



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.

Department of Game, Fish and Parks: (March 14, 2024) intends to amend rules to clarify where an individual could hunt on private lands leased for public hunting access; modify methods used for identification on tree stands, platforms, and portable blinds; alter where an individual could place bait stations; change the options for placing owner identification information on unattended trail cameras; clarify that permission must be obtained to use trail cameras on private land leased by the department for hunting access; clarify that the Oahe Downstream Recreation Area, West Shore Lake Access Area, and other areas north of Fort Pierre observe the Central Time zone; adjust counties for the August Management Take hunting season unit; revise the number of available nonresident waterfowl licenses; adjust the number of "any elk" and "antlerless elk" licenses for the Black Hills and Custer State Park elk hunting seasons; modify the maximum number of "any elk" licenses and provide the option for "antlerless elk" licenses for the Custer State Park early archery elk hunting season; modify the maximum number of "any elk" and "antlerless elk" licenses for the archery elk hunting season; revamp unit boundary descriptions for Black Hills archery elk and Black Hills firearm elk hunting units; adjust the number of "antlerless elk" licenses for the Special Custer State Park antlerless elk hunting season; modify unit boundary descriptions for the bighorn sheep hunting season; specify the maximum number of ram bighorn sheep licenses available; modify the number of "any elk" and "antlerless elk" licenses for the prairie elk hunting season; and adjust unit boundary descriptions for the prairie elk hunting season. The general authority for these rules, as cited by the department, is SDCL [41-2-18](#), [41-6-18.2](#), [41-6-18.4](#), [41-6-21](#), [41-11-5](#), and [41-17-1.1](#).

A public hearing will be held at the Matthews Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on April 4, 2024, at 2:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. The rules are also available online at <https://rules.sd.gov>. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. All written and email comments must include the name, city, and state of the person submitting them. The comment period will close 72 hours prior to the date of the 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

Notice

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan regarding prescribed drugs. The proposed state plan amendment (SPA) allows for coverage of select over-the-counter drugs manufactured by a firm that does not have a signed rebate agreement with the United States Department of Health and Human Services. South Dakota Medicaid is implementing coverage of iron supplements for pregnant women through this amendment. The SPA also allows for South Dakota Medicaid to enter into value-based agreements with manufacturers on a voluntary basis, which would allow the state to recoup partial payment for select high-cost drugs if a drug does not achieve agreed upon health outcomes. The SPA amends page 20 of Supplement to Attachment 3.1-A of the Medicaid State Plan.

The department intends to make this SPA effective April 1, 2024, and estimates its fiscal impact will be \$13,607 in state funds and \$20,393 in federal funds, totaling \$34,000 in Federal Fiscal Year 2024, and \$40,786 in state funds and \$27,214 in federal funds, totaling \$68,000 in Federal Fiscal Year 2025.

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 the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start March 18, 2024, and end April 17, 2024.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
Board of Massage Therapy			
Thor R. Thonvold Watertown	Governor	Christine Ellwein	3/15/2024 – 10/30/2026
State Board of Medical and Osteopathic Examiners			
Heather N. Spies Sioux Falls	Governor	Jeffrey Murray	3/15/2024 – 10/30/2026

SCHEDULED PUBLIC HEARINGS

3-19-2024	South Dakota Commission on Gaming (Department of Revenue) : Amend a rule to add an additional pay level to the TriLux Bonus Blackjack with Super 3 table game; 50 SDR 101, February 26, 2024.
3-25-2024	Department of Health : Amend a rule to correct language to clarify that home health agency personnel and hospice providers are required to be Medicare-certified, not Medicaid-certified; 50 SDR 104, March 4, 2024.
4-4-2024	Department of Game, Fish and Parks : Amend rules to clarify where an individual could hunt on private lands leased for public hunting access; modify methods used for identification on tree stands, platforms, and portable blinds; alter where an individual could place bait stations; change the options for placing owner identification information on unattended trail cameras; clarify that permission must be obtained to use trail cameras on private land leased by the department for hunting access; clarify that the Oahe Downstream Recreation Area, West Shore Lake Access Area, and other areas north of Fort Pierre observe the Central Time zone; adjust counties for the August Management Take hunting season unit; revise the number of available nonresident waterfowl licenses; adjust the number of "any elk" and "antlerless elk" licenses for the Black Hills and Custer State Park elk hunting seasons; modify the maximum number of "any elk" licenses and provide the option for "antlerless elk" licenses for the Custer State Park early archery elk hunting season; modify the maximum number of "any elk" and "antlerless elk" licenses for the archery elk hunting season; revamp unit boundary descriptions for Black Hills archery elk and Black Hills firearm elk hunting units; adjust the number of "antlerless elk" licenses for the Special Custer State Park antlerless elk hunting season; modify unit boundary descriptions for the bighorn sheep hunting season; specify the maximum number of ram bighorn sheep licenses available; modify the number of "any elk" and "antlerless elk" licenses for the prairie elk hunting season; and adjust unit boundary descriptions for the prairie elk hunting season; 50 SDR 109, March 18, 2024.

5-8-2024	South Dakota Board of Funeral Service (Department of Health) : Amend rules to reflect changes to statutes during the 2023 and 2024 legislative sessions, the effect of which is to remove unnecessary barriers to licensure, update language to reflect current terminology and practice, and correct legal and authority references; 50 SDR 101, February 26, 2024.
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RULES REVIEW COMMITTEE MEETINGS

The first meeting of the Interim Rules Review Committee for the 2024 Interim is Monday, April 15, 2024, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2024 Interim are scheduled for May 7, June 10, July 16, August 20, September 10, and October 22. 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.