SOUTH DAKOTA REGISTER

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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.

Department of Social Services: (July 15, 2019) intends to amend rules to move information to the department's website; update repealed citations and rule references; repeal duplicative rules and information; align with federal regulations; clarify coverage for incontinence items; update to the most recent version of coding manuals; clarify coverage for medically necessary services with no transportation provided by a ground ambulance; update medical record documentation and retention requirements; update third party liability claim requirements for prenatal care; clarify training costs are still covered for the equipment that previously had a bundled coding structure; update the list of psychology services providers in a school district setting to be consistent with eligible providers in the Mental Health Service by Independent Practitioners chapter; update primary care provider terminology, claim requirements, and program requirements; align medical services diagnostic assessment and treatment plan requirements with the Division of Behavioral Health rules; update rules related to federally qualified health centers and rural health clinics regarding definitions, covered services, and reimbursement methodology; allow early intervention for substance use disorders as a covered service; update citations to federal authority regarding program requirements; align substance use disorder rules with medical service rules to reference the department's fee schedule website for billing information; and clarify progress note requirements. The general authority for these rules, as cited by the department, is SDCL 28-1-61, 28-1-66, 28-6-1, 28-6-11, 28-6-18, 28-7A-3, and 34-20A-27.

A public hearing will be held in the Kneip Conference Room 1, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on August 13, 2019, at 4:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. The comment period will close on August 23, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3165 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (July 17, 2019) intends to adopt an emergency rule to allow the department to designate Lake Sharpe and Lake Francis Case as containment waters thus requiring boaters to follow decontamination rules as laid out in ARSD 41:10:04:08. The general authority for these rules, as cited by the department, is SDCL 41-2-18 (1)(2).

A copy of the proposed rule may be obtained without charge from the South Dakota Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, South Dakota 57501. Emergency rules must be filed with the Secretary of State within 30 days of the date of admission to the Legislative Research Council and are effective for 90 days from the date of filing.

Department of Agriculture: (July 18, 2019) intends to amend rules to align South Dakota dairy regulations with federal regulations as determined by the FDA Milk Safety Branch and update references to the most current form. The general authority for these rules, as cited by the department, is SDCL 36-6-9, 39-8-4, 39-8-10, and 40-32-18.

A public hearing will be held in the South Dakota Department of Agriculture's conference room, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on August 14, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Agriculture, Agricultural Services Division, 523 East Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on August 26, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-5425 at least 48 hours before the public hearing.

Board of Elections (Office of the Secretary of State): (July 19, 2019) intends to amend rules to update the voter registration form; revise the timeframe for the notice of deadline for filing primary nominating petitions; revise nominating petitions for partisan and independent candidates; clarify the process for county auditors to certify school board election results; clarify guidelines for accepting petitions and counting petition signatures; and update the petitions for statewide initiated measures, constitutional amendments, and referendums to include a circulator identification number with a delayed implementation date of July 1, 2020. The general authority for these rules, as cited by the board, is SDCL 12-1-9 and 12-17B-17.

A public hearing will be held in the South Dakota Association of County Officials building, 211 East Prospect Avenue, Pierre, South Dakota, on August 13, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, 57501. The comment period will close on August 13, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-3537 at least 48 hours before the public hearing.

Department of Public Safety: (July 19, 2019) intends to amend rules to expand the 1 psi Reid Vapor Pressure waiver; adopt the 2019 edition of the Commercial Vehicle Safety Alliance handbook; expand the definition of immediate family for crime victims' compensation; and expand the service period for which victims of crime may be reimbursed for counseling services. The general authority for these rules, as cited by the department, is SDCL 23A-28B-33, 37-2-6, 37-2-7, and 49-28A-2.

A public hearing will be held in the 1st floor Conference Room, Sutherland Building, 118 West Capitol Avenue, Pierre, South Dakota, on August 12, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Public Safety, 118 West Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on August 26, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3178 at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS (DEPARTMENT OF EDUCATION): 24:53:01:01; 24:53:02:01, 24:53:02:02, 24:53:02:03; 24:53:03:01, 24:53:03:02, 24:53:03:03; 24:53:04:01 through 24:53:04:14; 24:53:05:01, 24:53:05:02, 24:53:05:03; 24:53:06:01, 24:53:06:02, 24:53:06:03; 24:53:07:01 through 24:53:07:28; 24:53:08:01, 24:53:08:02, 24:53:08:03; 24:53:09:01 through 24:53:09:07; 24:53:10:01 through 24:53:10:08; 24:53:11:01 through 24:53:11:08

History/Notice: 45 SDR 124, April 1, 2019
Hearing: May 20, 2019
Filed: July 16, 2019
Effective: August 5, 2019

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (DEPARTMENT OF HEALTH): 20:47:03:03.01.

