



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.

Board of Barber Examiners (Department of Labor and Regulation): (March 11, 2025) intends to amend rules to revise the renewal date for a barber school license; increase fees for barber certificate renewal, barber certificate restoration, barber certificate restoration annual penalty, barber school license, barbershop license (initial and renewal), and barber chair license (initial and renewal); and establish new fee rules for fees related to annual inspections and initial barber licensure. The general authority for these rules, as cited by the department, is SDCL [36-14-9](#), [36-14-24](#), [36-14-27](#), and [36-14-30](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held via Microsoft Teams on April 1, 2025, at 10:00 a.m. (CT). Persons may access the Microsoft Teams meeting at <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and use meeting ID 272 655 084 461 and passcode Zx22aT2D. Interested parties may also attend by calling (605) 679-7263 and using conference code 338 399 043#. Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, the Board of Barber Examiners, 217 West Missouri Avenue, Pierre, South Dakota 57501 or by email to tyler.evins@state.sd.us. Copies of the rules are also available online at <https://rules.sd.gov>. The deadline to submit any written comments for consideration is no later than 10:00 a.m. (CT) on March 29, 2025. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 295-7727 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (March 14, 2025) intends to adopt, amend, or repeal rules to clarify the use of personal flotation devices; ensure that required fire extinguishers on boats operated in public waters are in serviceable condition and not expired; include PRE-09A and PRE-27A in Prairie Elk Hunting Season units eligible for a landowner-own-land resident-only antlerless elk license; remove the reference to a locking seal requirement for Canada geese; increase the daily limit of pintail ducks and reduce the bonus blue-winged teal season to nine days; modify the season dates in Unit 3 to match the season dates in Unit 2 for Canada geese; allow hunting in CGW-11A with an appropriate waterfowl license without the requirement to obtain a permit specific to Bennett County; remove language describing bag limits, permit requirements, and the application process for CGW-11A Special Canada Goose; move twenty-five nonresident licenses from NRW-11A to NRW-00B; preclude ARSD 41:06:50:02 from referencing Unit 3; expand the unit boundary for BHS-BH4 and clean up unit descriptions; expand PRE-09A and PRE-27A season dates; expand PRE-WRA; and allow the initiation of the pursuit of a mountain lion with dogs outside the Black Hills Fire Protection District to occur anywhere. The general authority for these rules, as cited by the department, is SDCL [32-3A-1](#), [41-2-18](#), [41-6-18.2](#), [41-6-18.4](#), [41-6-19.3](#), [41-6-19.4](#), [41-6-19.9](#), [41-8-15](#), and [41-11-5](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Matthews Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on April 3, 2025, 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).

Department of Social Services: (March 14, 2025) intends to update adoption rules specific to kinship adoptions and to create a new foster licensure pathway for kinship foster homes. The general authority for these rules, as cited by the department, is SDCL [26-4-9.1](#) and [26-6-16](#).

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, Linden Conference Room C207, 1501 South Highline Avenue, Sioux Falls, South Dakota, on April 14, 2025, at 11:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 843 219 069#. 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 C0202, Department of Social Services, 1501 South Highline Avenue, Sioux Falls, South Dakota 57110. 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 April 24, 2025, 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) 674-5771 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to make changes to the clinic services section of the South Dakota Medicaid State Plan. Clinic services are a specific benefit type, distinct from physician services, which generally only permit services inside a physical building. Providers included in the clinic benefit include ambulatory surgical centers, renal dialysis clinics, Indian Health Service (IHS) clinics, and Department of Health clinics. On November 27, 2024, Centers for Medicare and Medicaid (CMS) published a final rule clarifying coverage of clinic services furnished outside the clinic as allowable in certain circumstances under 42 CFR 440.90. CMS is requiring states to submit a state plan amendment (SPA) to incorporate attestation pages to indicate the state is in compliance with this federal regulation.

These proposed SPA pages provide assurances that South Dakota Medicaid covers clinic services furnished outside the clinic to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address; and outside a clinic operated by the IHS or by a Tribe or Tribal organization by clinic personnel under the direction of a physician.

