



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 Animal Industry Board (Department of Agriculture and Natural Resources): (June 17, 2025) intends to amend rules to update definitions to more accurately reflect current terminology; modernize the language of reference material; and add municipal or other permitted solid waste landfills as facilities at which certain animal carcasses may be disposed of, to reflect current practice. The general authority for these rules, as cited by the board, is SDCL [40-1-25](#), [40-3-9](#), [40-3-14](#), [40-3-25](#), [40-3-26](#), [40-5-5.1](#), [40-5-8.6](#), [40-15-14](#), [40-15-36](#), and [40-17-9.1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 15, 2025, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments may be sent to, South Dakota Animal Industry Board, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the board by July 14, 2025, to be considered. All written comments must include the name, city, and state of the person submitting the comments. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-3321 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (June 18, 2025) intends to adopt, amend, and repeal rules to establish day pass, annual pass, and event fees for the Pete Lien and Sons Shooting Sports Complex; establish a Custer State Park antelope hunting season and set the number of licenses; repeal a current administrative rule relating to the type and number of licenses issued and the dates for the Custer State Park antelope hunting season; and specify that a person who received an antelope license in Custer State Park may not apply for that season for a period of nine years. The general authority for these rules, as cited by the department, is SDCL [41-2-18](#) and [41-17-1.1](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the NFAA Easton Yankton Archery Center, 800 Archery Lane, Yankton, South Dakota, on July 10, 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.

Department of Health: (June 18, 2025) intends to repeal rules for the Children's Special Health Services Health KiCC program. The general authority for these rules, as cited by the department, is SDCL [34-1-21](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Hayes Building, 600 East Capitol Avenue, Pierre, South Dakota, on July 17, 2025, at 10:00 a.m. (CT). Copies of the proposed rules may be obtained without charge from the Department of Health, Children's Special Health Services Program, 615 East 4th Street, Pierre, South Dakota 57501 and are also available online at <https://rules.sd.gov>. Written comments on the proposed rules may be sent to the Department of Health, Children's Special Health Services Program, 615 East 4th Street, Pierre, South Dakota 57501, emailed to DOHNewbornScreening@state.sd.us, or submitted at <https://rules.sd.gov>. The deadline to submit any written comments for consideration is July 27, 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) 773-3737 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to implement inflationary rate increases appropriated by the South Dakota Legislature during the 2025 session, effective July 1, 2025, and coverage and reimbursement for Rural Emergency Hospitals under the Clinic Services benefit.

The department also intends to make changes to the South Dakota CHIP State Plan to clarify that certain services covered under the Medicaid State Plan are also covered under the CHIP State Plan. This includes pregnancy-related doula services including prenatal, labor and delivery, and postpartum supports, community health worker (CHW) services, and peer support services to align with benefits under the Medicaid State Plan.

Medicaid State Plan

The following services otherwise not subject to a targeted increase or rate rebase are receiving a 1.25 percent inflationary increase:

- Instate DRG Inpatient Hospital Services, Instate DRG Exempt Inpatient
- Hospitals/Hospital Units, and Instate APC Outpatient Hospital Services
- Ambulatory Surgical Center Services
- Supplies, Orthotics and Prosthetics with no Medicare rate
- Durable Medical Equipment (Not including items subject to Section 1903(i)(27)) of the Social Security Act)
- Dental Services
- Optometric Services
- Chiropractic Services
- Occupational, Speech, and Physical Therapy
- Nutritionists and Dietician Services
- Clinic Services
- Eyeglasses
- Free Standing Birth Centers
- Diabetes Self-Management Training
- Nurse Midwife Services
- Community Transportation
- Secure Medical Transportation
- Air and Ground Ambulance Transportation
- Home Health Agencies
- Independent Mental Health Practitioners Services
- Nutrition Items
- Physician Services
- Physician Administered Drugs with no Medicare rate
- Community Health Worker Services
- Doula Services
- Child Private Duty Nursing Services

- Applied Behavior Analysis Services
- Disproportionate Share Hospital Payment Pools
- PCP and Pregnancy Care Management Program Per Member Per Month Payments

All professional service reimbursement rates that were above 100 percent of Medicare or that would exceed 100 percent of Medicare with inflation applied were limited to 100 percent of the Medicare allowable amount.

