

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0729

SENATE BILL NO. 176

Introduced by: The Committee on Health and Human Services at the request of the Office of
the Governor

1 FOR AN ACT ENTITLED, An Act to establish a program to assist rural health care facilities
2 in recruiting certain health care professionals and to repeal certain provisions regarding
3 recruitment incentive payments for health care professionals.

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

5 Section 1. The Department of Health may establish a program to assist rural health care
6 facilities in recruiting eligible health care professionals as defined pursuant to section 3 of this
7 Act.

8 Section 2. A rural health care facility eligible to participate in the recruitment assistance
9 program is any rural health care facility which:

- 10 (1) Is located in a community with a population of ten thousand or less;
- 11 (2) Is licensed pursuant to chapter 34-12 or certified under Title XVIII or XIX of the
12 Social Security Act as amended through December 31, 2011; and
- 13 (3) Agrees to provide its portion of the recruitment assistance payment payable to a
14 health care professional who practices in the health care facility as required by this
15 Act.



1 A rural health care facility may have up to three eligible health care professionals per year
2 participate in the program.

3 Section 3. A health care professional is eligible to participate in the recruitment assistance
4 program, established pursuant to this Act, if the health care professional is licensed or certified
5 to practice in his or her profession in South Dakota and agrees to practice full time in an eligible
6 rural health care facility for a minimum period of three years. No more than sixty health care
7 professionals may participate in the program each year. The Department of Health shall
8 promulgate rules pursuant to chapter 1-26 to specify those health care professionals eligible to
9 receive incentive payments under this recruitment assistance program.

10 Section 4. A health care professional who fulfills the requirements of the recruitment
11 assistance program established pursuant to this Act is entitled to receive an incentive payment
12 not to exceed ten thousand dollars.

13 Section 5. Any agreement for the payment of recruitment assistance pursuant to this Act
14 shall obligate the rural health care facility employing the health care professional to provide a
15 portion of the total amount of recruitment incentives based on the following criteria: rural health
16 care facilities in communities of two thousand five hundred persons or less shall provide
17 twenty-five percent of recruitment incentive payments, and rural health care facilities in
18 communities of greater than two thousand five hundred persons shall provide fifty percent of
19 recruitment incentive payments. When the rural health care facility certifies to the secretary of
20 health that it has paid the full amount for which it is obligated, the secretary of health shall pay
21 to the health care professional the remaining balance of the total incentive amount. The secretary
22 shall pay the required amount out of funds appropriated by the Legislature for such purpose. The
23 incentive shall be paid upon the health care professional's completion of the required three-year
24 practice period. However, a rural health facility may pay its portion of the incentive at any time

1 during the three-year period.

2 Section 6. No recruitment assistance agreement entered into pursuant to the provisions of
3 this Act is effective until it is filed with and approved by the secretary of health. The secretary
4 may prescribe the form of the agreements and procedures for approval by rules promulgated
5 pursuant to chapter 1-26.

6 Section 7. No person may participate in the program established pursuant to the provisions
7 of this Act if the person has previously participated in such program, or any other state or federal
8 scholarship, loan repayment, or tuition reimbursement program which obligates the person to
9 provide medical services within an underserved area.

10 Section 8. Any rural health care facility participating in the program established pursuant
11 to the provisions of this Act shall agree to be a participating South Dakota medical assistance
12 provider and to serve any person eligible under chapter 28-6 and may not refuse treatment to any
13 such person while participating in the program.

14 Section 9. That § 1-16A-73.13 be repealed.

15 ~~— 1-16A-73.13. A health care professional is eligible to receive recruitment incentive~~
16 ~~payments pursuant to §§ 1-16A-73.13 to 1-16A-73.19, inclusive, if the health care professional~~
17 ~~is licensed or certified to practice his or her profession in South Dakota and agrees to practice~~
18 ~~full time in an eligible health care facility for a minimum period of two years. However, no~~
19 ~~more than sixty health care professionals may participate in this program at any specified time.~~
20 ~~The Department of Health shall promulgate rules pursuant to chapter 1-26 to specify those~~
21 ~~health care professionals eligible to receive recruitment incentive payments.~~

22 Section 10. That § 1-16A-73.14 be repealed.

23 ~~— 1-16A-73.14. For purposes of §§ 1-16A-73.13 to 1-16A-73.19, inclusive, an eligible health~~
24 ~~care facility is any facility in this state which:~~

1 ~~— (1) — Is licensed pursuant to chapter 34-12 or certified under Title XVIII or XIX of the~~
2 ~~Social Security Act as amended to December 31, 2001;~~

3 ~~— (2) — Agrees to provide its portion of the recruitment incentive payments payable to a~~
4 ~~health care professional who practices in the health care facility as required by §§ 1-~~
5 ~~16A-73.13 to 1-16A-73.19, inclusive; and~~

6 ~~— (3) — Is determined to be eligible by the Department of Health.~~

7 ~~— Prior to making a determination under subdivision (3) of this section, the Department of~~
8 ~~Health shall promulgate rules pursuant to chapter 1-26 to establish specific criteria to evaluate~~
9 ~~each facility's need for eligible health care professionals.~~

10 Section 11. That § 1-16A-73.15 be repealed.

11 ~~— 1-16A-73.15. A health care professional who fulfills the requirements of §§ 1-16A-73.13~~
12 ~~to 1-16A-73.19, inclusive, is entitled to receive a recruitment incentive payment in the amount~~
13 ~~of five thousand dollars.~~

14 Section 12. That § 1-16A-73.16 be repealed.

15 ~~— 1-16A-73.16. Any agreement for the payment of recruitment incentives pursuant to §§ 1-~~
16 ~~16A-73.13 to 1-16A-73.19, inclusive, shall obligate the facility employing the health care~~
17 ~~professional to provide a portion of the total amount of recruitment incentives based on the~~
18 ~~following criteria: health care facilities in communities of two thousand five hundred persons~~
19 ~~or less shall provide twenty-five percent of recruitment incentive payments and health care~~
20 ~~facilities in communities of greater than two thousand five hundred persons shall provide fifty~~
21 ~~percent of recruitment incentive payments. When the facility certifies to the secretary of health~~
22 ~~that it has paid the full amount for which it is obligated, the secretary of health shall pay to the~~
23 ~~health care professional the remaining balance of the total recruitment incentive amount. The~~
24 ~~incentive shall be paid upon the health care professional's completion of the required two-year~~

1 ~~practice period. However, a facility may pay its portion of the recruitment incentive at any time~~
2 ~~during the two-year period.~~

3 Section 13. That § 1-16A-73.17 be repealed.

4 ~~— 1-16A-73.17. Any county or municipality may appropriate funds for the purpose of carrying~~
5 ~~out the provisions of §§ 1-16A-73.13 to 1-16A-73.19, inclusive.~~

6 Section 14. That § 1-16A-73.18 be repealed.

7 ~~— 1-16A-73.18. No recruitment incentive agreement entered into pursuant to the provisions~~
8 ~~of §§ 1-16A-73.13 to 1-16A-73.19, inclusive, is effective until it is filed with and approved by~~
9 ~~the secretary of health. The secretary may prescribe the form of agreements and procedures for~~
10 ~~approval by rules promulgated pursuant to chapter 1-26.~~

11 Section 15. That § 1-16A-73.19 be repealed.

12 ~~— 1-16A-73.19. No person may participate in the recruitment incentive program established~~
13 ~~by §§ 1-16A-73.13 to 1-16A-73.19, inclusive, who is participating in, or has previously~~
14 ~~participated in, this or any other state or federal tuition reimbursement or forgiveness program.~~