



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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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 Transportation:** (January 30, 2023) intends to amend rules to make less restrictive the escort vehicle requirements for extra-width vehicles on certain state trunk highways in and around the Black Hills, and to change the approved routes for longer combination vehicles on the state trunk highway system. The general authority for these rules, as cited by the department, is SDCL 32-22-42 and 32-22-42.14.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on February 23, 2023, at 9:00 a.m. (CT). Interested parties may also attend by calling (866) 705-2554 and using conference code 153277. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Secretary of Transportation, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to [Joel.Jundt@state.sd.us](mailto:Joel.Jundt@state.sd.us). Information submitted in writing must be received on or before February 19, 2023, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

### Notices

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The **Department of Social Services** is providing additional assurance of compliance with the American Rescue Plan (ARP) Act, per the request of the Center for Medicare and Medicaid Services (CMS). Specifically, this notice addresses a modification to cost sharing with the State Plan Amendment (SPA) 22-0011, which was submitted to CMS on September 9, 2022. The State assures compliance with the ARP Act provision requiring states to cover immunization, testing, and treatment of COVID-19 as well as treatment of a condition that may seriously complicate the treatment of COVID-19 for individuals who are diagnosed with or presumed to have COVID-19, in all service settings, without cost sharing for the beneficiary. The SPA was made effective March 11, 2021, consistent with State Health Official letters issued by the CMS on August 30, 2021, and October 22, 2021. The State will request 1135 waiver authority allowing modification of public notice requirements for post-submission of this notice, which is a condition for the approval of SPA 22-0011. This notice does not alter the original SPA submission documents or associated fiscal impact.

The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also 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 Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291, or emailed to [MedicaidSPA@state.sd.us](mailto:MedicaidSPA@state.sd.us). The public comment period will start February 6, 2023, and end March 8, 2023.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid and CHIP State Plans, pursuant to section 9822 of the American Rescue Plan Act. The proposed State Plan Amendments (SPAs) provide an extended postpartum coverage period from 60 days to 12 months to ensure parity between pregnant women and the new adult eligibility group in conjunction with Medicaid Expansion. The agency intends to submit two SPAs to the Center for Medicare and Medicaid Services (CMS) on or before March 1, 2023, as follows: provide 12 months continuous postpartum coverage to beneficiaries who are eligible for and enrolled in Medicaid while pregnant; and provide 12 months continuous postpartum coverage to beneficiaries who are eligible for and enrolled in CHIP while pregnant. In alignment with Medicaid Expansion, the SPAs will have an effective date of July 1, 2023. The department's estimate for the fiscal impact associated with these SPAs is included in the existing projection for Medicaid Expansion as provided in the January 9, 2023, Public Notice which is \$13,943,834 in state funds and \$125,494,504 in federal funds, totaling \$139,438,338 in Federal Fiscal Year 2023, and \$55,775,335 in state funds and \$501,987,015 in federal funds, totaling \$557,753,350 in Federal Fiscal Year 2024.

The SPAs are available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also 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 Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291, or emailed to [MedicaidSPA@state.sd.us](mailto:MedicaidSPA@state.sd.us). The public comment period will start February 6, 2023, and end March 8, 2023.

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### SCHEDULED PUBLIC HEARINGS

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02-23-2023	<a href="#">Department of Transportation</a> : Amend rules to revise the escort vehicle requirements for extra-width vehicles on certain state trunk highways in and around the Black Hills and change the approved routes for longer combination vehicles on the state trunk highway system; 49 SDR 68, February 6, 2023.
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### RULES REVIEW COMMITTEE MEETINGS

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The Interim Rules Review Committee has completed its meeting schedule for the 2022 Interim. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.