The following services are receiving a targeted rate increase or are being rebased:

Service	Type	Rate/Method
Transportation Services	Targeted Increase	• Code A0100 - \$5.00 • Code A0120 - \$5.00 • Code A0130 - \$41.72 • Code A0425 - \$8.32 • Code A0430 - \$2,460.84 • Code A0431 - \$2,861.09 • Code A0436 - \$18.63 • Code S0215 - \$1.00 • Code T2001 - \$2.50 • Code T2005 - \$105.44
Physician Services	Targeted Increase	• Procedure codes with rates below 90 percent of Medicare increased 90 percent of Medicare
Physician Administered Drugs	Rebased	• Procedure codes with no Medicare rate set at the Wholesale Acquisition Cost

The updated fee schedules will be posted 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 July 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 proposed State Plan Amendment (SPA) revises Page 15b of Supplement to Attachment 3.1-A, Pages 1, 5, 7, 8, and 10b of Attachment 4.19-A, Introduction Page 1, Page 1a and 15 of Attachment 4.19-B, and page 7, 9, and 10 of Attachment 4.19-D of the South Dakota Medicaid State Plan. The department intends to make this SPA effective July 1, 2025.

The department estimates the total annual aggregate increase in expenditures by service type will be the following:

- Inpatient Hospital Services - \$2,146,012
- Outpatient Hospital Services - \$1,591,744
- Physician Services including EPSDT Screenings/Treatment, and Professional Services Provided in a Freestanding Birth Center - \$713,575.67
- Dental Services including Orthodontic Services and Dentures - \$464,645
- Optometric - \$44,157
- Chiropractic Services - \$20,588
- Disproportionate Share Hospital Payments - \$14,339
- Other Medical Services - \$2,766,762
 - Ambulatory Surgical Center Services
 - Independent Mental Health Practitioners Services
 - Nutritionists and Dietician Services
 - Supplies, Orthotics and Prosthetics
 - Durable Medical Equipment
 - Clinic Services
 - Physical Therapy
 - Occupational Therapy
 - Speech, Hearing, or Language, Disorder Services

- Prosthetic Devices
- Eyeglasses
- Diabetes Self-Management Training
- Nurse Midwife Services
- Community Transportation
- Secure Medical Transportation
- Air and Ground Ambulance Transportation
- Nutrition Items
- Home Health Services
- Personal Care Services
- Child Private Duty Nursing
- Community Health Worker Services
- Nursing Facility Services - \$155,336

Professional service rates that were limited to 100 percent of Medicare's rates are estimated to result in a reduction of \$1,716,755 in expenditures.

Rural Emergency Hospitals will continue to be reimbursed for outpatient services as if they were a critical access hospital.

The total fiscal impact for the combined services associated with the Medicaid SPA is \$751,334 in state funds and \$798,767 in federal funds, totaling \$1,550,101 in Federal Fiscal Year 2025, and \$3,005,336 in state funds and \$3,195,068 in federal funds, totaling \$6,200,404 in Federal Fiscal Year 2026.

CHIP State Plan

The proposed SPA revises/amends pages 5-6, 72-73, 77, and 104 of the South Dakota CHIP State Plan and will have an effective date of January 1, 2025.

The department estimates the fiscal impact associated with this SPA to be \$80,629 in state funds and \$164,818 in federal funds, totaling \$245,447 in Federal Fiscal Year 2025, and \$112,219 in state funds and \$215,045 in federal funds, totaling \$327,263 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 June 23, 2025, and end July 23, 2025.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

SOUTH DAKOTA BOARD OF FUNERAL SERVICE (DEPARTMENT OF HEALTH): 20:45:02:08; 20:45:03:01, 20:45:03:02, 20:45:03:02.02, 20:45:03:02.03; 20:45:03:08.

