



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.

Office of the State Auditor: (June 23, 2023) intends to repeal rules regarding receipts for mobile home moving and household moving claims. The general authority for these rules, as cited by the office, is SDCL 4-9-1.1.

A public hearing will be held at the Bear Butte Room, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on July 18, 2023, at 2:30 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Office of the State Auditor, 500 East Capitol Avenue, Pierre, South Dakota 57501. Written comments may also be e-mailed to stateauditor@state.sd.us. The deadline to submit any such written comments for consideration is ten days after the date of the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4174 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to establish a proxy methodology to account for the proportion of individuals covered under the extended postpartum coverage option who would otherwise be eligible for coverage in the adult group and for the newly eligible Federal Medical Assistance Percentage (FMAP). The proposed State Plan Amendment (SPA) amends Supplement 18 to Attachment 2.6A, pages 4 and 6 of the South Dakota Medicaid State Plan. The department intends to make this SPA effective July 1, 2023.

The department's estimate for the fiscal impact associated with this SPA is included in the existing project 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 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 emailed to MedicaidSPA@state.sd.us or sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start June 26, 2023, and end July 26, 2023.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

DEPARTMENT OF HEALTH: 44:71:01:02.

History/Notice: 49 SDR 92, April 24, 2023

Hearing: May 22, 2023

Filed: June 14, 2023

Effective: July 4, 2023

SOUTH DAKOTA DIVISION OF INSURANCE (DEPARTMENT OF LABOR AND REGULATION): Chapter 20:06:13 Appendix D.

History/Notice: 49 SDR 95, May 1, 2023

Hearing: May 23, 2023

Filed: June 14, 2023

Effective: July 4, 2023

SOUTH DAKOTA BOARD OF MASSAGE THERAPY (DEPARTMENT OF HEALTH): 20:76:02:01.

History/Notice: 49 SDR 96, May 1, 2023

Hearing: May 24, 2023

Filed: June 16, 2023

Effective: July 6, 2023

OFFICE OF THE ATTORNEY GENERAL: 02:09:01:01, 02:09:01:02.

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

Hearing: April 24, 2023

Filed: June 20, 2023

Effective: July 10, 2023

SCHEDULED PUBLIC HEARINGS

6-26-2023	<u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> 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.; 49 SDR 113, June 5, 2023.
6-27-2023	<u>Board of Addiction and Prevention Professionals (Department of Social Services):</u> 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 new; update the continuing education requirements; and update regulations to conform to current standards; 49 SDR 110, May 30, 2023.
6-27-2023	<u>Professional Teachers Practices and Standards Commission (Department of Education):</u> Amend rules to clarify references to educators and add a requirement to the code of ethics for the reporting of violations of the code; 49 SDR 117, June 12, 2023.

6-28-2023	<u>State Board of Elections (Office of the Secretary of State):</u> 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 and prescribe the method for testing such equipment; describe how to seal automatic tabulating machines; prescribe ballot box storage and security; clarify how an auditor is to conduct absentee balloting at nursing facilities, assisted living centers, and hospitals; 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; and prescribe the oath for a post-election audit board; 49 SDR 114, June 5, 2023.
7-7-2023	<u>South Dakota Board of Education Standards (Department of Education):</u> 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.
7-10-2023	<u>South Dakota Real Estate Commission (Department of Labor and Regulation):</u> Amend rules to reestablish qualifications for the reinstated restricted broker's license for auctioneers and reinstate a prohibition against unlicensed callers and bid takers in an auction sale; 49 SDR 117, June 12, 2023.
7-11-2023	<u>South Dakota Animal Industry Board (Department of Agriculture and Natural Resources):</u> Adopt and amend rules to comply with and expand upon statutory authority pertaining to confidential records held by a state agency. The board also intends to adopt a rule to specify that sales of retail meat products only occur when the producing retail store has full control of the sanitation, storage, and transportation of the meat product until purchased by the consumer. Additionally, the board seeks to amend rules regarding meat inspection; 49 SDR 117, June 12, 2023.
7-12-2023	<u>Department of Health:</u> Amend rules to define the minimum regulations necessary to maintain the health and safety of residents living in assisted living centers; revise language; correct spelling; update references; add the definition of communicable disease; and add the ability for assisted living centers to stock naloxone for emergency use; 49 SDR 122, June 19, 2023.
7-18-2023	<u>State Board of Finance (Office of the Secretary of State):</u> Amend rules to define terms; repeal reimbursement limits for for-hire and private carriers; repeal allowable household moving expenses; repeal the mobile home moving expense allowance; repeal allowable travel pay in addition to moving expenses; repeal allowable storage expenses; repeal the moving allowance for professionals; repeal the authorization required for reimbursement of moving expenses for professionals; repeal requirements for application for moving expenses for professionals; amend return of transit pay allowance; and repeal allowable travel expenses for professionals; 49 SDR 122, June 19, 2023.
7-18-2023	<u>Office of the State Auditor:</u> Repeal rules regarding receipts for mobile home moving and household moving claims; 49 SDR 129, June 26, 2023.
7-20-2023	<u>Department of Agriculture:</u> Amend and adopt rules to update the state's existing hazardous waste rules by incorporating updated codified federal regulations adopted from July 1, 2018 through June 30, 2022, by reference; 49 SDR 109, May 30, 2023.
7-21-2023	<u>South Dakota Speech-Language Pathology Board of Examiners (Department of Health):</u> Amend and adopt rules to remove unnecessary barriers to licensure; update language to reflect current technology and practice; and correct references to authority and legal references; 49 SDR 110, May 30, 2023.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, July 18, 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 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.