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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.

Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

South Dakota State Board of Dentistry (Department of Health): (May 21, 2020) intends to amend rules to update clinical competency examination requirements due to the COVID-19 impact; update radiography administrative rules, training programs, and registration requirements; remove redundant regulations and obsolete provisions; and update references. The general authority for these rules, as cited by the board, is SDCL 36-6A-14, 36-6A-21, 36-6A-44, 36-6A-44.2, 36-6A-47, 36-6A-47.1, and 36-6A-50.

A public hearing will be held via teleconference on June 26, 2020, at 10:00 a.m. CT. Telephonic access can be obtained upon request by contacting the board office at contactus@sdboardofdentistry.com or by calling (605) 224-1282. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, P.O. Box 1079, Pierre, South Dakota 57501. Copies are also available at <https://www.sdboardofdentistry.org/>. Comments may also be emailed to contactus@sdboardofdentistry.com. The comment period will close on June 24, 2020. Any individuals with disabilities who will require reasonable accommodations in order to participate should submit a request to the board at (605) 224-1282 or contact Telecommunication Relay Services for the Deaf at (800) 877-1113 at least two business days prior to the public hearing.

South Dakota Board of Barber Examiners (Department of Labor and Regulation): (May 22, 2020) intends to amend rules to update and establish various rules regarding barber schools including initial approval of barber schools, school equipment requirements, and inspections of schools; clarify requirements for annual renewal of school licenses; update educational material requirements regarding textbooks and student tool kits; establish curriculum requirements; allow for distance learning; set maximum number of hours a licensed cosmetologist, nail technician, or esthetician may be granted credit for related hours and curriculum when seeking to attend barber school to become licensed as a barber; allow credit for hours from other institutions for individuals seeking barber education; update instructor requirements for initial licensure; establish instructor requirements and responsibilities; and set requirements for student barber practice. The general authority for these rules, as cited by the board, is SDCL 36-14-7.1 and 36-14-9.

A public hearing will be held via teleconference on June 22, 2020, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Barber Examiners, 221 West Capitol Avenue, Suite 101, Pierre, South Dakota 57501. The comment period will close on June 19, 2020. Persons wanting to access the meeting can call (866) 410-8397 and use conference code 5816742095 or attend in person at the board's office. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-6193 by June 19, 2020.

South Dakota Cosmetology Commission (Department of Labor and Regulation): (May 22, 2020) intends to amend rules to remove reference to the date fee increases become effective; remove the requirement to provide proof of high school graduation for licensure; remove the requirement for reciprocity applicants to take a hands-on practical examination;

revise the number of hours reciprocity applicants can earn through work experience; revise the number of hours foreign-educated applicants must complete in a commission-approved school; reference the blood exposure rules in the rule that requires said rules to be in or near the first aid kit; and establish a rule to allow acceptance of related coursework completed at an institution not teaching the practices of cosmetology, nail technology, or esthetics. The general authority for these rules, as cited by the commission, is SDCL 36-15-13, 36-15-19.2, 36-15-20, 36-15-20.1, and 36-15-46.1.

A public hearing will be held via teleconference on June 19, 2020, at 9:30 a.m. CT. The call-in number to access the conference call is (866) 410-8397 and the conference code is 5816742095. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Cosmetology Commission, 221 West Capitol Avenue, Suite 101, Pierre, South Dakota 57501. The comment period will close 72 hours prior to the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-6193 by June 17, 2020.

Change in Public Hearing

With government guidance regarding social distancing and group gatherings in response to COVID-19, many public hearings on administrative rules are being conducted by electronic conference. The [South Dakota State Historical Society](#) has added a teleconferencing option to their June 19, 2020, meeting at 10:00 a.m. CT. Interested parties may attend by calling (605) 224-1125 and using access code 0171342#.

Notices

The **Department of Social Services** intends to make several changes to the South Dakota Medicaid State Plan.

The first proposed State Plan Amendment updates the list of inpatient providers and supplemental payment amounts for the inpatient providers that have a signed care coordination agreement with Indian Health Services. The supplemental payments are as follows: Abbot House Inc., \$4,784; Avera, \$251,903; Bennett County, \$18,740; Black Hills Surgical, \$23,558; Mobridge Regional, \$7,930; Monument Health, \$1,170,342; Lutheran Social Services, \$4,997; Our Home, \$4,988; Rushmore Ambulatory Surgery, \$6,974; Sanford, \$208,537; and Sioux Falls Children's Home, \$9,348. It amends Attachment 4.19-A, page 14 of the South Dakota Medicaid State Plan, and is estimated to have a fiscal impact of \$1,712,156 in Federal Fiscal Year 2020 and no fiscal impact in Federal Fiscal Year 2021.