History/Notice: 45 SDR 145, May 20, 2019
Hearing: June 13, 2019
Filed: July 17, 2019
Effective: August 6, 2019

Executive Appointments

Appointee	Appointed by	Succeeding	Effective/End Date
State Board of Regents			
Barbara Stork North Sioux City	Governor	David Mickelson	7/2/2019 - 3/31/2025
Transportation Commission			
Jafar Karim Rapid City	Governor	Kyle White	7/2/2019 – 4/18/2023
Board of Service to the Blind and Visually Impaired			
James Konechne Sioux Falls	Governor	Reappointed	7/2/2019 – 6/30/2022

SCHEDULED PUBLIC HEARINGS

7-23-2019	**Division of Insurance (Department of Labor and Regulation):** Amend rules to remove a reference to the National Association of Securities Dealers (NASD) and insert a reference to the Financial Industry Regulatory Authority (FINRA); update the sources referenced in rule; and fix outdated statutory references to SDCL 58-17-4.3; 46 SDR 5, July 8, 2019.
8-1-2019	**South Dakota State Plumbing Commission (Department of Labor and Regulation):** Amend rules to update codified law references, processes for issuing declaratory rulings and renewing expired licenses, and the Uniform Plumbing Code; 46 SDR 1, July 1, 2019.
8-12-2019	**Department of Public Safety:** Amend rules to expand the 1 psi Reid Vapor Pressure waiver; adopt the 2019 edition of the Commercial Vehicle Safety Alliance handbook; expand the definition of immediate family for crime victims' compensation; and expand the service period for which victims of crime may be reimbursed for counseling services; 46 SDR 15, July 22, 2019.
8-13-2019	**Department of Social Services:** (July 15, 2019) intends to amend rules to move information to the department's website; update repealed citations and rule references; repeal duplicative rules and information; align with federal regulations; clarify coverage for incontinence items; update to the most recent version of coding manuals; clarify coverage for medically necessary services with no transportation provided by a ground ambulance; update medical record documentation and retention requirements; update third party liability claim requirements for prenatal care; clarify training costs are still covered for the equipment that previously had a bundled coding structure; update the list of psychology services providers in a school district setting to be consistent with eligible providers in the Mental Health Service by Independent Practitioners chapter; update primary care provider terminology, claim requirements, and program requirements; align medical services diagnostic assessment and treatment plan requirements with the Division of Behavioral Health rules; update rules related to federally qualified health centers and rural health clinics regarding definitions, covered services, and reimbursement methodology; allow early intervention for substance use disorders as a covered service; update citations to federal authority regarding program requirements; align substance use disorder rules with medical service rules to reference the department's fee

	schedule website for billing information; and clarify progress note requirements; 46 SDR 14, July 22, 2019.
8-13-2019	**Board of Elections (Office of the Secretary of State):** Amend rules to update the voter registration form; revise the timeframe for the notice of deadline for filing primary nominating petitions; revise nominating petitions for partisan and independent candidates; clarify the process for county auditors to certify school board election results; clarify guidelines for accepting petitions and counting petition signatures; and update the petitions for statewide initiated measures, constitutional amendments, and referendums to include a circulator identification number with a delayed implementation date of July 1, 2020; 46 SDR 15, July 22, 2019.
8-14-2019	**Department of Agriculture:** (July 18, 2019) intends to amend rules to align South Dakota dairy regulations with federal regulations as determined by the FDA Milk Safety Branch and update references to the most current form; 46 SDR 14, July 22, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee is Monday, August 12, 2019, at 10:00 a.m. CT in Room 414 of the Capitol. Future meetings scheduled for the 2019 interim are scheduled for September 9 and November 4.

Notices of 2019 Rules Review Committee meetings will be provided in this publication, on the LRC website (https://sdlegislature.gov/), and at the Capitol.

The Administrative Rules Guide to Form and Style is available at https://www.sdlegislature.gov/Rules/RulesManual.aspx.

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