



## 2021 South Dakota Legislature

# Senate Bill 83

Introduced by: **Senator** Castleberry

1 **An Act to require the provision of information regarding perinatal hospice.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **34-23B-7. Definitions.**

5 Terms used in §§ 34-23B-8 and 34-23B-9 mean:

6 (1) "Lethal fetal anomaly," a condition that is diagnosed before the child's birth and  
 7 will, with reasonable medical certainty, result in the child's death within three  
 8 months from the date of birth; and

9 (2) "Perinatal hospice," the provision of:

10 (a) Comprehensive, supportive care to a pregnant mother and her family,  
 11 beginning with the diagnosis of a lethal fetal anomaly and continuing  
 12 through the birth and resultant death of the child; and

13 (b) Counseling and medical care by maternal-fetal medical specialists,  
 14 obstetricians, neonatologists, anesthesia specialists, specialty nurses,  
 15 clergy, social workers, and others who are focused on alleviating fear and  
 16 ensuring that the mother and her family experience the life and death of  
 17 the child in a comfortable and supportive environment.

18 **Section 2.** That a NEW SECTION be added:

19 **34-23B-8. Perinatal hospice providers and programs.**

20 The Department of Health shall develop and post on the department's website:

21 (1) A brochure that:

22 (a) Describes the services available from a perinatal hospice program;

23 (b) Includes a statement that medical assistance benefits may be available for  
 24 prenatal care, childbirth, and perinatal hospice;

- 1                    (c) Includes information regarding access to grief counseling and other support  
2                    programs; and  
3                    (d) Includes a link to the departmental website at which additional information  
4                    may be accessed;  
5                    (2) A list of all perinatal hospice providers and programs located in this state;  
6                    (3) A list of perinatal hospice providers and programs that:  
7                    (a) Are located in surrounding states; and  
8                    (b) Provide care to residents of this state; and  
9                    (4) A list of other perinatal hospice resources.

10 **Section 3.** That a NEW SECTION be added:

11                    **34-23B-9. Receipt of information--Verification.**

12                    If a pregnant mother is notified of a lethal fetal anomaly, the health care provider  
13                    shall:

- 14                    (1) At the time of notification, provide the mother with copies of the brochure and lists  
15                    referenced in § 34-23B-8;  
16                    (2) At the time of notification, ask the mother to sign a form, prepared and made  
17                    available to the health care provider by the Department of Health, verifying receipt  
18                    of the brochure and the lists referenced in § 34-23B-8; and  
19                    (3) Maintain the signed form as part of the mother's medical records.