



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

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.

South Dakota Housing Development Authority: (May 10, 2023) intends to adopt rules to specify guidelines, criteria, and processes for the application, approval, and disbursement of loans and grants provided through the South Dakota housing infrastructure fund. The general authority for these rules, as cited by the agency, is SDCL 11-15-6.

A public hearing will be held at the South Dakota Housing Development Authority Boardroom, 3060 East Elizabeth Street, Pierre, South Dakota, on May 31, 2023, at 1:00 p.m. (CT). Interested parties may also participate via Skype for Business at <https://meet.sdhda.org/chas/82S8HTZ6>, conference ID 523450, or by calling (844) 773-7615 and using conference ID 523450. Copies of the proposed rules may be obtained without charge from the South Dakota Housing Development Authority, 3060 East Elizabeth Street, P.O. Box 1237, Pierre, South Dakota 57501-5876 and are also available online at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=51>. Written comments may be sent to South Dakota Housing Development Authority Board of Commissioners, 3060 East Elizabeth Street, Pierre, South Dakota 57501 or by email to beverly@sdhda.org. Material sent by mail must be received by May 28, 2023, at 1:00 p.m. (CT) 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 Andy Fuhrman at (605) 773-5156 at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS (DEPARTMENT OF EDUCATION): 24:28:01:01; 24:28:09:01, 24:28:09:04, 24:28:09:45, 24:28:09:45.01, 24:28:09:46, 24:28:09:47, 24:28:09:48, 24:28:09:48.01, 24:28:09:49, 24:28:09:50.

History/Notice: 49 SDR 76, March 6, 2023

Hearing: April 17, 2023

Filed: May 8, 2023

Effective: May 28, 2023

Executive Order

Governor Noem has signed [Executive Order 2023-07](#), dated May 11, 2023, citing public health and national security risks caused by the nationwide shortage of critical medications. The Order states that medication shortages in the United States increased by thirty percent from 2021 to 2022 and reached a five-year high with 295 active drug shortages at the end of

2022. It further states that approximately ninety percent of all generic drug production facilities are located in China and India. Under the Order, the Department of Health is directed to investigate the medication shortages in the state to determine South Dakota's reliance upon foreign-sourced medications and raw materials and identify all opportunities to mitigate these shortages. The department is to provide a report to the Office of the Governor no later than June 12, 2023, detailing possible actions the state can take as well as any possible federal solutions, through legislation or regulatory action.

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Housing Development			
Authority			
Scott Erickson	Governor	Reappointed	4/19/2023 – 6/30/2027
Sioux Falls			

SCHEDULED PUBLIC HEARINGS

5-15-2023	Bureau of Administration: Amend rules to increase the rate for legal publications; 49 SDR 95, May 1, 2023.
5-19-2023	Department of Social Services: Amend rules to update the Temporary Assistance to Needy Families (TANF) payment standard amounts; update federal medical services eligibility standards that are reflected in rule; update the Medicaid eligibility categories to remove the Limited Coverage Pregnancy Group; extend the eligibility for the Post-Partum Group from 60 days to 12 months; and add the new Adult Group of individuals aged 19 or older and under age 65; 49 SDR 92, April 24, 2023.
5-22-2023	Department of Health: Amend a rule to add dental hygienists to the list of professions eligible to participate in the Rural Healthcare Facility Recruitment Assistance Program; 49 SDR 92, April 24, 2023.
5-22-2023	South Dakota Board of Education Standards (Department of Education): Adopt a rule to require all school districts to uniformly transcribe postsecondary credits onto a student's high school transcript; 49 SDR 95, May 1, 2023.
5-23-2023	South Dakota Division of Insurance (Department of Labor and Regulation): Amend a rule to incorporate the 2023 Medicare Supplement coverage amounts set by the federal government; 49 SDR 95, May 1, 2023.
5-24-2023	South Dakota Board of Massage Therapy (Department of Health): Repeal a rule that requires fees to be remitted to the Board of Massage Therapy in the form of a personal check, cashier's check, certified check, or money order; 49 SDR 96, May 1, 2023.
5-31-2023	South Dakota Housing Development Authority: Adopt rules to specify guidelines, criteria, and processes for the application, approval, and disbursement of loans and grants provided through the South Dakota housing infrastructure fund; 49 SDR 104, May 15, 2023.
6-2-2023	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; 49 SDR 88, April 17, 2023.
6-8-2023	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; 49 SDR 91, April 24, 2023.

6-12-2023	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 disease and condition list; and clarify the methods of reporting; 49 SDR 99, May 8, 2023.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, June 13, 2023, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2023 Interim are scheduled for July 18, August 8, September 12, and November 7. 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.