History/Notice: 51 SDR 104, April 7, 2025

Hearing: May 7, 2025

Filed: June 16, 2025

Effective: July 6, 2025

SCHEDULED PUBLIC HEARINGS

6-26-2025	<u>South Dakota Transportation Commission (Department of Transportation)</u> : Amend a rule to reduce the speed limit on U.S. Highway 12 from the east side of Aberdeen to Bath; 51 SDR 133, June 2, 2025.
7-1-2025	<u>South Dakota Housing Development Authority</u> : Adopt and amend rules to establish a clear process for the application, approval, and disbursement of loans for the expansion of school districts located adjacent to military installations; and to clarify the distinction between housing infrastructure loans and loans specifically for school construction or expansion that originate from the same South Dakota Housing Infrastructure Fund; 51 SDR 136, June 9, 2025.
7-10-2025	<u>Department of Game, Fish and Parks</u> : Adopt, amend, and repeal rules to establish day pass, annual pass, and event fees for the Pete Lien and Sons Shooting Sports Complex; establish a Custer State Park antelope hunting season and set the number of licenses; repeal a current administrative rule relating to the type and number of licenses issued and the dates for the Custer State Park antelope hunting season; and specify that a person who received an antelope license in Custer State Park may not apply for that season for a period of nine years; 51 SDR 144, June 23, 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.
7-15-2025	<u>South Dakota Public Utilities Commission</u> : Amend, adopt, or repeal rules to clarify procedures for filing and communications with the Commission; update information required when filing an application for an energy transmission facility permit; align party status requirements with previous statutory changes; update telecommunications provisions to align with current needs, technology, and federal regulations; repeal unnecessary telecommunications filing requirements; and update a pipeline safety definition to align with current federal regulations; 51 SDR 133, June 2, 2025.
7-15-2025	<u>South Dakota Animal Industry Board (Department of Agriculture and Natural Resources)</u> : Amend rules to update definitions to more accurately reflect current terminology; modernize the language of reference material; and add municipal or other permitted solid waste landfills as facilities at which certain animal carcasses may be disposed of, to reflect current practice; 51 SDR 144, June 23, 2025.
7-17-2025	<u>Board of Minerals and Environment (Department of Agriculture and Natural Resources)</u> : Amend and adopt rules to remove unnecessary details regarding computation of time associated with the processing of mine permit applications; change the department's timeline for reviewing and responding to an applicant's response to deficiencies in a mine permit application from seven days to thirty days; change the requirement for board hearings to consider nominating petitions for updating the preliminary list of special, exceptional, critical, or unique lands from annual to as needed; clarify the requirement that permitted mine operators must meet when posting financial assurance to cover reclamation and post-closure liability; and clarify surety requirements pertaining to long-term water treatment costs; 51 SDR 129, May 27, 2025.
7-17-2025	<u>Department of Agriculture and Natural Resources</u> : Update South Dakota's existing air quality rules by incorporating updated, codified regulations by reference; 51 SDR 134, June 2, 2025.
7-17-2025	<u>Department of Health</u> : Repeal rules for the Children's Special Health Services Health KiCC program, 51 SDR 144, June 23, 2025.
8-5-2025	<u>South Dakota Board of Nursing (Department of Health)</u> : Adopt and amend rules to update terms used; allow the board's compliance committee to issue a summary suspension; allow a registered nurse to delegate tracheostomy care and suctioning to a nursing assistant and to provide training and supervision requirements; and regulate certified nurse aides including nurse aid training program standards for approval, competency evaluation program requirements, registration requirements, and grounds for removal from the registry; 51 SDR 136, June 9, 2025.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, July 15, 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 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.