

Department of Human Services
Notice of Public Hearing to Adopt Rules

A public hearing will be held in the Large Conference Room, Hillsview Plaza, 3800 E. Hwy 34, Pierre, South Dakota, on June 16, 2016, at 10:00 a.m. to 12:00 p.m., to consider the adoption and amendment of proposed rules:

§§ 46:11:01:01 and 46:11:01:02; 46:11:02:02; 46:11:02:05 through 46:11:02:07, inclusive; 46:11:02:09 and 46:11:02:10; 46:11:02:12 through 46:11:02:16, inclusive; 46:11:02:18.01 through 46:11:02:20, inclusive; 46:11:03:00 through 46:11:03:02, inclusive; 46:11:03:06, 46:11:03:08 and 46:11:03:09; 46:11:03:11; 46:11:04:01 and 46:11:04:02; 46:11:04:04 and 46:11:04:05; 46:11:04:07; 46:11:04:09; 46:11:04:11 through 46:11:04:15:02, inclusive; 46:11:05:01 through 46:11:05:03, inclusive; 46:11:05:05 through 46:11:05:07 inclusive; 46:11:05:09 through 46:11:05:09.02, inclusive; 46:11:05:12 through 46:11:05:16, inclusive; 46:11:06:01 through 46:11:06:04, inclusive; 46:11:06:06 and 46:11:06:07; 46:11:06:09 through 46:11:06:15, inclusive; 46:11:07:02 through 46:11:07:04, inclusive; 46:11:07:06 through 46:11:07:14, inclusive; 46:11:07:16 and 46:11:07:17; 46:11:08:00 through 46:11:08:02, inclusive; and 46:11:08:04 through 46:11:08:06, inclusive.

The purpose of the amendments to the current rules is to implement the Center for Medicare & Medicaid Services' (CMS) regulations mandating conflict-free case management and to implement the current state law allowing for-profit and not-for-profit organizations to provide case management services to individuals with intellectual disabilities. CMS regulations require case management services to be provided by an entity that is not providing direct services to the same individual. In addition, the current rules were broadened to make them applicable to both the for-profit and not-for-profit providers. Furthermore, the rules provide additional guidance on the administration of drugs for the control of behavior and for sedation as prescribed by a licensed medical professional, on time alone, on prohibition of time out rooms, on the use of person centered planning in the individualized service plan, on the role and responsibilities of a case manager, and on the use of advisory boards by entities that are organized outside of the state of South Dakota. Moreover, there are changes in the rules to make improvements in grammar and punctuation.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the Department of Human Services, Hillsview Plaza, 3800 East Highway 34, c/o 500 E. Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Department of Human Services by 5 p.m. on June 27, 2016, to be considered.

After the hearing, the Department of Human Services will consider all written and oral comments it receives on the proposed rules. The Department may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Human Services at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-5990 or (605)773-6412 TTY.

Copies of the proposed rules may be obtained without charge from:

Department of Human Services
Hillview Plaza, East Highway 34
c/o 500 East Capitol
Pierre, South Dakota 57501-5070

Or downloaded from the SD Department of Human Services website at: <http://dhs.sd.gov/>

Or email Katherine.Osterloh@state.sd.us for a copy

Published at the approximate cost of \$50.00.