

FORM 6

Department of Health Notice of Public Hearing to Adopt Rules

A public hearing will be held in Hayes Building 1st Floor Conference Room, 600 East Capitol Avenue, Pierre, South Dakota, 57501, on July 21, 2026, at 10:00 a.m. Central Standard Time, to consider the adoption and amendment of proposed Administrative Rules of South Dakota numbered

Article 44:74; §§ 44:70:01:01, 44:70:05:06, 44:73:01:01, 44:73:06:07, 44:73:06:14, and 44:73:06:15.

The effect of the rules will be to repeal duplicative rules and revise rules related to updates to the Board of Nursing requirements for certified nurse aides (CNAs).

The reason for adopting the proposed rules is to repeal language in ARSD article 44:74 that is duplicative of Board of Nursing requirements in ARSD chapters 20:48:16 and 20:48:18 that became effective in September 2025 for CNAs. Section 44:74:02:06 is transferred to a new § 44:73:06:15. Section 44:73:06:14 is a new proposed rule that clarifies a facility's requirements regarding CNAs that was previously addressed in 44:74. The proposed rules in ARSD §§ 44:70:01:01, 44:70:05:06, 44:73:01:01, and 44:73:06:07 update the language to reflect the ARSD changes from September 2025 and the proposed repeal of the ARSD article 44:74.

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 South Dakota Department of Health, Office of Licensure and Certification, 600 East Capitol Avenue, Pierre, SD 57501 or by going to <https://rules.sd.gov/>. The deadline to submit any such written comments for consideration by the Department is July 31, 2026.

After the written comment period, the Department of Health will consider all written and oral comments it receives on the proposed rules. The Department of Health 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 Health at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605) 773-3361.

Copies of the proposed rules may be obtained without charge from the following address, the Department of Health's website at doh.sd.gov/News, and/or rules.sd.gov:

South Dakota Department of Health
600 East Capitol Avenue
Pierre, South Dakota 57501

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