

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARING TO ADOPT RULES

A public hearing will be held on Monday, October 25, 2010, at 1:15 p.m. (CDT) in the Large Conference Room at the Department of Human Services building, Hillsview Plaza, 3800 E. Highway 34, Pierre, South Dakota to consider the adoption and amendment of the following proposed rules:

The department is proposing adoption and amendment of proposed rules relating to Interpreters for the Deaf numbered:

§§46:31:01:04.01 and .02; §46:31:01:05; §46:31:01:05.01; §§46:31:02:01 to 04, inclusive; §46:31:02:04.01 and .02; §46:31:02:05; §46:31:04:01; and §§46:31:06:01 to 03, inclusive.

The department is proposing adoption and amendment of proposed rules relating to Cochlear Implants numbered:

§46:30:08:01; §§46:30:08:04 and 05.

The effects of the proposed rules relating to Interpreters for the Deaf will be to: add a complaint process against a certified interpreter, provide for notice to the interpreter of the complaint, add an investigation process and timeline; will require any interpreter registering with the Division to adhere to the Code of Professional Conduct as adopted by the Registry of Interpreters for the Deaf; allows an interpreter with an EIPA assessment score of 3.5 or higher who has failed to register within 12 months of the renewal date to register under the initial registration process providing they submit the continuing education as required under the annual registration process; combines initial registration for nationally certified interpreters and the interpreters registering with the EIPA assessment score under one rule; combines annual registration for the currently certified South Dakota certified interpreter, an interpreter registering with an EIPA assessment score and a nationally certified interpreter under one rule; changes the due date of annual registration to August 31 of each year for all interpreters; changes the continuing education contact hours to 80 hours in a four year maintenance cycle for South Dakota certified interpreters or an interpreter registering with an EIPA assessment score; provides for a modified first time cycle for an interpreter registering with an EIPA assessment score and starts all of the currently certified South Dakota interpreter cycles to begin on September 1, 2011; allows for an extension of continuing education maintenance under certain circumstances.

The rules are being amended to add a definition of South Dakota interpreter certification for clarity, to be consistent with the national certification process and continuing education process and timeline; to add a complaint process, to require adherence to the Code of Professional Conduct adopted by the Registry of Interpreters for the Deaf, to change the annual registration deadline for South Dakota or EIPA and nationally certified interpreters, to be consistent with the initial and annual registration process, and to address registration that has expired and what recourse an interpreter has.

The effect of the proposed rules relating to Cochlear Implants will be to amend the eligibility requirements for funding of cochlear implants by the Division of Rehabilitation Services by removing the current requirement that the applicant must be five years old or if less than 21 have one implant before the age of five or a documented progressive hearing loss that led to deafness after speech and language were developed and by changing the requirement to the applicant be less than 21 years of age at the time of application; amends the application process to reflect that the requirement for deafness after speech and language development is no longer required; amends the definition of an applicant to reflect the age change to less than 21 years of age.

The reason these rules are being amended is to comply with HB 1275 enacted as of July 1, 2010.

Persons interested in presenting data, statements, opinions and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them by mail to the Department of Human Services, Hillsview Plaza, E. Highway 34, c/o 500 E. Capitol, Pierre, South

Dakota 57501-5070. C/o Velda Bartel, Administrative Rules Coordinator; or by email to velda.bartel@state.sd.us; or by fax at (605) 773-5483. **Material sent by mail, email, or fax must reach the Department of Human Services by 5 p.m. on November 4, 2010, to be considered.**

After the hearing, the Department of Human Services 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 above-mentioned office within 48 hours of the public hearing if you have special needs for which this agency will need to make arrangements. The telephone number for making special arrangements is (605) 773-5990 or (605) 773-6412 TTY.

The Department of Human Services, upon its own motion or at the instance of any interested persons, may thereafter adopt the above proposals substantially as set forth above without further notice.

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

Department of Human Services
Hillsview Plaza, East Hwy. 34
C/o 500 East Capitol
Pierre, South Dakota 57501-5070

Or downloaded from the SD Division of Rehabilitation Services' website at:
www.dhs.sd.gov/drs/ ; or email velda.bartel@state.sd.us for a copy.

Published at the approximate cost of \$_____.