REGISTER

South Dakota Legislative Research Council

Volume 38 *Monday, 8:00 a.m., March 26, 2012*

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Attorney General: Law Enforcement Officers Standards and Training Commission:
(March 21, 2012) intends to amend Police Canine Team Certification rules to permit canine teams to be trained and certified by other agencies such as the Bureau of Alcohol, Tobacco and Firearms, the International Police Bloodhound Training Institute, the International Congress of Police Service Dogs and the United States Police Canine Association; recognize standards established by other agencies for the training of canines; and eliminate any application fees for canine teams and eliminate the requirement to maintain the South Dakota Police Canine Association, Inc. The general authority for these rules, as cited by the commission, is SDCL §§ 23-3-35 and 23-3-35.5.

A public hearing will be held at the George S. Mickelson Criminal Justice Center, 1302 E. SD Highway 14, Pierre, South Dakota, on April 18, 2012, at 9:00 a.m. CST. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments must be received by April 13, 2012, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 before the hearing.

NOTICES:

The **South Dakota Lottery** is ending instant ticket game numbers 356 – Lucky Numbers, 385 – Cash Line Bingo, 386 – Super Duper Cashword, and 388 – Black Diamonds. The last day that prizes will be paid for the games is September 8, 2012.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning co-payment requirements for prescription drugs effective July 1, 2012. The proposed changes are to amend Attachment 4.18-A of the State Plan, page 1, increasing the recipient co-payment for prescription brand name/single-source drugs from $3 to $3.30 per prescription, and implement a $1 per generic/multi-source prescription drug co-payment. There is no change to recipient groups that are exempt from co-payments. The proposal is a recommendation by the Medicaid Solutions Workgroup and was part of their November, 2011, Final Report to the Governor. The Federal fiscal impact associated with this amendment is a savings of $34,402 for Federal Fiscal Year 2012 and a savings of $137,606 for Federal Fiscal Year 2013. Copies of the proposed State Plan Amendment (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 Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning reimbursement

methodology for surgically-implanted devices under inpatient hospital services effective July 1, 2012. The proposed changes amend Attachment 4.19-A, page 3, of the State Plan revising the Departments' calculation methodology for reimbursing inpatient hospitals for surgically-implantable devices. The proposed payment methodology will bring reimbursements closer to actual costs to the hospitals for those devices. The Federal fiscal impact associated with this amendment is a savings of $274,848 for Federal Fiscal Year 2012 and a savings of $1,099,390 for Federal Fiscal Year 2013. 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 Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning limitations on dental services for adults over 21 years of age. This proposed SPA #12-5 implements a limit of $1,000 per state fiscal year for adults over 21 for non-emergent services effective July 1, 2012. The proposed changes amend page 16 of the Supplement to Attachment 3.1-A and are necessary to implement State Fiscal Year 2013 budgetary actions by the Legislature and the recommendations of the Medicaid Solutions Workgroup. The Federal fiscal impact associated with this amendment is a savings of $78,279 for Federal Fiscal Year 2012 and a savings of $313,115 for Federal Fiscal Year 2013. 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 Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan reimbursement methodology for prescription drugs effective July 1, 2012. The proposed changes amend Attachment 4.19-B, page 20, of the State Plan revising the Departments' calculation methodology for estimating acquisition costs of drugs pursuant to the Legislature's State Fiscal Year 2013 appropriation actions. The Federal fiscal impact associated with this amendment is $157,397 for Federal Fiscal Year 2012 and $629,586 for Federal Fiscal Year 2013. 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 Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

David J. Jencks, Wentworth, was appointed on March 14, 2012, to the **South Dakota Railroad Authority**, to replace Jerry Prostrollo, effective immediately and shall continue until January 18, 2016.

Bruce W. Prins, Sisseton, was appointed on March 15, 2012, to the **Governor's Commission on Fort Sisseton**, to replace Guy Mackner, effective immediately and shall continue until November 24, 2014.

Mary Ann Myers, Spearfish, was appointed on March 15, 2012, to the **South Dakota Interagency Coordinating Council**, to replace Rosalyn Goodwin, effective immediately and shall continue until December 31, 2012.

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

3-28-2012	Agriculture: State Brand Board	Adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection; 38 SDR 147.
4-3-2012	Game, Fish and Parks	Amend a Park License rule to increase the daily fee for not displaying a valid park entrance license from $10 to $15 in Custer State Park (fee remains $10 per day in all other state parks) and allow the operator or registered owner of a vehicle to apply the entire amount of the cost assessed for not displaying a valid park entrance license toward the purchase of an annual park entrance license; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend Custer State Park Deer Hunting Season rules to eliminate the 35 one-tag "muzzleloader antlerless whitetail deer licenses" in Unit CUD-CU3, and remove the language in existing rule which establishes a 300 foot no hunting zone along paved public access roadways in Custer State Park; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses, and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90, and eliminate the archery season for Unit 30A; amend a Custer State Park Late Archery Elk Hunting Season rule to reduce the number of "any elk" licenses which

		will close the Custer State Park late archery elk hunting season; amend a Black Hills Bighorn Sheep Hunting Season rule to reduce the number of licenses available in Unit 1; and amend a Prairie Elk Hunting Season rule to adjust the total number of licenses available for "any elk" and "antlerless elk" licenses, add Unit 27 (Fall River County) to include that portion of Fall River County south of the Cheyenne River and west of Highway 385 (Season dates: September 1-October 31), adjust the season dates for Unit 09A (portions of Butte and Lawrence Counties) from September 1-October 31 to provide for a split season of September 15-October 31 and December 1-5, and adjust the season dates for Unit 30A (portions of Gregory County and portions of Boyd County, NE) for the 2012 season to September 29-October 28 and December 1-21, which will make the season dates coincide with the dates established by Nebraska for this shared elk hunting unit; 38 SDR 151.
4-11-2012	Agriculture: Division of Agricultural Services	Amend rules to require maintaining interstate shipment of milk and milk products as determine by FDA Milk Safety Branch; 38 SDR 155.
4-11-2012	Agriculture: SD Weed & Pest Control Commission	Amend a rule to add oxeye daisy to the local noxious weed and declared pest list; 38 SDR 155.
4-18-2012	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend Police Canine Team Certification rules to permit canine teams to be trained and certified by other agencies such as the Bureau of Alcohol, Tobacco and Firearms, the International Police Bloodhound Training Institute, the International Congress of Police Service Dogs and the United States Police Canine Association; recognize standards established by other agencies for the training of canines; and eliminate any application fees for canine teams and eliminate the requirement to maintain the South Dakota Police Canine Association, Inc.; 38 SDR 159.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 3, 2012, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DHS, 2361 Dakota Ave. S; Rapid City – RCUC, 4300 Cheyenne Blvd., Room UC 113; Sioux Falls – SFUC, 4801 N. Career Ave., Room FADM 153; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2012 interim: May 29, July 10, August 14, September 18, November 13, and December 18.

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***.

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