



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 Board of Nursing (Department of Health): (July 24, 2023) intends to adopt and amend rules to revise and modernize the RN and LPN scope and standards of practice to be consistent with practice statutes in SDCL [36-9-3](#) and [36-9-4](#) and national standards of practice; update definitions and terms used; clarify supervision requirements of the LPN, update and modernize the IV therapy tasks an LPN may perform, including the administration of blood components, after obtaining additional education and training; and update tasks and IV medications an LPN may not perform or administer. The general authority for these rules, as cited by the board, is SDCL [36-9-21](#) and [36-9A-41](#).

A public hearing will be held at 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota, on October 10, 2023, at 10:00 a.m. (CT). Interested parties may participate in person or remotely by calling (605) 679-7263 and using conference ID 900 477 784# or via [MS Teams](#) using meeting ID 212 359 045 234 and passcode iGLZww. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, South Dakota Board of Nursing, 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota 57106. Copies of the rules are also available at <https://rules.sd.gov>. Comments may be emailed to linda.young@state.sd.us. The deadline to submit any such written comments for consideration is October 4, 2023. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may email linda.young@state.sd.us or call (605) 362-2760 at least 48 hours before the public hearing.

Department of Health: (July 26, 2023) intends to adopt and amend rules to revise language and update references relating to radiation imaging; adopt 21 CFR 1020.30-1020.33, which all manufacturers of radiation equipment are required by the FDA to meet; include technological advances in radiation imaging equipment; more accurately define which personnel are required to use radiation monitoring devices; provide requirements for monitoring of pregnant radiation equipment operators; require a fixed control booth area for all fixed radiation equipment; and improve radiation equipment operator training, competency, and knowledge of radiation imaging acquisition and radiation safety. The general authority for these rules, as cited by the department, is SDCL [34-1-17](#), [34-21-4.1](#), and [34-21-15](#).

A public hearing will be held at the Department of Health Robert Hayes Building Conference Room, 600 East Capitol Avenue, Pierre, South Dakota, on August 22, 2023, at 2:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501 or online at <https://rules.sd.gov>. Written comments may be sent to the Department of Health, Office of Licensure and Certification, 600 East Capitol Avenue, Pierre, South Dakota 57501 or by going to <https://rules.sd.gov>. The deadline to submit any such written comments for consideration by the department is September 1, 2023. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3361 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to update the South Dakota Medicaid State Plan Hospital Presumptive Eligibility application and training materials to include the expanded adult eligibility group. The proposed state plan amendment (SPA) also replaces the current Hospital Presumptive Eligibility plan pages with the MACPro Reviewable Unit template pages as provided by CMS. The SPA replaces Section 21 of the State Plan.

The department intends to make this SPA effective August 1, 2023, and estimates it will have no fiscal impact in Federal Fiscal Year 2023 and 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 July 31, 2023, and end August 31, 2023.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA COMMISSION ON GAMING (DEPARTMENT OF REVENUE): 20:04:27:12, 20:04:27:13.13, 20:04:27:14, 20:04:27:16, 20:04:27:17.

History/Notice: 49 SDR 109, May 30, 2023

Hearing: June 13, 2023

Filed: July 24, 2023

Effective: August 13, 2023

SCHEDULED PUBLIC HEARINGS

7-31-2023	<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.
8-14-2023	<u>Department of Public Safety:</u> Amend rules to adopt the 2021 editions of the National Board Inspection Code handbook and American Society of Mechanical Engineers Boiler and Pressure Vessel Code handbook, and the 2023 edition of the Commercial Vehicle Safety Alliance handbook; revise rules pertaining to motorcycle safety education courses; and adopt current policy and procedure for the issuance of burn permits; 50 SDR 8, July 17, 2023.
8-22-2023	<u>Professional Administrators Practices and Standards Commission (Department of Education):</u> Amend a rule to add a requirement to the code of ethics for the reporting of violations to the code; 50 SDR 11, July 24, 2023.
8-22-2023	<u>Department of Health:</u> Adopt and amend rules to revise language and update references relating to radiation imaging; adopt CFR 1020.30-1020.33, which all manufacturers of radiation equipment are required by the FDA to meet; include technological advances in radiation imaging equipment; more accurately define which personnel are required to use radiation monitoring devices; provide requirements for monitoring of pregnant radiation equipment operators; require a fixed control booth area for all fixed radiation equipment; and improve radiation equipment operator training, competency, and knowledge of radiation imaging acquisition and radiation safety; 50 SDR 14, July 31, 2023.
8-23-2023	<u>Department of Agriculture and Natural Resources:</u> Amend rules to adopt the model bill and regulations regarding labeling recommendations from the most current Official Publication of the Association of American Feed Control Officials; 50 SDR 8, July 17, 2023.

10-10-2023	South Dakota Board of Nursing (Department of Health) : Adopt and amend rules to revise and modernize the RN and LPN scope and standards of practice to be consistent with practice statutes in SDCL 36-9-3 and 36-9-4 and national standards of practice; 50 SDR 14, July 31, 2023.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2023 Interim is Tuesday, August 8, 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 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.