



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.

South Dakota Board of Elections (Office of the Secretary of State): (April 10, 2025) intends to amend rules to comply with statute terminology changing "someone" to "absentee ballot messenger;" allow flexibility as to using ballot style for Express Vote; clarify that the recount board supervises the testing of the tabulators; update terminology relating to recount boards; clarify that receipts for returning absentee ballots go to authorized messengers; update the cost of purchasing voter registration files to comply with 2025 legislative changes; update the voter registration form and voter registration instructions to comply with 2025 legislative changes; update the verification notice to comply with USPS rules and regulations; and allow auditors to use letters instead of postcards for the list maintenance process. The general authority for these rules, as cited by the board, is SDCL [12-1-9](#), [12-4-35](#), [12-17B-7](#), and [12-17B-17](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the South Dakota Capitol Building, Room 362, 500 East Capitol Avenue, Pierre, South Dakota, on May 7, 2025, at 1:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the South Dakota Board of Elections, 500 East Capitol Avenue, Pierre, South Dakota 57501. Copies are also available at <https://rules.sd.gov> or <https://sdsos.gov>. Written comments on the proposed rules may be sent to the South Dakota Board of Elections, 500 East Capitol Avenue, Suite 204, Pierre, South Dakota 57501 or emailed to elections@state.sd.us. The deadline to submit any such written comments for consideration is seventy-two hours before the date of the public hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the office can make arrangements may call (605) 773-3537 at least 48 hours before the public hearing.

Department of Social Services: (April 11, 2025) intends to update federal medical services eligibility standards that are reflected in rule for the Division of Economic Assistance. The general authority for these rules, as cited by the department, is SDCL [28-6-1](#) and [28-6-18](#).

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 May 16, 2025, at 11:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 447 156 796#. 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 May 26, 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.

Department of Social Services: (April 11, 2025) intends to repeal the private adoption home study reimbursement rate pursuant to [House Bill 1005](#), passed by the 2025 Legislature. The general authority for this rule, as cited by the department, is SDCL [25-6-9.1](#) and [26-4-9.1](#).

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, Linden Conference Room C207, 1501 South Highline Avenue, Sioux Falls, South Dakota, on May 16, 2025, at 11:00 a.m. (CT). Interested parties may also attend by calling (605) 679-7263 and using conference code 447 156 796#. 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 May 26, 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 notice below was previously issued on December 16, 2024, and is being reissued per guidance from the Centers for Medicare and Medicaid Services to include assurances regarding EPSDT and tribal consultation. Please note that the rest of the notice remains unchanged and the reissuance of the notice does not impact the underlying services.

The **Department of Social Services** intends to make a change to the South Dakota Medicaid State Plan to bring the Alternative Benefit Plan for the expanded adult population into alignment with two Medicaid state plan amendments (SPAs) to add coverage of doula services (SPA #24-0017) and targeted case management services (SPA #25-0003). Medicaid SPA 25-0003 is currently pending approval. The SPA amends page 45 of ABP5: Benefits Description within the Alternative Benefit Plan. The department intends to make this SPA effective January 1, 2025.

The agency assures that individuals under twenty-one years of age may receive additional services if determined medically necessary, pursuant to EPSDT federal regulations, Section 440.345 of Title 42 of the Code of Federal Regulations. The agency also assures that tribal consultation is conducted in compliance with 5006(e) of the American Recovery and Reinvestment Act of 2009.

The department's estimate for the fiscal impact associated with this SPA is included in the existing projections for the Doula Services SPA #24-0017 as provided in the October 21, 2024, Public Notice which is \$50,984 in state funds and \$75,413 in federal funds, totaling \$127,397 in Federal Fiscal Year 2025, and \$67,979 in state funds and \$101,884 in federal funds, totaling \$167,863 in Federal Fiscal Year 2026. The department's estimate for the fiscal impact associated with this SPA is also included in the existing projections for the Targeted Case Management SPA #25-0003 as provided in the December 16, 2024, Public Notice which is \$62,934 in state funds and \$88,896 in federal funds, totaling \$151,830 in Federal Fiscal Year 2025, and \$83,911 in state funds and \$118,529 in federal funds, totaling \$202,440 in Federal Fiscal Year 2026.

The SPAs are 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 14, 2025, and end May 14, 2025.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

BOARD OF BARBER EXAMINERS (DEPARTMENT OF LABOR AND REGULATION): 20:39:03:04; 20:39:05:01, 20:39:05:03, 20:39:05:04, 20:39:05:05.

History/Notice: 51 SDR 95, March 17, 2025

Hearing: April 1, 2025

Filed: April 8, 2025

Effective: April 28, 2025

DEPARTMENT OF HUMAN SERVICES: 46:11:05:09.01, 46:11:05:09.02.

History/Notice: 51 SDR 72, January 13, 2025

Hearing: March 7, 2025

Filed: April 11, 2025

Effective: May 1, 2025

SCHEDULED PUBLIC HEARINGS

4-14-2025	<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.
4-14-2025	<u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> Amend rules to incorporate the 2025 Medicare Supplement coverage amounts set by the federal government; 51 SDR 101, March 31, 2025.
4-23-2025	<u>South Dakota Board of Accountancy (Department of Labor and Regulation):</u> Amend rules to revise the fees for initial licensure certificates and firm permits, renewal certificates and firm permits, initial and renewal firm owners, peer review administration fee, examination and reexamination application fee to the board, late fees, and replacement fee for a certificate or fee permit; 51 SDR 102, March 31, 2025.
4-30-2025	<u>South Dakota Electrical Commission (Department of Labor and Regulation):</u> Amend rules to increase the costs of wiring permits from fifteen to twenty dollars; increase various inspection fees on electrical installation; repeal the following unique fee categories: outdoor signs and lighting, field irrigation systems, swimming pools, and carnivals; increase the cost of apartments from fifty to one hundred fifty dollars; and increase the administrative fee from one hundred to two hundred fifty dollars; 51 SDR 101, March 31, 2025.
5-7-2025	<u>South Dakota Board of Funeral Service (Department of Health):</u> Amend rules to clarify trainee program requirements; clarify trainee program supervision requirements; and update licensure fees for funeral service licensees and funeral establishments; 51 SDR 104, April 7, 2025.
5-7-2025	<u>South Dakota Board of Elections (Office of the Secretary of State):</u> Amend rules to comply with statute terminology changing "someone" to "absentee ballot messenger;" allow flexibility as to using ballot style for Express Vote; clarify that the recount board supervises the testing of the tabulators; update terminology relating to recount boards; clarify that receipts for returning absentee ballots go to authorized messengers; update the cost of purchasing voter registration files; update the voter registration form and voter registration instructions; update the verification notice to comply with USPS rules and regulations; and allow auditors to use letters instead of postcards for the list maintenance process; 51 SDR 106, April 14, 2025.

5-16-2025	Department of Social Services : Update federal medical services eligibility standards that are reflected in rule for the Division of Economic Assistance; 51 SDR 106, April 14, 2025.
5-16-2025	Department of Social Services : Repeal the private adoption home study reimbursement rate pursuant to House Bill 1005 , passed by the 2025 Legislature; 51 SDR 107, April 14, 2025.
7-14-2025	South Dakota Board of Hearing Aid Dispensers and Audiologists (Department of Health) : 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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, May 6, 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 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.