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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 Division of Insurance (Department of Labor and Regulation): (April 25, 2025) intends to amend rules to update the sources referenced in rule to ensure parties are referring to the most recent edition of the sources; update outdated language; and change continuing education course sponsor to continuing education course provider. The general authority for these rules, as cited by the division, is SDCL [58-3-11](#), [58-3-26](#), [58-4-1](#), [58-4-48](#), [58-6-75](#), [58-26-13.1](#), [58-26-45.1](#), [58-26-46](#), [58-27-7](#), [58-27-108](#), [58-30-11](#), [58-30-117](#), and [58-30-122](#).

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 May 19, 2025, at 10:00 a.m. (CT). Information submitted in writing must be received on or before May 29, 2025, to be considered. 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 and <https://rules.sd.gov/> or by email request to lisa.harmon@state.sd.us. Members of the public wishing to appear at the hearing remotely should contact the division for more information by May 14, 2025. This hearing is being held in a physically accessible location. Persons with special needs for which the division can make arrangements may call (605) 773-3563 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan regarding rehabilitation services. The proposed state plan amendment (SPA) implements community mental health center (CMHC) and substance use disorder (SUD) agency rate increases appropriated by the South Dakota Legislature during the 2025 legislative session, effective June 1, 2025. Medicaid CMHC and SUD agency services will receive a 1.25% rate increase. The updated fee schedules will be posted by June 1, 2025, on the department's website at <https://dss.sd.gov/medicaid/providers/feeschedules/>. South Dakota Medicaid providers should continue to submit claims and bill South Dakota Medicaid as they did prior to June 1, 2025. Fee schedules are the maximum allowable reimbursement amount; per ARSD 67:16:01:09, payment for services is limited to the provider's usual and customary charge.

The SPA also adds coverage and provider qualifications for non-clinical individual and group peer support services to help Medicaid beneficiaries engaged in CMHCs and SUD agencies become and stay engaged in the recovery process, and reduce the likelihood of relapse. Peer support workers must attest to lived experience and ongoing recovery from a mental health diagnosis or substance use disorder; completed department-approved training; be employed by a CMHC or SUD agency; and be supervised by a mental health professional, certified addiction counselor, licensed addiction counselor, or peer with at least two years of direct experience providing peer services. Payment for peer support services is limited to the lesser of the provider's usual and customary charge or the fee contained in South Dakota Medicaid's fee schedule as follows:

Code	Description	Fee
H0038	Peer services, per 15 minutes	\$17.08
H0025	Peer services, 2-10 patients per 15 minutes	\$7.26

The SPA has an effective date of June 1, 2025, and amends Pages 30-31 and 31b-31c to Supplement to Attachment 3.1-A and Introduction Page 1 of Attachment 4.19-B of the South Dakota Medicaid State Plan. The department estimates its fiscal impact will be \$167,754 in state funds and \$189,702 in federal funds, totaling \$357,455 in Federal Fiscal Year 2025, and \$509,696 in state funds and \$562,670 in federal funds, totaling \$1,072,366 in Federal Fiscal Year 2026.

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 28, 2025, and end May 28, 2025.

SCHEDULED PUBLIC HEARINGS

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.
5-8-2025	<u>Department of Game, Fish and Parks:</u> Amend rules to establish a definition for "tagged/tagging"; modify the requirement of the mentored hunting program; change license types to include mentored hunter licenses; allow for the switch to an electronic tagging option in the future; provide the option for a physical locking seal tag or an electronic tag for tundra swans; allow the Game, Fish and Parks Commission to establish mentored youth hunting seasons; clean up boundary descriptions and correct county road references for the Black Hills Deer Open Unit; specify the special deer licenses available to residents and nonresidents and clean up boundary descriptions; modify antlerless hunting unit boundary criteria and specifications to license types; clarify that the antlerless whitetail license may be available in units that offer firearm antlerless licenses to allow some limited firearm hunting opportunity without creating an unlimited archery opportunity; update specifications to archery deer license types and more directly specify the limits to the number of licenses an individual may purchase; correct an error in a unit description for the apprentice hunter deer hunting season; allow for specifications to muzzleloading deer hunting license types; clarify that antlerless whitetail licenses may be available in units that offer firearm antlerless licenses to allow for some limited firearm hunting opportunity without creating an unlimited muzzleloading deer hunting opportunity; remove specifications to general muzzleloading deer hunting licenses; modify the youth waterfowl

	hunting season to include the mentored hunter season; and change the mentee requirements for youth waterfowl hunting; 51 SDR 110, April 22, 2025.
5-16-2025	<u>Department of Social Services:</u> 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	<u>Department of Social Services:</u> Repeal the private adoption home study reimbursement rate pursuant to <u>House Bill 1005</u> , passed by the 2025 Legislature; 51 SDR 107, April 14, 2025.
5-19-2025	<u>South Dakota Board of Education Standards (Department of Education):</u> Amend and adopt rules to require all certified educators, new to the profession or from out-of-state, to take an approved South Dakota Indian studies course to gain certification; 51 SDR 110, April 22, 2025.
5-19-2025	<u>South Dakota Division of Insurance (Department of Labor and Regulation):</u> Amend rules to update the sources referenced in rule to ensure parties are referring to the most recent edition of the sources; update outdated language; and change continuing education course sponsor to continuing education course provider; 51 SDR 114, April 28, 2025.
7-14-2025	<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.

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.