



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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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):** (July 22, 2025) intends to repeal a rule to remove the maximum limit on the number of continuing education credits an insurance producer can receive during a two-year period from courses sponsored by an insurance company. The general authority for this rule, as cited by the division, is SDCL [58-30-117](#).

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, 1<sup>st</sup> Floor, Pierre, South Dakota, on August 18, 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 Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, South Dakota 57501. Comments may also be emailed to [lisa.harmon@state.sd.us](mailto:lisa.harmon@state.sd.us). Information submitted in writing must be received on or before August 28, 2025, to be considered. Copies of the proposed rules are also available at [http://dlr.sd.gov/insurance/admin\\_rules/public\\_hearings.aspx](http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx) and <https://rules.sd.gov/>, by phone call to (605) 773-3563, or by email request to [lisa.harmon@state.sd.us](mailto:lisa.harmon@state.sd.us). Members of the public wishing to appear at the hearing remotely should contact the division for more information by August 13, 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.

**Department of Human Services:** (July 23, 2025) intends to repeal the department's existing rules on preadmission screening and resident reviews (PASRR). The general authority for these rules, as cited by the department, is SDCL [27B-2-26](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Hillview Building, Seasons Conference Room, 3800 East Highway 34, Pierre, South Dakota, on September 5, 2025, at 1:00 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 Department of Human Services, 3800 East Highway 34, c/o 500 East Capitol Avenue, Pierre, South Dakota 57501 or by email to [DHSInfo@state.sd.us](mailto:DHSInfo@state.sd.us). Copies of the rules are also available at <https://rules.sd.gov>. The deadline to submit any written comments for consideration by the department is September 19, 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) 773-5990 at least 48 hours before the public hearing.

**Department of Health:** (July 24, 2025) intends to repeal rules related to emergency supplies of controlled drugs in longer term care facilities that are duplicative of Board of Pharmacy regulations, unnecessary definitions, and unnecessary or duplicative language as it relates to hospital charge reporting. The proposed changes would also update statutory references and timelines for reporting of data, and correct technical errors made in 2023 and 2024 to require the reporting of attempted suicides in health care facilities to the Department of Health. The general authority for these rules, as cited by the department, is SDCL [34-12-13](#), [34-12E-11](#), and [34-20B-41](#).

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 Conference Room, 600 East Capitol Avenue, Pierre, South Dakota, on September 9, 2025, at 3:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from the Department of Health, 600 East Capitol Avenue, 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, 600 East Capitol Avenue, Pierre, South Dakota 57501 or submitted at <https://rules.sd.gov>. The deadline to submit any written comments for consideration is September 19, 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) 773-3361 at least 48 hours before the public hearing.

**SCHEDULED PUBLIC HEARINGS**

<p><b>8-5-2025</b></p>	<p><b><u>South Dakota Board of Nursing (Department of Health):</u></b> 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.</p>
<p><b>8-12-2025</b></p>	<p><b><u>Department of Social Services:</u></b> Amend rules to allow oral hearing requests and withdrawals related to the medical assistance program; update the evidence requirements for suspected program violation (SPV) hearings, specifically, the mailing of evidence packets for SPV hearings will no longer be automatic but upon request; update program terminology; and remove outdated references; 52 SDR 4, July 14, 2025.</p>
<p><b>8-12-2025</b></p>	<p><b><u>Office of the Secretary of State:</u></b> Amend or repeal rules to lower the cost of obtaining a voter registration list; lower the cost of obtaining an absentee voter list; remove the bond requirement from obtaining a notary public certification; and remove the bond requirement associated with a notary public change record; 52 SDR 4, July 14, 2025.</p>
<p><b>8-12-2025</b></p>	<p><b><u>Department of Social Services:</u></b> Repeal the existing Preadmission Screening and Resident Review (PASRR) rules chapter and replace it with an updated PASRR rules chapter. In addition, the proposed rule changes will remove the 75+ age categorical; add a new emergency placement categorical option; remove swing bed from the PASRR requirements; better define the difference between a PASRR exemption versus a categorical determination; and better detail the responsibilities of the State Medicaid Authority and Mental Health Authority; 52 SDR 5, July 14, 2025.</p>
<p><b>8-13-2025</b></p>	<p><b><u>Governor's Office of Economic Development:</u></b> Amend and adopt rules to implement the ethanol E15 fuel tax refund program established by the passage of <a href="#">Senate Bill 78</a> by the 2024 Legislature; 52 SDR 8, July 21, 2025.</p>
<p><b>8-13-2025</b></p>	<p><b><u>Economic Development Finance Authority (Governor's Office of Economic Development):</u></b> Amend and adopt rules to make technical corrections to certain statutory cross references and to the agribusiness bonding program; repeal unnecessary provisions relating to loans made by the Economic Development Finance Authority; repeal rules for the value-added agribusiness relending program and the value-added agriculture subfund; remove an unnecessary provision relating to informal dispute resolution in the Economic Development Finance Authority's agribusiness bonding program; change the requirement for a local in-person hearing for bonds issued for projects under the program; provide an option to participate telephonically or by video conference in hearings; adjust certain eligibility provisions, the application process, and lending procedures for the Beginning Farmer Loan Program; update statutory references following the Legislature's transfer of responsibility for the Beginning Farmer Loan Program to the Economic Development Finance Authority; and repeal rules due to the sunset of the APEX loan program following the transfer of program funds to the Revolving Economic Development and Initiative Fund under the Board of Economic Development; 52 SDR 8, July 21, 2025.</p>