The second proposed State Plan Amendment makes supplemental payments to nursing facility providers that have a signed care coordination agreement with Indian Health Services. The supplemental payments are as follows: Avera, \$12,776; Bennett County, \$9,958; Mobridge Regional, \$385; Monument Health, \$1,124; and Sanford, \$29,998. It amends Attachment 4.19-D, page 17b of the South Dakota Medicaid State Plan, and is estimated to have a fiscal impact of \$54,241 in Federal Fiscal Year 2020 and no fiscal impact in Federal Fiscal Year 2021.

The department intends to make these Amendments effective June 1, 2020. They can be viewed on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Legislative Appointment

Lynn Schneider, Huron, was appointed on May 11, 2020, to the **South Dakota House of Representatives**, to fill the District 22 vacancy created by the death of Representative Bob Glanzer. The appointment is effective immediately.

Executive Orders

Governor Noem has signed [Executive Order 2020-24](#), dated May 18, 2020, suspending the rule governing on-site visits of Level IV and Level V trauma hospitals during the emergency and suspending the statute for the annual inspection of funeral establishments, in response to the COVID-19 pandemic.

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Board of Service to the Blind and Visually Impaired			
Jenny Anatra Pierre	Governor	Connie Sullivan	7/1/2020 – 6/30/2023
Family Support Council			
Diane Baumiller Parkston	Governor	Reappointed	7/1/2020 – 6/30/2023
State Plumbing Commission			
Larry Kindle Fort Pierre	Governor	Mark Rogers	4/28/2020 – 4/14/2023

UNIFIED JUDICIAL SYSTEM

Orders Related to COVID-19

[Unified Judicial System COVID-19 Response](#): The South Dakota Supreme Court on May 22, 2020, amended rules and regulations regarding the capture of a customer's signature and sufficient service of process, to coincide with temporary modified procedures adopted by the United States Postal Service during the COVID-19 pandemic.

SCHEDULED PUBLIC HEARINGS

5-27-2020	Civil Service Commission (Bureau of Human Resources) : Amend rules to expand when a state employee can use sick leave and set forth the parameters of paid family leave upon the birth or adoption of a child; 46 SDR 128, May 11, 2020.
5-28-2020	Department of Transportation : Amend rules to revise the dates for temporary reduced speed limits on Interstate Highway 90 between Sturgis and Rapid City, State Trunk Highway 34 in Sturgis, and State Trunk Highway 79 immediately north of its intersection with State Trunk Highway 34 in Meade County; 46 SDR 122, April 27, 2020.
6-19-2020	South Dakota Cosmetology Commission (Department of Labor and Regulation) : Amend rules to remove reference to the date fee increases become effective; remove the requirement to provide proof of high school graduation for licensure; remove the requirement for reciprocity applicants to take a hands-on practical examination; revise the number of hours reciprocity applicants can earn through work experience; revise the number of hours foreign-educated applicants must complete in a commission-approved school; reference the blood exposure rules in the rule that requires said rules to be in or near the first aid kit; and establish a rule to allow acceptance of related coursework completed at an institution not teaching the practices of cosmetology, nail technology, or esthetics; 46 SDR 137, May 26, 2020.

6-19-2020	South Dakota State Historical Society (Department of Education) : Amend rules to set standard fees for services provided by the State Historical Society; 46 SDR 93, January 27, 2020.
6-22-2020	South Dakota Board of Barber Examiners (Department of Labor and Regulation) : Amend rules to update and establish various rules regarding barber schools including initial approval of barber schools, school equipment requirements, and inspections of schools; clarify requirements for annual renewal of school licenses; update educational material requirements regarding textbooks and student tool kits; establish curriculum requirements; allow for distance learning; set maximum number of hours a licensed cosmetologist, nail technician, or esthetician may be granted credit for related hours and curriculum when seeking to attend barber school to become licensed as a barber; allow credit for hours from other institutions for individuals seeking barber education; update instructor requirements for initial licensure; establish instructor requirements and responsibilities; and set requirements for student barber practice; 46 SDR 137, May 26, 2020.
6-26-2020	South Dakota State Board of Dentistry (Department of Health) : Amend rules to update clinical competency examination requirements due to the COVID-19 impact; update radiography administrative rules, training programs, and registration requirements; remove redundant regulations and obsolete provisions; and update references; 46 SDR 137, May 26, 2020.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, June 9, 2020, at 10:00 a.m. via electronic conference with limited public access in Room 414 of the Capitol. Future meetings for the 2020 Interim are scheduled for July 14, August 18, September 15, and November 10.

Watch for notices of 2020 meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and will be updated regularly to reflect changes in drafting styles and procedures.