

**South Dakota Department of Human Services
Notice of Public Hearing to Adopt Rules**

A public hearing will be held in the Hillsview Building, 3800 East Highway 34, Pierre, South Dakota 57501, on Wednesday, October 11, 2023, at 1:00pm (Central) / 12:00pm (Mountain), to consider the proposed amendments, adoption and repeal of Administrative Rules of South Dakota numbered:

§§ 46:11:01:01, 46:11:02:12, 46:11:02:14, 46:11:03:00, 46:11:03:01, 46:11:08:05, 46:11:09:01, 46:11:09:07, new rule 46:11:09:07.01, 46:11:09:10, repeal of 46:11:09:20, 46:17:02:03, and repeal of 46:31:02:03.

The effect of the rules will be to add regulatory definitions for the terms “abuse,” “exploitation” and “neglect;” revise criteria for imposing probation on certain providers; specify that providers must afford all participants their rights; specify providers may not allow or condone abuse, neglect or exploitation; update appeal provisions when services are terminated by a provider; update definitions concerning Family Support Waiver Services; clarify hiring responsibilities under the agency with choice model; add new language concerning the common-law employer model; add specialized therapies as a service covered under the Family Support Waiver; repeal review of a qualified provider; update notice requirements for when an intermediate care facility terminates services; and repeal certain registration requirements for interpreters.

The reasons for adopting the proposed rules are to add safeguards for persons with developmental disabilities when receiving services from a provider, to promote on-going best practices for assisting persons with disabilities, and to update or repeal rules to reflect statutory changes and reduce redundancy.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in person at the hearing, or mail or e-mail them to Department of Human Services, Hillsview Plaza, 3800 E Hwy 34 c/o 500 East Capitol Ave, Pierre, SD 57501; DHSInfo@state.sd.us. The deadline to submit any such written comments for consideration is October 25, 2023.

After the written comment period, the Department of Human Services will consider all written and oral comments it receives on the proposed rules. The Department of Human 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 the Department of Human Services at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605-773-5990.

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

South Dakota Department of Human Services
Hillsview Plaza
3800 E Hwy 34
c/o 500 East Capitol Ave
Pierre, SD 57501
DHSInfo@state.sd.us
605-773-5990

Copies of the proposed rules are also available at: <http://rules.sd.gov>.

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