



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Representative Jean M. Hunhoff, Chair
Senator Orville B. Smidt, Vice Chair

Two hundred sixty-fifth meeting
Monday
January 9, 2006

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.*

1:00 p.m. Call to order, roll call, approval of minutes, staff report

1:10 p.m. Review of proposed rules

Representative Hunhoff

Department of 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.

Department of 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.

Department of 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.

Senator Smidt

Department of Game, Fish and Parks - Amend a rule to increase the daily electrical charge imposed at all campground sites having electricity.

Senator Bogue

Department of 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.

2:20 p.m. Break

Senator Hundstad

Department of Revenue and Regulation: Division of 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.

Representative Hunt

Bureau of Administration - Amend rules to increase the maximum fees chargeable for legal publications required by state law.

Representative Thompson

Department of Social Services: Office of Medical Services - Amend rules to the

Medicaid prescription drug program to require prior approval from the department for certain prescription drugs; based on recommendations from the department's Pharmaceutical and Therapeutics (P&T) committee, allow the department to establish a list of drugs that are subject to prior approval; require a provider to obtain approval from the department before supplying a drug subject to prior approval; when recommending drugs considered appropriate for placement on the prior approval list, require the P&T committee to include a preferred list of covered prescription drugs within the appropriate therapeutic class for a particular disease or condition and the criteria for prior authorization; before placing a drug on the prior authorization list, provide notice to interested parties offering an opportunity to present data, opinions, and arguments concerning placement of the drug on the list; provide a 30 day written notice to providers informing them of the intended placement of a drug on the prior authorization list, the implementation date, and therapeutically equivalent drugs that do not require prior authorization which may be substituted; deny payment if prior authorization is not obtained or a therapeutically equivalent drug is not substituted; in emergency situations, allow a provider to dispense an emergency supply of a drug that requires prior authorization if a prior authorization request cannot be submitted and a response received within 24 hours; establish an appeal process for denied requests; and repeal rules that allowed a physician to override the multiple-source drug payment limit if "brand necessary" or "brand medically necessary" was written on the prescription.

Department of Social Services: Office of Economic Assistance - Amend rules to the Food Stamp Program to increase the standard telephone allowance, the standard utility allowance, the limited utility allowance, and the one-utility allowance used by the department when computing the household's shelter expenses; and incorporate the latest changes to the monthly gross and net income eligibility standards, the household's maximum food stamp allotment, and the thrifty food plan as required by the United States Department of Agriculture, Food and Nutrition Service and used by the department when determining a household's eligibility for the Food Stamp Program and computing the amount of benefits a household is entitled to receive.

Department of Environment and Natural Resources: Water Management Board - Amend a rule that will designate the beneficial use of warmwater semipermanent and marginal fish life propagation waters and limited contact recreation waters to a segment of Long Creek, a tributary of the Vermillion River in Lincoln and Turner Counties.

3:30 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: Representative Jean M. Hunhoff, Chair; Senator Orville B. Smidt, Vice-Chair; Senators Eric H. Bogue and Jim Hundstad; and Representatives Roger Hunt and Bill Thompson.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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