



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 50

Tuesday, 8:00 a.m., April 2, 2024

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 Aeronautics Commission (Department of Transportation): (March 27, 2024) intends to amend rules to ensure administrative rules correctly identify the General Authority and Law Implemented regarding [Ch. 70:02:04](#), and eliminate outdated statutory references. The general authority for these rules, as cited by the department, is SDCL [50-5-3](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on April 18, 2024, at 2:00 p.m. (CT). Interested parties may also participate by telephone by calling (866) 705-2554 and using conference code 153277. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the South Dakota Department of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Copies of the rules are also available at <https://rules.sd.gov>. Comments may also be emailed to Joel.Jundt@state.sd.us. The deadline to submit any written comments for consideration by the South Dakota Aeronautics Commission is April 15, 2024. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call the department's ADA Coordinator at (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

Department of Human Services: (March 28, 2024) intends to amend a rule to allow providers of CHOICES waiver services to cease providing services to participants appealing a termination notice after a decision is issued, or ninety days from the date of the termination notice, whichever is sooner; to clarify who may appeal; and clarify what is reviewed during appeal hearings. The general authority for these rules, as cited by the department, is SDCL [27B-2-26](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held at the Hillview Building, Seasons Conference Room, 3800 East Highway 34, Pierre, South Dakota, on April 30, 2024, at 11:00 a.m. (CT). Interested persons may also participate by link at <https://bit.ly/DHS-ARSD-Termination-Rule> (Meeting ID 236 216 459 797, Passcode cnwgc6); by telephone by calling (605) 679-7263 and using conference code 798 649 295#; or by video conferencing device at [teams@ddn.sd.gov](https://teams.ddn.sd.gov) using video ID 116 809 772 1. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rule may be sent to, the Department of Human Services, Hillview Plaza, 3800 East Highway 34, c/o 500 East Capitol Avenue, Pierre, South Dakota 57501 or by email to DHSInfo@state.sd.us. Copies of the rule are also available at <https://rules.sd.gov>. Material sent by mail or email must reach the department by May 14, 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) 773-5990 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan regarding substance use disorder treatment services. The proposed state plan amendment (SPA) restores permanent coverage of substance use disorder (SUD) services provided to eligible individuals in institutions for mental disease (IMDs) formerly allowed under the SUPPORT Act which sunset on September 30, 2023. The SPA amends page 1 of Attachment 3.1-M of the Medicaid State Plan by removing the end date on this service. The department intends to make this SPA effective October 1, 2023, in accordance with Section 204 of the Consolidated Appropriations Act (CCA), 2024.

These services are currently covered by the Department of Social Services, Division of Behavioral Health. Coverage under the Medicaid State Plan represents a cost savings to the state due to the federal match. The department estimates the cost of a full year of services associated with this SPA to be \$750,717 in state funds and \$1,125,138 in federal funds, totaling \$1,875,855 in Federal Fiscal Year 2024, and \$750,717 in state funds and \$1,125,138 in federal funds, totaling \$1,875,855 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 April 2, 2024, and end May 2, 2024.

SCHEDULED PUBLIC HEARINGS

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	<u>South Dakota Board of Pharmacy (Department of Health):</u> 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	<u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> Amend a rule to incorporate the 2024 Medicare Supplement coverage amounts set by the federal government; 50 SDR 112, March 25, 2024.
4-18-2024	<u>South Dakota Aeronautics Commission (Department of Transportation):</u> (March 27, 2024) intends to amend rules to ensure administrative rules correctly identify the General Authority and Law Implemented regarding Ch. 70:02:04 , and eliminate outdated statutory references; 50 SDR 115, April 2, 2024.

4-19-2024 NOTE: Hearing was originally scheduled for March 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.
4-30-2024	<u>Department of Human Services:</u> Amend a rule to allow providers of CHOICES waiver services to cease providing services to participants appealing a termination notice after a decision is issued, or ninety days from the date of the termination notice, whichever is sooner; to clarify who may appeal; and clarify what is reviewed during appeal hearings; 50 SDR 115, April 2, 2024.
5-8-2024	<u>South Dakota Board of Funeral Service (Department of Health):</u> 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.