

DEPARTMENT OF HUMAN SERVICES
Notice of Public Hearing to Adopt Rules

A public hearing will be held in the Large Conference Room, Hillview Plaza, 3800 E. Hwy. 34, Pierre, South Dakota, on August 30, 2017, at 11:00 a.m. to 12:00 p.m., to consider the adoption and amendment of proposed rules:

§§46:11:01:01, 46:11:02:05, 46:11:02:05.01, 46:11:02:06, 46:11:02:09, 46:11:02:10, 46:11:03:09, 46:11:04:08, 46:11:05:01.01, 46:11:06:09, 46:11:07:07, 46:11:08:05, 46:11:09:01, 46:11:09:02, 46:11:09:04 to 46:11:09:08, inclusive, 46:11:09:10, 46:11:09:12, 46:11:09:17 to 46:11:09:19, inclusive, 46:11:09:22, 46:11:09:23, 46:11:10:01, 46:11:10:04, 46:11:10:06, and 46:11:11:02.

The purpose of the amendments to the current rules is to revise the definition of a community support provider to align the rule with statute; change the definition of an organized health care delivery system to include community services provider; align the rule definition of community services provider with statutory definition, allowing a for profit entity to provide direct services; add a definition of home and community services; repeal duplicative rule; require similar enrollment documents for profit and not for profit entities; replace the phrase "CSP or SP" with provider; clarify the applicable ARSD chapters for the biennial review of providers; change the language from CSP to provider to make the process applicable to SP's; clarify that either a CSP or SP provider of direct HCB services establish and use a human rights committee for certain rights restrictions; clarify that either a CSP or SP must have policies and procedures for calculations of wages owing to participants in a vocational training and employment setting; extend the time frame for implementing ISP revisions; require providers of direct HCB services to meet certain standards in owned or leased buildings and meet certain fire extinguisher requirements and updates the DOH reference to linens and fire code; require any provider of direct HCB services to provide a medication administration system; extend fair hearing protections to a termination of waiver services by a SP; allow an individual employed by a SP to be a coordinator of family support waiver services; allow a SP to be an employer of record; allow a SP to provide home and community based services; allow a SP to be a provider and specifies the responsibilities of being a provider; correct references to ARSD; transfer a section regarding confidentiality; add SP to entities required to provide notice of a critical incident; add SP to those entities available to deliver services under the family support program; add SP to the agency of choice model of service delivery; allow an individual to use a SP to deliver services; allow a SP to provide family support coordination; clarify the services available through the agency with choice service model; add SP to the transfer of records process; add SP to the entities subject to biennial review and to a participant satisfaction survey; add SP to those entities subject to revocation of a provider agreement for failure to meet ARSD standards; require CSP's, SP's and qualified providers to recognize rights of participants, parents and guardians; expand definition of coordinator; remove definition of provider; specify that a local family support provider can be a SP; shorten and clarify rule by changing phrase to provider; and clarify that community training services must meet the service standards of Chapter 46:11:05. The primary effect

of the rules will be to allow for profit entities to deliver community services to individuals with intellectual and developmental disabilities.

The reason for adopting the proposed rules is to align the entity requirements for providers with other parts of state government and to allow additional entities to provide services to individuals with an intellectual or developmental disability. Allowing new entities to deliver services will improve program access and autonomy within the service delivery system. New providers bring with them community capacity and service innovation opportunities.

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 South Dakota Department of Human Services, Hillview Plaza, 3800 East Highway 34, c/o 500 E. Capitol Pierre, South Dakota 57501-1234. Material sent by mail must reach the Department of Human Services by September 11, 2017, to be considered.

After the hearing, the Department 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.

Copies of the proposed rules may be obtained without charge from:
South Dakota Department of Human Services
Hillview Properties Plaza
3800 E Hwy 34
c/o 500 East Capitol Ave
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.