a Medicaid recipient to the same clinic the same day if the procedures or services have different diagnosis codes. The payment rate for visits to Indian Health Service clinics is set by the Federal government so the Federal fiscal impact associated with this amendment has not been calculated. Copies of the proposed SPA are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:

74:05:05:16 and 74:05:05:20.

History-Notice: 36 SDR 56, October 5, 2009
Hearing: November 6, 2009
Filed: December 21, 2009
Effective: January 11, 2010

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: ENVIRONMENTAL SERVICES:

74:04:11:01 to 74:04:11:05, inclusive; and
74:04:12:41 to 74:04:12:45, inclusive.

History-Notice: 36 SDR 95, Nov. 23, 2009
Hearing: December 9, 2009
Filed: December 21, 2009
Effective: January 11, 2010

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: WATER MANAGEMENT BOARD:

74:04:12:01, 74:04:12:03, 74:04:12:07, 74:04:12:08, 74:04:12:10 to 74:04:12:22, inclusive, 74:04:12:24 to 74:04:12:33, inclusive, 74:04:12:35, 74:04:12:39, 74:04:12:40, and 74:04:12:46 to 74:04:12:49, inclusive.

History-Notice: 36 SDR 95, Nov. 23, 2009
Hearing: December 9, 2009
Filed: December 21, 2009
Effective: January 11, 2010

DEPARTMENT OF HUMAN SERVICES: DIVISION OF ALCOHOL AND DRUG ABUSE:

46:05:01:01; 46:05:02:09; 46:05:06:01; 46:05:09:01, 46:05:09:06, 46:05:09:08, 46:05:09:09, 46:05:09:13; 46:05:13:06; 46:05:15:05, and 46:05:15:06.

History-Notice: 36 SDR 81, Nov. 2, 2009
Hearing: November 19, 2009

Filed: December 21, 2009
Effective: January 11, 2010

Filed: December 22, 2009
Effective: January 11, 2010

DEPARTMENT OF REVENUE AND REGULATION: COMMISSION ON GAMING: 20:04:21:44; 20:04:29:14; 20:04:32:35; 20:18:12.01:07.01, and 20:18:12.01:08.

History-Notice: 36 SDR 61, October 13, 2009
Hearing: November 24, 2009
Filed: December 21, 2009
Effective: January 11, 2010

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:29:01.

History-Notice: 36 SDR 75, October 26, 2009
Hearing: November 12, 2009
Filed: December 21, 2009
Effective: January 11, 2010

SECRETARY OF STATE: BOARD OF ELECTIONS: 5:02:03:16, 5:02:03:20; 5:02:04:04; 5:02:05:24; 5:02:06:21; 5:02:08:07, 5:02:08:08, 5:02:08:09, 5:02:08:11; 5:02:09:05; 5:02:10:01, 5:02:10:01.03, 5:02:10:04; and 5:02:16:00.

History-Notice: 36 SDR 89, Nov. 16, 2009
Hearing: December 9, 2009
Filed: December 21, 2009
Effective: January 11, 2010

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:03:06; 41:03:04:01, 41:03:04:03, 41:03:04:13; 41:07:01:03; 41:07:03:03; 41:07:05:02, 41:07:05:03, 41:07:05:05; 41:09:04:02.01, 41:09:04:04; 41:09:07:06.04; 41:09:08:03.01, 41:09:08:03.03, 41:09:08:03.04; and 41:09:15:04.

History-Notice: 36 SDR 67, October 19, 2009
Hearing: November 5, 2009

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:01:16; 41:03:04:04; 41:06:13:01, 41:06:13:02; and 41:06:16:07.

History-Notice: 36 SDR 89, Nov. 16, 2009
Hearing: December 3, 2009
Filed: December 22, 2009
Effective: January 11, 2010

DEPARTMENT OF REVENUE AND REGULATION: APPRAISER CERTIFICATION PROGRAM: 20:14:04:05, 20:14:04:12.01, 20:14:04:12.02, 20:14:04:13 to 20:14:04:17, inclusive; 20:14:05:07.02, 20:14:05:08.01; 20:14:06:01; 20:14:10:01, 20:14:10:02; 20:14:11:03; 20:14:13:01, and 20:14:13:14.

History-Notice: 36 SDR 55, October 5, 2009
Hearing: November 6, 2009
Filed: December 22, 2009
Effective: January 11, 2010

Executive Order:

The Governor has signed **Executive Order 2009-11** dated December 22, 2009. The Governor has declared a state of emergency to exist in South Dakota due to a severe winter storm beginning on December 23, 2009.

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

| | | |
|------------|---|---|
| 12-22-2009 | Revenue and Regulation: Division of Insurance | Amend Producer Licensing rules to repeal continuing education requirements that are specific to new licensees, delete unnecessary provisions pertaining to instructor CEC hours, include requirements regarding new qualifications, and clarify certain CE hours; and amend Individual Plans, Employer Plans, and Health Insurance Risk Pool rules to define a Children's Health Insurance Program as creditable coverage; 36 SDR 99. |
| 1-28-2010 | Transportation | Amend a speed zone in Custer County on US Highway 16 from 11.5 miles east of the South Dakota – Wyoming border, then easterly for 3.5 miles to 35 mph; and amend a speed zone in Harding County on US Highway 85 through the town of Ludlow to 55 mph; 36 SDR 107. |

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-fifth Legislative Session to set the tentative meeting schedule for the 2010 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

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 36 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>).