

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., November 19, 2018

**GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE** at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

**Notice of Proposed Rules:** (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

#### *Department of Education:*

#### *South Dakota Board of Technical Education:*

(November 14, 2018) intends to amend rules to update the general education requirements that must be included in an associate of applied science degree program; update the yearly facility fund and National Guard tuition benefit fund set-asides from the total state appropriation; and update the yearly per student allocation appropriated by the South Dakota Legislature in the postsecondary technical institute funding formula. The general authority for these rules, as cited by the board, is SDCL §§ 1-16A-94, 13-39A-12, 13-39A-18, and 13-39A-21.

A public hearing will be held at Southeast Technical Institute, HUB Center, 2320 North Career Avenue, Sioux Falls, South Dakota, on December 5, 2018, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Technical Education, Attn: Nick Wendell, 800 Governors Drive, Pierre, SD 57501; by email to [nick.wendell@state.sd.us](mailto:nick.wendell@state.sd.us); or online at <https://rules.sd.gov>. Material sent by mail or email must reach the board by

December 1, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3553 at least 48 hours before the hearing.

### NOTICE:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding durable medical equipment (DME). The proposed State Plan Amendment (SPA) clarifies DME coverage to reflect current practice and updates the DME reimbursement methodology to comply with federal regulations prohibiting Medicaid reimbursement for certain items that in the aggregate, is more than what Medicare would have paid for them. To limit potential access issues to DME resulting from this federal regulation, the SPA also increases fees for DME supplies, DME items not subject to the federal regulation, nutrition therapy, and prosthetics. The SPA revises Supplement to Attachment 3.1-A page 13 and Attachment 4.19-B Introduction page 1 and page 13. The Department intends to make this SPA effective January 1, 2019 and estimates there will be no or a minimal federal fiscal impact in Federal Fiscal Year 2019 or 2020 due to changes in HCPCS code rates. The annual total fiscal impact by service category is estimated to be \$305,867 for DME/DME supplies, \$109,073 for prosthetics, and \$222,857 for nutrition therapy. The SPA 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, SD 57501.

**FILINGS IN THE SECRETARY OF  
 STATE'S OFFICE:**  
 (None)

**NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

<b>11-29-2018</b>	<b>Department of Transportation:</b> Amend rules to reduce from 55 to 35 miles per hour the limited speed zone on Highway 12 in and around Summit, and lower from 65 to 55 miles per hour the speed limit on U.S. Highway 83 beginning at the South Dakota/Nebraska border, then north for 1.46 miles; 45 SDR 74, November 13, 2018.
<b>12-5-2018</b>	<b>Department of Education: South Dakota Board of Technical Education:</b> Amend rules to update the general education requirements that must be included in an associate of applied science degree program; update the yearly facility fund and National Guard tuition benefit fund set-asides from the total state appropriation; and update the yearly per student allocation appropriated by the South Dakota Legislature in the postsecondary technical institute funding formula; 45 SDR 78, November 19, 2018.

**RULES REVIEW COMMITTEE MEETINGS**

The final meeting of the Interim Rules Review Committee for the 2018 Interim is November 20, 2018, at 10:00 a.m. in Room 414 of the State Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.