



South Dakota
COUNCIL of MENTAL HEALTH CENTERS, Inc.
P.O. Box 532
2520 East Franklin Street
Pierre, South Dakota 57501-0532

JUL 16 2014

**Behavior Management
Systems**

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Rapid City, SD 57701
(605) 343-7262
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July 15, 2014

**Capital Area
Counseling Service**

P.O. Box 148
803 East Dakota Avenue
Pierre, SD 57501
(605) 224-5811
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Ferne Haddock
South Dakota Department of Education
800 Governor's Drive
Pierre, South Dakota 57501

**Community
Counseling Services**

357 Kansas, SE
Huron, SD 57350
(605) 352-8596
FAX: 352-7001



**RE: Comments to Adoption and Amendment of Proposed Rules in Chapter
24:05:24.01 (Eligibility Criteria - Autism Spectrum Disorder) and Section
24:55:01:01(37) ("Students with Disabilities Accountability Definition.**

**Dakota
Counseling Institute**

910 West Havens
Mitchell, SD 57301
(605) 996-9686
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Dear Ms. Haddock:

**East Central
Mental Health Center**

211 Fourth Street
Brookings, SD 57006
(605) 697-2860
FAX: 697-2874



Thank you for providing me with copy of the afore-referenced proposed rules draft. I have shared the draft with my Board of Directors for their individual review and input. Our Board consists of the Executive Directors/CEOs of the eleven Community Mental Health Centers serving South Dakota. I also had opportunity to discuss the draft at our recent Board of Directors meeting on July 10th, 2014. Based upon these discussions, I wish to formally provide comment on behalf of the South Dakota Council of Mental Health Centers (SDCMHC).

**Human
Service Agency**
P.O. Box 1030
123 19th Street, NE
Watertown, SD 57201-6030
(605) 886-0123
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We specifically wish to register the following two concerns related to the proposed changes to ARSD 24:05:24.01:03, "Autism spectrum disorder defined":

**Lewis & Clark
Behavioral Health Services**
1028 Walnut
Yankton, SD 57078
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1. The expansion of the existing regulative definition of autism to generally pertain to the entire spectrum of autistic disorders (ASDs) may result in unintended adverse consequences for families of children diagnosed with ASD. This revision would classify all ASDs as "developmental disabilities". The Division of Behavioral Health, Department of Social Services has, in the past, determined developmental disabilities to not be eligible for state-supported mental health services. Children with high levels of functioning, such as children diagnosed with milder presentations of Asperger's, have, in the past, qualified for mental health services directly related to their diagnoses. This change could, therefore, have the effect of making a whole category of children and their families ineligible for the care we have previously provided. If the current interpretation by the Department of Social Services is applied to the entire spectrum, clients within this diagnostic category may no longer be eligible for Community Mental Health services.

**Northeastern
Mental Health Center**
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**Three Rivers Mental Health
and Chemical Dependency
Center**
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Lemmon, SD 57638
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**Southeastern
Behavioral HealthCare**
2000 S. Summit Ave.
Sioux Falls, SD 57105
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**Southern Plains
Behavioral Health Services**
Box 662
Winner, SD 57580
(605) 842-1465
FAX: 842-2366



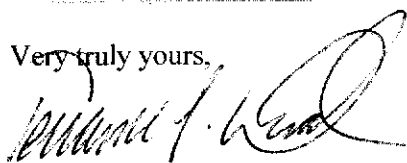
Ltr, Ferne Haddock, South Dakota Department of Education
July 15, 2014
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2. Related to line three, paragraph 1 of the same section, we are also concerned about the addition of the clause, “, generally evident before age three,”. Although this criterion was reportedly discussed during earlier versions of DSM-5, it was challenged and replaced with the wording: “must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life”).

For the two preceding reasons, we suggest that the wording of the first paragraph of ARSD 24:05:24.01:03 should be changed to “Autism spectrum disorder significantly affects verbal and nonverbal communication and social interaction that may result in adverse effects on the child’s educational performance”. Inasmuch as the proposed rules incorporate the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) by reference, we believe that the definition of ASD should be congruent with the one established in that source manual.

Thanks for considering this input as you work to implement the proposed regulation. We appreciate the opportunity to provide the above comments and recommendations and invite further discussion regarding the above position. I can be reached by calling (605-) 224-0123; my e-mail address is tladosch@dakota2k.net.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terrance L. Dosch", written over a horizontal line.

Terrance L. Dosch
Executive Director