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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 Nursing (Department of Health): (April 14, 2026) intends to adopt and amend rules to remove the requirement for the board to notify a nursing education program of an applicant's licensure examination results; remove the requirement for the board to issue renewal certificates and inactive status cards; and allow registered nurses to delegate gastrostomy tube care to a nursing assistant. The general authority for these rules, as cited by the board, is SDCL [36-9-21](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at the Conference Room of the South Dakota Board of Nursing, 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota, on June 2, 2026, 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 Board of Nursing, 203 South Louise Avenue, Suite 201, Sioux Falls, South Dakota 57106-3115. Copies of the rules are also available at <https://rules.sd.gov>, or may be obtained by calling (605) 362-2760. Comments may be emailed to linda.young@state.sd.us. The deadline to submit any such written comments for consideration is May 27, 2026. This hearing is being held in a physically accessible location. Persons with special needs for whom the board can make arrangements may call (605) 362-2760 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (April 16, 2026) intends to amend a rule to increase the Black Hills elk hunting season length in Unit BHE-4B from October 15-31 and December 1-16 to October 1-31 and December 1-16. The general authority for this rule, as cited by the department, is SDCL [41-2-18](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rule will be held at the Custer State Park Event Barn, 13438 U.S. Highway 16A, Custer, South Dakota, on May 7, 2026, at 2:00 p.m. (MT). Copies of the proposed rule may be obtained without charge from, and written comments on the proposed rule may be sent to, the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rule may also be obtained by calling (605) 773-3718. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. 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 whom the department can make arrangements may call (605) 773-3718.

Notices

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs). The proposed State Plan Amendment (SPA) clarifies criteria for determining a change in scope of services, outlines the application and review process for rate adjustments, and defines the change in scope rate calculation for RHCs and FQHCs. Additionally, the SPA implements an Alternative

Payment Methodology (APM) for FQHCs based on a legislative appropriation. FQHCs must affirmatively elect the enhanced encounter rate payment. The APM rates were informed by the statewide cost-based weighted average encounter rates based on an analysis of FQHCs' cost reports. Funding for the enhanced APM rates was appropriated for FQHCs during the 2026 Legislative Session.

The SPA has an effective date of July 1, 2026, and amends pages 2, 2a, and 2b, and adds pages 2c, 2d, 2e, and 2f to Attachment 4.19-B of the South Dakota State Plan.

The department estimates the fiscal impact will be \$641,004 in state funds and \$1,359,008 in federal funds, totaling \$2,000,012 in Federal Fiscal Year 2026, and \$2,564,016 in state funds and \$5,436,034 in federal funds, totaling \$8,000,050 in Federal Fiscal Year 2027.

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 20, 2026, and end May 20, 2026.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan to implement community mental health center (CMHC) and substance use disorder (SUD) agency rate increases effective June 1, 2026.

Medicaid CMHC and SUD agency services will receive a 1.4 percent rate increase. The updated fee schedules will be posted by June 1, 2026, 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, 2026. 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) has an effective date of June 1, 2026, and revises Attachment 4.19-B, Introduction page 1. The department estimates the fiscal impact will be \$93,936 in state funds and \$169,562 in federal funds, totaling \$263,498 in Federal Fiscal Year 2026, and \$281,807 in state funds and \$508,685 in federal funds, totaling \$790,492 in Federal Fiscal Year 2027.

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 20, 2026, and end May 20, 2026.

SCHEDULED PUBLIC HEARINGS

4-23-2026	South Dakota Transportation Commission (Department of Transportation) : Amend a rule to reduce the fifty-five mile per hour speed limit on South Dakota Highway 115 around its intersection with South Veterans Parkway in Lincoln County; 52 SDR 90, March 30, 2026.
4-28-2026	South Dakota Plumbing Commission (Department of Labor and Regulation) : Amend a rule to clarify floor drain sloping and acceptable use of CPVC Schedule 80 pipe and fittings and provide guidance for horizontal wet venting; 52 SDR 94, April 13, 2026.
4-30-2026	South Dakota Board of Accountancy (Department of Labor and Regulation) : Amend rules to clarify the definition for education, experience, and issuing a license to an applicant licensed by another state; 52 SDR 94, April 13, 2026.

5-7-2026	Department of Game, Fish and Parks: Amend a rule to increase the Black Hills elk hunting season length in Unit BHE-4B from October 15-31 and December 1-16 to October 1-31 and December 1-16; 52 SDR 97, April 20, 2026.
6-2-2026	South Dakota Board of Nursing (Department of Health): Adopt and amend rules to remove the requirement for the board to notify a nursing education program of an applicant's licensure examination results; remove the requirement for the board to issue renewal certificates and inactive status cards; and allow registered nurses to delegate gastrostomy tube care to a nursing assistant; 52 SDR 97, April 20, 2026.

RULES REVIEW COMMITTEE MEETINGS

The first meeting of the Interim Rules Review Committee for the 2026 Interim is Tuesday, April 21, 2026, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the State Capitol. Future meetings for the 2026 Interim are scheduled for May 5, June 9, July 14, August 18, September 8, and October 12. 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.