The SPA has an effective date of January 1, 2025, and adds template pages 15a-15f to Supplement to Attachment 3.1-A of the Medicaid State Plan. The department estimates there will be no fiscal impact associated with this SPA in Federal Fiscal Year 2025 and Federal Fiscal Year 2026 as coverage was formerly permitted by CMS as a COVID-19 public health emergency exception that was extended through February 11, 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 17, 2025, and end April 16, 2025.

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 Economic Development			
David R. Emery Rapid City	Governor	Reappointed	4/20/2025 - 4/20/2029
Jeffery A. Erickson Sioux Falls	Governor	Reappointed	4/20/2025 - 4/20/2029
Michael V. Luken Watertown	Governor	Reappointed	4/20/2025 - 4/19/2029

SCHEDULED PUBLIC HEARINGS

3-18-2025	<u>South Dakota Commission on Gaming (Department of Revenue)</u> : Amend rules to offer a variation of play and corresponding pay table for Blackjack called Double Down Madness and a new poker game called Run 'em Twice Poker; 51 SDR 90, March 3, 2025.
3-27-2025	<u>South Dakota Lottery Commission (Department of Revenue)</u> : Amend rules to permit video lottery terminal logic boards to be cleared and/or replaced by Type II Technicians or the Lottery, in addition to manufacturers; 51 SDR 92, March 10, 2025.
4-1-2025	<u>Board of Barber Examiners (Department of Labor and Regulation)</u> : Amend rules to revise the renewal date for a barber school license; increase fees for barber certificate renewal, barber certificate restoration, barber certificate restoration annual penalty, barber school license, barbershop license (initial and renewal), and barber chair license (initial and renewal); and establish new fee rules for fees related to annual inspections and initial barber licensure; 51 SDR 95, March 17, 2025.
4-3-2025	<u>South Dakota State Fair (Department of Agriculture and Natural Resources)</u> : Amend a rule to restructure how camping fees are assessed, with rates based on campsite location and extra fees based on available amenities; 51 SDR 92, March 10, 2025.
4-3-2025	<u>Department of Game, Fish and Parks</u> : Adopt, amend, or repeal rules to clarify the use of personal flotation devices; ensure that required fire extinguishers on boats operated in public waters are in serviceable condition and not expired; include PRE-09A and PRE-27A in Prairie Elk Hunting Season units eligible for a landowner-own-land resident-only antlerless elk license; remove the reference to a locking seal requirement for Canada geese; increase the daily limit of pintail ducks and reduce the bonus blue-winged teal season to nine days; modify the season dates in Unit 3 to match the season dates in Unit 2 for Canada geese; allow hunting in CGW-11A with an appropriate waterfowl license without the requirement to obtain a permit specific to Bennett County; remove language describing bag limits, permit requirements, and the application process for CGW-11A Special Canada Goose; move twenty-five nonresident licenses from NRW-11A to NRW-00B; preclude ARSD 41:06:50:02 from referencing Unit 3; expand the unit boundary for BHS-BH4 and clean up unit descriptions; expand PRE-09A and PRE-27A season dates; expand PRE-WRA; and allow the initiation of the pursuit of a mountain lion with dogs outside the Black Hills Fire Protection District to occur anywhere; 51 SDR 95, March 17, 2025.

<p>4-7-2025</p>	<p><u>South Dakota Board of Examiners in Optometry (Department of Health)</u>: Amend rules to clarify licensing standards by updating the national board examination terminology; create guidelines for delegation; clarify telehealth standards; update minimum office equipment; clarify office inspection requirements; and update provisions relating to corporate practice registration; 51 SDR 85, February 10, 2025.</p>
<p>4-14-2025</p>	<p><u>Department of Social Services</u>: Update adoption rules specific to kinship adoptions and to create a new foster licensure pathway for kinship foster homes; 51 SDR 96, March 17, 2025.</p>
<p>7-14-2025</p>	<p><u>South Dakota Board of Hearing Aid Dispensers and Audiologists (Department of Health)</u>: Amend rules to reflect changes made to statutes during the 2024 legislative session; provide general language clean-up to reflect current terminology and practice; and correct legal and authority references; 51 SDR 80, January 27, 2025.</p>

RULES REVIEW COMMITTEE MEETINGS

The first meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, April 8, 2025, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol. Future meetings for the 2025 Interim are scheduled for May 6, June 10, July 15, August 19, September 9, and October 7. Notices of future committee meetings will be posted 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.