

FORM 6

Department of Human Services Notice of Public Hearing to Adopt Rules

A public hearing will be held in the Hillview Seasons Conference Room at 3800 E Hwy 34 Pierre, SD 57501 on Friday, March 7, 2025 at 10am (Central) / 9am (Mountain), to consider the amendment / repeal of proposed Administrative Rules of South Dakota numbered

§§ 46:11:05:09.01 and 46:11:05:09.02.

The effect of the rules will be to remove the requirement of human rights committee review of medication prescribed for treatment or stabilization of psychiatric conditions or sedation prior to medical or dental procedures and make such reviews optional at the request of the participant or their guardian. The requirement will be added that during each annual individualized service plan (ISP) meeting, the conflict-free case manager will ask if a review is requested. The rule requiring human rights committee and ISP approval before sedation will be repealed as the process is covered in the amended rule. These changes do not impact chemical interventions.

The reason for adopting the proposed rules is the rules as currently written unduly burden participants, their families/guardians, and providers in requiring unnecessary reviews of prescriptions and medical decisions that must be made by the participants and their medical providers. These reviews can delay medications prescribed by a medical provider.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing or remotely via Teams using this link: <https://sd-dhs.org/March-7th-Rules-Hearing>; or mail or e-mail them to Department of Human Services, 3800 E Hwy 34 c/o 500 E Capitol Ave Pierre, SD 57501, DHSInfo@state.sd.us. The deadline to submit any such written comments for consideration is March 21, 2025.

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:

Department of Human Services and/or rules.sd.gov
3800 E Hwy 34
c/o 500 E Capitol Ave
Pierre, SD 57501
DHSInfo@state.sd.us
605-773-5990

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