

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

229R0502

## HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1183** - 2/9/2010

Introduced by: Representatives Jensen, Bolin, Brunner, Dennert, Elliott, Frerichs, Greenfield, Hoffman, Hunt, Iron Cloud III, Killer, Kirschman, Kopp, Lederman, Noem, Olson (Betty), Schrempp, Sly, Sorenson, Steele, Thompson, and Verchio and Senators Bradford and Jerstad

1 FOR AN ACT ENTITLED, An Act to authorize birth centers to operate in the state.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Any birth center that follows the National Standards for Birth Centers developed  
4 by the American Association of Birth Centers as demonstrated by its accreditation by the  
5 Commission for the Accreditation of Birth Centers, and is licensed by the state in accordance  
6 with chapter 34-12, may operate to provide care for women before, during, and after normal  
7 pregnancy, labor, and birth.

8 Section 2. That § 34-12-1.1 be amended to read as follows:

9 34-12-1.1. Terms used in this chapter mean:

10 (1) "Ambulatory surgery center," any facility which is not part of a hospital and which  
11 is not an office of a dentist, whether for individual or group practice, in which  
12 surgical procedures requiring the use of general anesthesia are performed upon  
13 patients;



- 1 (2) "Assisted living center," any institution, rest home, boarding home, place, building,  
2 or agency which is maintained and operated to provide personal care and services  
3 which meet some need beyond basic provision of food, shelter, and laundry;
- 4 (3) "Chemical dependency treatment facility," any facility which provides a structured  
5 inpatient treatment program for alcoholism or drug abuse;
- 6 (4) "Health care facility," any institution, sanitarium, maternity home, birth center,  
7 ambulatory surgery center, chemical dependency treatment facility, hospital, nursing  
8 facility, assisted living center, rural primary care hospital, adult foster care home,  
9 inpatient hospice, residential hospice, place, building, or agency in which any  
10 accommodation is maintained, furnished, or offered for the hospitalization, nursing  
11 care, or supervised care of the sick or injured;
- 12 (5) "Hospital," any establishment with an organized medical staff with permanent  
13 facilities that include inpatient beds and is primarily engaged in providing by or  
14 under the supervision of physicians, to inpatients, any of the following services:  
15 diagnostic or therapeutic services for the medical diagnosis, treatment, or care of  
16 injured, disabled, or sick persons; obstetrical services including the care of the  
17 newborn; or rehabilitation services for injured, disabled, or sick persons. In no event  
18 may the inpatient beds include nursing facility beds or assisted living center beds  
19 unless the same are licensed as such pursuant to this chapter;
- 20 (6) "Maternity home," any institution, place, building, or agency in which, within a  
21 period of six months, more than one woman, during pregnancy, or during or after  
22 delivery, except women related by blood or marriage, are kept for care or treatment;  
23 or which has in its custody or control at any one time, two or more infants under the  
24 age of two years, unattended by parents or guardians, for the purpose of providing

1           them with care, food, and lodging, except infants related to the one having such  
2           custody or control by blood or marriage;

3       (7)   "Nursing facility," any facility which is maintained and operated for the express or  
4           implied purpose of providing care to one or more persons whether for consideration  
5           or not, who are not acutely ill but require nursing care and related medical services  
6           of such complexity as to require professional nursing care under the direction of a  
7           physician on a twenty-four hour per day basis; or a facility which is maintained and  
8           operated for the express or implied purpose of providing care to one or more persons,  
9           whether for consideration or not, who do not require the degree of care and treatment  
10          which a hospital is designed to provide, but who because of their mental or physical  
11          condition require medical care and health services which can be made available to  
12          them only through institutional facilities;

13       (8)   "Critical access hospital," any nonprofit or public hospital providing emergency care  
14           on a twenty-four hour basis located in a rural area which has limited acute inpatient  
15           services, focusing on primary and preventive care, and which has in effect an  
16           agreement with a general hospital that provides emergency and medical backup  
17           services and accepts patient referrals from the critical access hospital. For the  
18           purposes of this subdivision, a rural area is any municipality of under fifty thousand  
19           population;

20       (9)   "Adult foster care home," a family-style residence which provides supervision of  
21           personal care, health services, and household services for no more than four aged,  
22           blind, physically disabled, developmentally disabled, or socially-emotionally disabled  
23           adults;

24       (10)  "Inpatient hospice," any facility which is not part of a hospital or nursing home which

1 is maintained and operated for the express or implied purpose of providing all levels  
2 of hospice care to terminally ill individuals on a twenty-four hour per day basis; ~~and~~

3 (11) "Residential hospice," any facility which is not part of a hospital or nursing home  
4 which is maintained and operated for the express or implied purpose of providing  
5 custodial care to terminally ill individuals on a twenty-four hour per day basis;

6 (12) "Birth center," a homelike facility existing within a health care system with a  
7 program of care designed in the wellness model of pregnancy and birth that provides  
8 family-centered care for healthy women before, during, and after normal pregnancy,  
9 labor, and birth.