<p><b>8-13-2025</b></p>	<p><b><u>Board of Economic Development (Governor's Office of Economic Development):</u></b> Amend rules to streamline the administration of, and to clarify the Governor's Office of Economic Development staff's authority with respect to, loans from the Revolving Economic Development and Initiative fund, and to make technical corrections to statutory references relating to the South Dakota Jobs grant program; 52 SDR 9, July 21, 2025.</p>
<p><b>8-14-2025</b></p>	<p><b><u>South Dakota Board of Elections (Office of the Secretary of State):</u></b> Amend and adopt rules to provide for the registration of a federal voter; require that the signer's address on a petition and the signer's voter registration address be substantially the same; allow partisan candidates for Governor to nominate a candidate for lieutenant governor; require a description of the location of an applicant's residence and provide for the designation of a federal voter on an absentee ballot application form; require a description of the location of an applicant's residence and include an updated list of political parties on an in-office absentee ballot application form; provide instructions for a petition for recount that require that legislative candidates file a petition with the secretary of state; allow for the right to vote of any registered voter to be challenged; prepare an application to allow the right to vote of any registered voter to be challenged; establish a list to specify the documentation that must be provided as evidence for a voter registration challenge; establish a list to specify the documentation that must be provided to demonstrate a challenged voter's qualifications as a registered voter; and establish guidelines for county auditors to use when determining the validity of a voter registration challenge; 52 SDR 4, July 14, 2025.</p>
<p><b>8-18-2025</b> <b>NOTE: These rules have been withdrawn by the agency.</b></p>	<p><del><b><u>South Dakota Board of Education Standards (Department of Education):</u></b> Amend rules to revise teacher evaluations by making student learning objectives optional; require the scoring of component 3d (Using Assessment in Instruction); revise outdated timelines; and clarify and update language; 52 SDR 5, July 14, 2025.</del></p>
<p><b>8-18-2025</b></p>	<p><b><u>South Dakota Division of Insurance (Department of Labor and Regulation):</u></b> Repeal a rule to remove the maximum limit on the number of continuing education credits an insurance producer can receive during a two-year period from courses sponsored by an insurance company; 52 SDR 13, July 28, 2025.</p>
<p><b>9-5-2025</b></p>	<p><b><u>Department of Human Services:</u></b> Repeal the department's existing rules on preadmission screening and resident reviews (PASRR); 52 SDR 13, July 28, 2025.</p>
<p><b>9-9-2025</b></p>	<p><b><u>Department of Health:</u></b> Repeal rules related to emergency supplies of controlled drugs in longer term care facilities that are duplicative of Board of Pharmacy regulations, unnecessary definitions, and unnecessary or duplicative language as it relates to hospital charge reporting. The proposed changes would also update statutory references and timelines for reporting of data, and correct technical errors made in 2023 and 2024 to require the reporting of attempted suicides in health care facilities to the Department of Health; 52 SDR 13, July 28, 2025.</p>

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## RULES REVIEW COMMITTEE MEETINGS

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The next meeting of the Interim Rules Review Committee for the 2025 Interim is Tuesday, August 19, 2025, at 10:00 a.m. (CT) via electronic conference and in Room 412 of the Capitol. Future meetings for the 2025 Interim are scheduled for 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.

SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website ([www.sdlegislature.gov/](http://www.sdlegislature.gov/)). You may subscribe for electronic delivery of the **South Dakota Register** at [My LRC+](#) on the LRC website.