

2021 South Dakota Legislature

Senate Bill 167**AMENDMENT 167B FOR THE INTRODUCED BILL**

1 **An Act to establish criteria for a regional nursing facility designation ~~and~~ to provide**
 2 **an appropriation therefor, and to declare an emergency.**

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

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

5 **34-12-35.12. Regional nursing facility--Designation.**

6 A nursing facility may submit to the Department of Human Services an application
 7 for designation as a regional nursing facility. In order to obtain the designation, a nursing
 8 facility must:

9 (1) Be enrolled and in good standing with South Dakota Medicaid;

10 ~~(2) Prepare and provide a regional plan that pertains to the service area referenced in~~
 11 ~~subdivision (4) of this section and includes:~~

12 ~~(a) Demographic and aging trends;~~

13 ~~(b) A survey of existing aging and health care facilities, services, and staffing;~~

14 ~~(c) A survey of aging and health care needs;~~

15 ~~(d) A gap analysis of existing services and identified and projected needs;~~

16 ~~(e) Recommendations for addressing any identified gaps between existing~~
 17 ~~services and identified and projected needs;~~

18 ~~(f) Community input on the recommendations for addressing the identified~~
 19 ~~gaps; and~~

20 ~~(g) Other criteria, as set forth in rules promulgated by the department;~~

21 (32) Provide home and community-based services in the region through an affiliation or
 22 a contractual arrangement;

23 (43) Demonstrate intent to construct a new nursing facility or to substantially remodel
 24 an existing facility, upon merging with one or more health care facilities within a
 25 thirty-mile radius;

1 (54) Demonstrate that the newly constructed nursing facility or the substantially
2 remodeled facility will:

3 (a) Support a homelike environment with a cluster, neighborhood, or household
4 model layout;

5 (b) Contain single occupancy rooms and toilet areas;

6 (c) Abide by best practices regarding infection control and prevention;

7 (d) Allow for private visitation; and

8 (e) Support other best practices related to aging;

9 (65) Meet any other criteria set forth in rules promulgated by the department for the
10 implementation of this section.

11 Upon approval of the application and completion of the construction or remodeling
12 referenced in this section, the department shall designate the facility as a regional nursing
13 facility. ~~The~~ Upon a determination by the department that the proposal is budget-neutral
14 for South Dakota Medicaid, the department shall reimburse the facility in accordance with
15 the regional nursing facility rate methodology, ~~if the facility continues to comply with this~~
16 ~~section and incurs costs related to the approved project.~~

17 The department shall promulgate rules, in accordance with chapter 1-26, to
18 implement this section.

19 **Section 2.** There is hereby appropriated from the general fund the sum of
20 \$6,000,000 to the Governor's Office of Economic Development, for the purposes of
21 awarding grants to:

22 (1) Entities renovating vacated nursing facilities in accordance with § 34-12-35.12;

23 (2) Reimburse nursing facilities for reasonable costs incurred in preparing a regional
24 plan, ~~as required by § 34-12-35.12;~~

25 (3) Assist entities with the costs of engaging in other acts consistent with a regional or
26 community health plan approved by the office; or

27 (4) Assist entities with the costs of any other activity approved by the state.

28 The Governor's Office of Economic Development may accept grant applications
29 from a regional nursing facility for a period of one year after the facility is awarded that
30 designation in accordance with § 34-12-35.12.

31 No grant awarded under this section for the renovation of a vacated nursing facility
32 may exceed the lesser of one million dollars or fifty percent of the total renovation cost.

33 **Section 3.** The commissioner of the Governor's Office of Economic Development shall
34 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized
35 by this Act.

1 **Section 4.** Any amounts appropriated in this Act now lawfully expended or obligated shall
2 revert in accordance with the procedures prescribed in chapter 4-8.

3 **Section 5.** Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.

