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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 Pharmacy (Department of Health): (March 18, 2024) intends to amend rules to provide for a small fee increase for pharmacists, and update wording, references, compounding standards, and changes in intern and technician vaccine administration standards. The general authority for these rules, as cited by the department, is SDCL [36-11-2.2](#), [36-11-10](#), [36-11-11](#), [36-11-16](#), [36-11-19](#), [36-11-19.1](#), [36-11-19.2](#), [36-11-19.3](#), [36-11-23](#), [36-11-23.2](#), [36-11-25](#), [36-11-32](#), [36-11-43](#), [36-11-68](#), and [36-11-72](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Hamlet Building, Room 202, 4001 West Valhalla Boulevard, Sioux Falls, South Dakota, on April 12, 2024, at 2:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Board of Pharmacy website at pharmacy.sd.gov or at <https://rules.sd.gov>. Written comments may be sent to the South Dakota Board of Pharmacy, 4001 West Valhalla Boulevard, Suite 106, Sioux Falls, South Dakota, 57106, or submitted by email to PharmacyBoard@state.sd.us. Material sent by mail or e-mail must reach the board by April 9, 2024, 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) 362-2737 at least 48 hours prior to the hearing.

South Dakota Division of Insurance (Department of Labor and Regulation): (March 21, 2024) intends to amend a rule to incorporate the 2024 Medicare Supplement coverage amounts set by the federal government. The general authority for this rule, as cited by the division, is SDCL [58-17A-2](#) and [58-17A-5](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Oahe Conference Room, 124 South Euclid Avenue, 1st Floor, Pierre, South Dakota, on April 15, 2024, at 9:30 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, South Dakota Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota 57501. Comments may also be emailed to lisa.harmon@state.sd.us. Copies of the proposed rules are also available at http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx or by email request to lisa.harmon@state.sd.us. Information submitted in writing must be received on or before April 25, 2024, 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) 773-3563 at least 48 hours before the public hearing.

Notice

The **Department of Social Services**, in conjunction with the **Department of Human Services**, has proposed an amendment to the CHOICES Medicaid 1915 (c) Waiver which is operated by the **Division of Developmental Disabilities (DDD)** in the Department of Human Services (DHS). The [proposed CHOICES waiver amendment](#) is available on the Department of Human Services website.

The purpose of the amendment relates to the post-eligibility treatment of income formula to remove the calculation related to the unearned income for participants eligible for the waiver. This will reduce the financial burden on CHOICES waiver participants, allowing them to better support ongoing financial needs related to rent, food, clothing, and participation in community life. DHS/DDD is also requesting to include an initial intellectual/developmental disability screening to be completed by the department prior to a final waiver eligibility determination being made by the Department of Social Services. This initial screening will allow DHS/DDD to quickly review a participant's eligibility status and communicate a timely decision while still allowing them the right to repeal. DHS/DDD is also revising the CHOICES waiver section G-1 to reflect the most recent revisions to administrative rules regarding the provider policy on abuse, neglect, and exploitation. The revision will ensure that providers have appropriate policies and procedures in place to address potential abuse, neglect, and exploitation of waiver participants.

The proposed CHOICES Medicaid waiver amendment, which has a proposed effective date of June 1, 2024, will be open for public comment for 30 days, from March 21, 2024, to April 20, 2024. Comments may be emailed to infodd@state.sd.us, submitted by phone to (605) 773-3438, or mailed to the Division of Developmental Disabilities, ATTN: CHOICES Waiver Amendment, 500 East Capitol, Pierre, South Dakota 57501. Copies of the proposed amendment are available at the Division of Developmental Disabilities or by written request to the address shown above.

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			
Alvin K. Trace Hermosa	Governor	Reappointed	3/19/2024 – 10/30/2026
State Brand Board			
Jesse J. Longbrake Dupree	Governor	David Paul	3/20/2024 – 1/4/2027
Teacher Compensation Review Board			
Joseph J. Graves Mitchell	Governor	Reappointed	3/19/2024 – 3/1/2027

SCHEDULED PUBLIC HEARINGS

3-25-2024	<u>Department of Health:</u> 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	<u>Department of Game, Fish and Parks:</u> 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.
4-12-2024	South Dakota Board of Pharmacy (Department of Health) : Amend rules to provide for a small fee increase for pharmacists, and update wording, references, compounding standards, and changes in intern and technician vaccine administration standards; 50 SDR 112, March 25, 2024.
4-15-2024	South Dakota Division of Insurance (Department of Labor and Regulation) : Amend a rule to incorporate the 2024 Medicare Supplement coverage amounts set by the federal government; 50 SDR 112, March 25, 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.

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.