

REGISTER



South Dakota Legislative Research Council

Volume 45

Wednesday, 8:00 a.m., December 26, 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:

Correction Filed:

The **Notice of Public Hearing** filed by the Department of Game, Fish and Parks as noted in the December 17, 2018 Register contained an incorrect date. The hearing on their proposed rules is January 10, 2019, not January 3, 2019, at 2:00 p.m. CT at the Red Rosa Convention Center, 808 West Sioux Avenue, Pierre.

Notice:

The **Department of Social Services** intends to submit an 1115 Demonstration application to the Center for Medicare and Medicaid Services (CMS) titled "Improving American Indian Health in South Dakota." The demonstration will be available to all American Indians enrolled in South Dakota Medicaid that are IHS eligible and elect to receive services from a participating provider. It proposes to add providers to the IHS care network by utilizing FQHCs to broaden the network of culturally competent primary care providers for American Indians and give demonstration providers the same status as IHS allowing them to refer and coordinate care for a recipient in the IHS network. This model would test alternative means of delivering healthcare through existing facilities in

population centers that serve high percentages of American Indians. The demonstration will operate at three FQHC sites: South Dakota Urban Indian Health in Pierre and Sioux Falls; Horizon Health, Mission; and Community Health Center of the Black Hills, Rapid City. The goals and objectives of the demonstration are to improve access to culturally competent primary care sources for American Indians enrolled in South Dakota Medicaid; improve health outcomes for American Indians enrolled in South Dakota Medicaid; and decrease non-emergent emergency department utilization and inpatient hospitalizations. The demonstration will not utilize different standards or methodologies for determining Medicaid eligibility. American Indians receiving services through the demonstration will continue to have the same benefit coverage, cost sharing, and delivery system as provided under the Medicaid state plan. The State intends to implement the demonstration within 90 days of approval and is requesting to operate it for a five-year period. Two public hearings will be held: January 16, 2019, at 9:00 a.m. CT in the Kneip 2 Conference Room, Kneip Building, 700 Governors Drive, Pierre, South Dakota; and January 22, 2019, at 1:00 p.m. CT in the Capitol Conference Room, DSS Local Office, 3900 W. Technology Circle, Ste. 1, Sioux Falls, South Dakota. Commenters may appear telephonically by calling (866) 410-8397 and entering conference code 6256779181. A copy of the proposed waiver and a longer version of the public notice is available online at <https://dss.sd.gov/medicaid/1115waiver.aspx>. Comments may be emailed to dss.medicaid@state.sd.us. Please include "1115 Demonstration Public Comment" in the

subject line. Written requests for a copy of the waiver, and corresponding comments, may also be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291. A copy of the proposed demonstration is available for public review and comment at the above-referenced address. A 30-day comment period on the demonstration application will begin December 26, 2018 and end January 24, 2019. All comments should be submitted during this time period.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR AND REGULATION: SOUTH DAKOTA STATE PLUMBING COMMISSION:

20:53:03:01, 20:53:03:09; 20:53:04:04, 20:53:04:09; 20:53:05:02, 20:53:05:08, 20:53:06:02, 20:53:06:08; 20:53:07:03, 20:53:07:09; 20:53:08:03, 20:53:08:09; 20:54:02:01.

History-Notice: 45 SDR 44, Sept. 24, 2018
Hearing: October 18, 2018
Filed: December 20, 2018
Effective: January 9, 2019

Executive Order:

The Governor has signed **Executive Order 2018-08**, dated December 18, 2018. The Black Hills National Forest is one of the most heavily populated forests in the United States and is in an area susceptible to wildland fires that can devastate critical infrastructure,

essential facilities, homes, businesses, and tourism regions. The Black Hills National Forest and surrounding areas continue to suffer from the residual effects of pine beetle infestations which, along with the regional topography and heavy fuel loads in the northern Black Hills, promote dangerous fire behavior and can hinder firefighting efforts. The South Dakota Wildland Fire Division provides protection for resources and the public from wildland fire and has direct suppression responsibility on forestland in and adjacent to the Black Hills National Forest Fire Protection District. This executive order grants the South Dakota Wildland Fire Division authority to augment all of its firefighting response efforts statewide with the available assets of the South Dakota National Guard during and following an initial attack on any wildfires the Division responds to during the 2019 Fire Season. The order will expire on January 1, 2020. Review the entire document on the Secretary of State's website at <https://sdsos.gov/general-information/executive-actions/executive-orders/>

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

1-10-2019	Department of Game, Fish and Parks: Amend or establish rules to restrict applicants for East River, West River, Black Hills or Muzzleloader deer hunting seasons to submitting no more than one license application for the combined drawing for these seasons; establish a drawing structure in which applicants would need to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills or Muzzleloader deer hunting seasons; and allow applicants a choice to use preference points
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	for leftover licenses in the first three combined deer drawings; 45 SDR 88, December 17, 2018.
1-28-2019	Department of Education: South Dakota Board of Education Standards: Amend rules to remove the requirement for state approval of school-created course equivalency exams and allow local schools to determine how to transcribe credit earned by course equivalency exams; 45 SDR 88, December 17, 2018.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed their meeting schedule for the 2018 Interim. Watch for notices of 2019 meetings in this publication, on the LRC website, and at the 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>.