



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA Revised 1-9-04

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**Senator Royal "Mac" McCracken, Chair**  
**Representative Jean M. Hunhoff, Vice Chair**

**Two hundred forty-fifth meeting**  
**Monday**  
**January 12, 2004**

**Room 413**  
**State Capitol**  
**Pierre, South Dakota**

**Agencies are asked to have a representative present at the meeting to give background information on their rules.**

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

### **Senator McCracken**

Department of Agriculture: Division of Agricultural Services - Adopt a rule that will require those who manufacture distiller and corn gluten feed products to provide a maximum sulfur guarantee on the label of these products.

Department of Agriculture: State Fair - Amend rules to create a definition of "Fair Week" and conform the rules to recent statutory changes which vested control of the State Fair to the Secretary of Agriculture.

### **Representative Hunhoff**

Department of Revenue and Regulation: Commission on Gaming - Adopt a variation of play for STREAK blackjack; add to definitions of slot machine testing, approval, and modifications "on-line monitoring and control system" and "redemption kiosks"; prohibit the sale of slot machines by Deadwood casinos unless purchaser is regulated by gaming agency that has agreement with the South Dakota Commission regarding exchange of information on licensees and/or applicants; clarify that certain parts and associated equipment can effect and trigger revenue reporting; adding to the definition of associated equipment to include "redemption kiosks" and "on-line monitoring and control systems"; redefine gross revenue to include hand pay credit lockups and vouchers; recognize situations where vouchers are not redeemed; require accounting of the liability associated with vouchers and paper tickets; repeal provisions dealing with unclaimed jackpots and unredeemed vouchers; add cage count provisions to the gaming

revenue collection and count schedule audit requirements; and eliminate the requirement that engagement slips be signed by both the owner or trainer and the jockey or jockey's agent.

**Senator Bogue**

Department of Education: Board of Education - Amend a rule to require that the Office of Career and Technical Education convene a meeting of the technical directors and an Office of Economic Development staff member to review applications for new or expanded programs prior to their presentation to the State Board of Education.

Department of Tourism and State Development: State Historical Society - Adopt and amend rules to set standard fees for photographic shipping and handling and processing and clarify non-governmental use of the Cultural Heritage Center.

11:00 a.m. Break

**Senator Dennert**

Department of Social Services: Food Stamps - Adopt rules that specifies that those households that receive Low Income Energy Assistance are eligible for the food stamp standard utility allowance, and establish two new types of utility allowances for food stamp households: (1) a limited utility allowance, and (2) a one-utility allowance.

Department of Social Services: Office of Medical Services - Amend rules that reflect changes in Federal Authority from a waiver to a State Plan amendment; remove SSI disabled children and Title V children from the Case Management program; amend the eligibility requirements for a primary care provider; amend the individual's choice of PCP time measured by the date of notice; to allow changes in PCP to be conveyed verbally or in writing by the recipient, and no longer has to establish good cause; changes made to reflect disenrollment effective date request initiated by the provider will be the first day of the month following approval, and that good cause reasons must be non-discriminatory, generally applied to the provider's entire patient base; clarifies the language that a referral must be made by the PCP before the other medical provider provides service; changes exempt from managed care rehabilitation hospital services, chemical dependency treatment, and prescription drug services and states organ transplants, FQHC/RHC, and diabetic education programs are now covered services under managed care; amend the definition source for mental health services for those diagnosed as seriously emotionally disturbed and exempts prescription drug services and clarifies that case management services are not exempt services; repeals the requirement of case management for services provided at community mental health centers; amend the billing requirements for case management; repeal rules that state pharmacy claims must have a managed care referral; and require that claim requirements for ambulatory surgical center services must follow certain requirements and for organ transplant services, mental health services, diabetes education services, FQHC and RHC services must follow certain claim requirements.

Department of Social Services: Crime Victims' Compensation Commission - Amend rules to update and clarify existing rules; implement form and style changes; repeal rules that are not necessary or that duplicate existing statutory provisions; define terms; establish eligibility criteria, limits on covered services, payment methodology, and payment rates; specify those circumstances when compensation is not allowed; limit the length of time records are kept; establish good cause criteria; require Commission approval for payment of certain services; in certain circumstances, allow the payment of witness fees; allow the Commission to approve amounts in excess of established limits; allow the Department or the Commission to reduce payments under certain circumstances; require substantiation of claims; specify that the Department will make payments directly to the service provider and consider the Department's payment to be payment in full unless certain additional circumstances exist; and establish the procedure to be followed when a claimant requests a hearing by the Commission for purposes of reviewing a claim for compensation, including service of the Notice of Hearing, the issuing of subpoenas, the process to be followed if a claimant fails or is unable to attend the hearing, and the final decision and notice.

Department of Social Services: Office of Medical Services - Amend rules regarding eligibility of a provider agency; the qualifications of a case manager; covered services required by case management and personal attendant; qualifications and duties of consumer preparation specialist; requires private nurses to be under the direction of the consumer's physician; adopts uniform national codes for procedures and eliminates the set payment rates; allow provider agency to terminate services; clarifies the procedures for notice of adverse action; clarify time frames for conference with staff from the Department of Human Services or Department of Social Services; and change the term "client" to "consumer."

### **Representative Engels**

Department of Human Services: Board of Counselor Examiners - Amend rules regarding continuing education; clarify the intent of an inactive status of a license; adopt an application fee for the continuing education program and increase the examination fee; clarify the intent of SDCL 36-33-9(4); and clarify the supervision requirements.

Department of Labor: Board of Accountancy - Adopt rules that will carry out the functions of the new computerized "uniform CPA examination" which is to be implemented April 5, 2004, and adopt new continuing professional education standards, following approval by the Legislature for implementation January 1, 2004.

Department of Revenue and Regulation: Real Estate Appraisers - Amend rules to describe the appropriate use of titles in advertising, remove the varying requirements for return to active status, update references to the Uniform Standards of Professional Appraisal Practice, and defer continuing education requirements for reciprocal appraisers if they are duly licensed or certified in their state of domicile.

### **Representative Smidt**

Department of Game, Fish and Parks - Amend rules to prohibit possession of uncased firearms at Kelly's Cove Fishing Access Area located along the James River east of Yankton and change the designation of the Mission Hill Game Production Area to a Fishing Access area, and prohibit the taking of more than 1 walleye, sauger, or walley-sauger hybrid 20 inches or greater in length daily from Campbell Slough.

Department of Public Safety: Office of Emergency Medical Services - Adopt and amend rules to define terms and update licensing, personnel, and equipment requirements for ambulance services.

12:30 p.m. Adjourn

**NOTE:** To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

**Members:** Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

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