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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 Social Services: (May 24, 2024) intends to repeal Medicaid recipient cost sharing requirements and adopt or amend rules to update citations; update nursing facility level of care classifications; clarify classification levels; and detail what settings or services apply to each level of care classification. The general authority for these rules, as cited by the department, is SDCL [28-6-1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Department of Social Services Building, Prairie Conference Room, 811 East 10th Street, Sioux Falls, South Dakota, on June 21, 2024, at 10:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 941 423 829#. Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, South Dakota 57103. The rules are also available online at <http://rules.sd.gov>. Comments and requests for copies of the proposed rules may also be emailed to DSSAdminRules@state.sd.us. Written comments must reach the department by July 1, 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) 367-5444, extension 1000309, at least 48 hours before the public hearing.

SCHEDULED PUBLIC HEARINGS

6-5-2024	<u>South Dakota Board of Nursing (Department of Health):</u> Adopt and amend rules to revise the approval process for clinical enrichment programs and use of nurse preceptors, add requirements for nurses and registrants to report to the board within 60 days a new address, name, or other reportable event; 50 SDR 132, May 6, 2024.
6-11-2024	<u>South Dakota Secretary of State:</u> Amend rules to add e-notary to the current notary public form and modify the oath to better conform to other oaths currently in use; 50 SDR 135, May 13, 2024.
6-11-2024	<u>Department of Human Services:</u> Amend rules to update and add definitions; clarify institutionalized and clarify the setting for eligibility; add the requirement for HOPE waiver services to include that the individual must have an Individual Support Plan per the Centers for Medicare and Medicaid Services; update the provisions; clarify the requirement for each individual to participate in a needs assessment when applying for HOPE waiver services and participate in the assessment; specify the contents of the individual support plan and that it must be signed by the participant; clarify the department must annually redetermine the participant's level of care; and update and reorder the list of services available through the HOPE waiver; clarify language on the participant cost share when applicable; update the location of the fee schedule; update reasons for discontinuance or denial; and add the cost of services and an exceptions process; 50 SDR 137, May 20, 2024.

6-11-2024	Department of Game, Fish and Parks : Amend rules to describe a new prairie elk season license type; describe a qualifying landowner or landowner-operator; establish the fee for the landowner on own land antlerless elk license; repeal ARSD 41:06:27:02.07 in order to allow an individual to obtain more than one elk raffle license in a lifetime; and modify the restrictions of nonresidents in the taking of a raccoon; 50 SDR 138, May 20, 2024.
6-21-2024	Department of Social Services : Repeal Medicaid recipient cost sharing requirements and adopt or amend rules to update citations; update nursing facility level of care classifications; clarify classification levels; and detail what settings or services apply to each level of care classification; 50 SDR 148, June 3, 2024.
6-25-2024	South Dakota Commission on Gaming (Department of Revenue) : Amend rules to incorporate the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommend Penalties as applied to authorized drugs used in relation to horse racing; 50 SDR 138, May 20, 2024.
7-8-2024	South Dakota Board of Education Standards (Department of Education) : Amend rules to align with the appeal window in codified law and make updates for consistent reference to due process complaints and the 30-day resolution period; 50 SDR 128, April 29, 2024.
7-23-2024	South Dakota Electrical Commission (Department of Labor and Regulation) : Amend rules to adopt the 2023 National Electrical Code (NEC); implement standards for the approval and management of third-party inspectors; apply the statutory minimum inspection fee of one hundred dollars under SDCL 36-16-30; and formalize the third-party inspector process; 50 SDR 142, May 28, 2024.
8-16-2024	South Dakota Board of Podiatry Examiners (Department of Health) : Amend a rule to update the renewal fees to ensure financial viability of the board; 50 SDR 137, May 20, 2024.
8-20-2024	South Dakota Board of Physical Therapy (Department of Health) : Amend rules to update the activities that meet continuing education requirements and update the waiver of continuing education requirements; 50 SDR 142, May 28, 2024.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2024 Interim is Monday, June 10, 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 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.