

# AGENDA

## Interim Rules Review Committee



Senator Jean Hunhoff, Chair  
Representative Jon Hansen, Vice Chair

Four hundred eighteenth meeting  
Tuesday, July 18, 2023

Room 414 – State Capitol  
Pierre, South Dakota

*Those wishing to testify must register by July 13, 2023, by email to [Kelly.Thompson@sdlegislature.gov](mailto:Kelly.Thompson@sdlegislature.gov).  
Testifiers should provide their full names, whom they are representing, city of residence, which proposed rules they will be addressing, whether they are a proponent or opponent, and if they will be testifying remotely or in person.*

10:00 a.m. CT:

Call to order, roll call, and approval of minutes

Review of proposed rules

### Senator Hunhoff

**Board of Medical and Osteopathic Examiners (Department of Health):** Adopt rules to create educational requirements and training for the issuance of a critical care endorsement and amend a rule to update the educational standards of athletic trainers to the 2020 Commission on Accreditation of Athletic Training Education.

**Department of Health:** Amend rules to:

- Add a newly recognized communicable disease with public health impact to the Category I reportable diseases and condition list;
- Update or delete a communicable disease from the Category II reportable diseases and condition list; and
- Clarify the methods of reporting.

### Representative Hansen

**South Dakota State Board of Dentistry (Department of Health):** Amend rules to:

- Update regulations pertaining to clinical examinations and licensure;
- Update advertising regulations;
- Update specialty practice advertising regulations and account for legal case law developments;
- Update supervision requirements for the administration of nitrous oxide sedation and analgesia by dental hygienists and registered dental assistants;
- Update supervision requirements for the administration of local anesthesia by dental hygienists; and
- Repeal the unnecessary reporting requirement for collaborative supervision.

**Department of Social Services:** Amend rules to:

- Update the nursing facility rate setting and case mix validation process to use the Patient-Driven Payment Model (PDPM) instead of the M3PI;
- Rebase nursing facility rates to use current cost data to match with PDPM case mix data;
- Remove the occupancy rule from direct care;
- Remove the overall rate limit increase;
- Move to inflation calculations based on the nursing facility market basket index;

- Update the depreciation edition referenced in rule;
- Reflect a change in cost ceilings for capital costs;
- Update the case mix validation process;
- Remove the on-site requirement for classification reviews conducted by the department;
- Remove or repeal outdated provisions; and
- Update the Medicaid provider reimbursement manual citation.

**Board of Addiction and Prevention Professionals (Department of Social Services):** Amend and adopt rules to:

- Change the timeline for renewal of certificates and licenses to a biennial renewal;
- Revise fees consistent with a biennial renewal for certificates and licenses;
- Establish an annual renewal for trainee recognition based on issue date;
- Revise fees consistent with an annual renewal of trainee recognition;
- Adopt a Code of Ethics for trainees and certificate or license holders;
- Eliminate fees for certain services;
- Clarify application information needed for trainees and certificate and license holders to obtain or renew;
- Update the continuing education requirements; and
- Update regulations to conform to current standards.

**South Dakota Animal Industry Board (Department of Agriculture and Natural Resources):** Adopt and amend rules to:

- Comply with and expand upon statutory authority pertaining to confidential records held by a state agency; and
- Modify rules regarding meat inspection.

#### **Senator Foster**

**State Board of Elections (Office of the Secretary of State):** Amend rules to:

- Change the date for a statewide runoff;
- Prescribe the oath for a county recount board;
- Prescribe the notice for testing automatic tabulating equipment;
- Prescribe the method for testing such equipment;
- Describe how to seal automatic tabulating machines;
- Make changes to the voter registration form;
- Add email address and telephone number to the precinct committeeman or committeewoman statement;
- Change the acknowledgement notice for rejected voter registrations from forwardable to non-forwardable;
- Clarify the procedures for voter registration file security;
- Prescribe the oath for a post-election audit board; and
- Prescribe a voter cancellation form.

#### **Representative Healy**

**South Dakota Investment Council:** Adopt rules to clarify the South Dakota Investment Council's declaratory ruling process and repeal unnecessary rules.

## Senator Mehlhaff

[South Dakota Commission on Gaming \(Department of Revenue\)](#): Amend and adopt rules to:

- Standardize violations for both illegal substances and violations involving permitted drugs relating to horse racing;
- Increase the fine that may be assessed for such violations;
- Adopt the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties as applied to authorized drugs, fines, and penalties for violations;
- Increase the permissible bute levels to an amount that is stable, in line with other jurisdictions, and consistent with trainer requests; and
- Rescind a rule relating to the penalty for violation of permitted drug restriction.

[South Dakota Division of Insurance \(Department of Labor and Regulation\)](#): Amend rules in ARSD article 20:06 to update the sources referenced in rule to the most recent editions, to clean up a broken URL for another rule, and repeal a rule for which the referenced law implemented statute will be repealed effective July 1, 2023.

### Staff Report:

- Consideration to request introduction of proposed legislation amending SDCL 1-26A-7, on the official manner of citing the Administrative Rules of South Dakota; and
- Request to amend the PROCEDURES AND FORMS FOR ADOPTING PERMANENT RULES and DIRECTIONS FOR SUBMITTING THE FINAL DRAFT.

### Adjourn

**PLEASE NOTE: The above times are approximate. Breaks will be at the call of the chair.**

**Written testimony must be received at least 48 hours prior to the meeting to be considered at the meeting.**

**Members: Senators** Red Dawn Foster, Jean Hunhoff, and Jim Mehlhaff and **Representatives** Roger DeGroot, Jon Hansen, and Erin Healy

*This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.*

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