

NOTICE OF PUBLIC HEARING
DEPARTMENT OF SOCIAL SERVICES

A public hearing will be held in the Department of Social Services Building, Prairie Conference Room, 811 East 10th Street, Sioux Falls, SD 57103, on Wednesday, October 11, 2023, at 9:30 a.m. Central Time, 8:30 a.m. Mountain Time, to consider the adoption and amendment of proposed Department of Social Services' Behavioral Health Administrative Rules of South Dakota numbered

§§ 67:61:01:01, 67:61:02:01 to 67:61:02:17, inclusive, 67:61:02:19 to 67:61:02:21, inclusive, 67:61:03:01 to 67:61:03:04, inclusive, 67:61:04:01, 67:61:04:02, 67:61:04:04 to 67:61:04:10, inclusive, 67:61:05:01 to 67:61:05:09, inclusive, 67:61:05:12, 67:61:06:01 to 67:61:06:08, inclusive, 67:61:07:01 to 67:61:07:12, inclusive, 67:61:08:01 to 67:61:08:10, inclusive, 67:61:09:01, 67:61:09:02, 67:61:10:01 to 67:61:10:03, inclusive, 67:61:11:01 to 67:61:11:08, inclusive, 67:61:12:01, 67:61:12:02, 67:61:12:04, 67:61:13:01 to 67:61:13:03, inclusive, 67:61:13:05, 67:61:14:01 to 67:61:14:03, inclusive 67:61:14:05, 67:61:15:01 to 67:61:15:05, inclusive, 67:61:16:01 to 67:61:16:04, inclusive, 67:61:16:06, 67:61:17:01 to 67:61:17:08, inclusive, 67:61:17:10, 67:61:18:01 to 67:61:18:07, inclusive, §§ 67:62:02:01 to 67:62:02:16, inclusive, 67:62:02:18 to 67:62:02:21, inclusive, 67:62:04:01, 67:62:04:03, 67:62:04:04, 67:62:05:01, 67:62:05:02, 67:62:05:05 to 67:62:05:08, inclusive, 67:62:06:03, 67:62:06:07, 67:62:06:08, 67:62:07:01 to 67:62:07:06, inclusive, 67:62:08:01 to 67:62:08:14, inclusive, 67:62:09:01, 67:62:09:02, 67:62:10:01, 67:62:10:02, 67:62:10:04, 67:62:11:01, 67:62:11:02, 67:62:11:04, 67:62:12:01, 67:62:12:02, 67:62:12:04, 67:62:13:01 to 67:62:13:06, inclusive, 67:62:13:08, 67:62:14:01, 67:62:14:02, 67:62:14:05 to 67:62:14:09, inclusive, 67:62:15:01, 67:62:15:03, 67:62:15:04, 67:62:15:06, 67:62:15:08 to 67:62:15:12, inclusive, and 67:62:15:16 to 67:62:15:19, inclusive.

The primary effect of the rule changes is to replace the term division with department throughout most of articles 67:61 (Substances Use Disorder) and 67:62 (Mental Health). The accreditation and licensing of providers or agencies transitioned to the newly formed Office of Licensing and Accreditation within the Department of Social Services. The proposed change of “division” to “department” within articles 67:61 and 67:62 will reflect this organizational change and allow the Office of Licensing and Accreditation to sign the accreditation certificates issued to agencies as they are completing the work.

Additional effects of the rule changes will be to update form and style to current guidance, remove acronyms, broaden the term physician to clinician, related to tuberculosis screening to ensure consistency with the Department of Health, and adjust the education requirement for staff members providing certain direct services and support to clients from an associate degree to a high school diploma or equivalent, and adding supervision from a clinical supervisor.

The reason for adopting the proposed rules is to give authority to the new Office of Licensing and Accreditation within the Department of Social Services so they have the authority to sign the accreditation certificates issued to agencies by the office that completes the work. Additional reasons for adopting the proposed rules are for consistency with form and style and authority throughout articles 67:61 and 67:62.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may:

- 1) Appear in-person at the hearing;
- 2) May attend telephonically by calling: 1-605-679-7263 and using code: 311 578 922#;

- 3) Mail them to: Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, SD 57103; or
- 4) Email them to: DSSAdminRules@state.sd.us.

The deadline to submit any such written comments for consideration by the Department of Social Services is October 21, 2023, ten days after the date of the public hearing.

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

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact Department of Social Services at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605)-367-5444 ext. 1000309.

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

- 1) Requesting a copy from: Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, SD 57103;
- 2) <http://rules.sd.gov>
- 3) Emailing a request to: DSSAdminRules@state.sd.us.

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