



2022 South Dakota Legislature

House Bill 1123

Introduced by: **Representative** Rehfeldt

1 **An Act to establish licensure for rural emergency hospitals.**

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

3 **Section 1. That § 34-12-1.1 be AMENDED:**

4 **34-12-1.1.** Terms used in this chapter mean:

- 5 (1) "Ambulatory surgery center," any facility ~~which~~ that is not part of a hospital and
6 ~~which~~ that is not an office of a dentist, whether for individual or group practice, in
7 which surgical procedures requiring the use of general anesthesia are performed
8 upon patients;
- 9 (2) "Assisted living center," any institution, rest home, boarding home, place, building,
10 or agency ~~which~~ that is maintained and operated to provide personal care and
11 services ~~which~~ that meet some need beyond basic provision of food, shelter, and
12 laundry;
- 13 (3) "Chemical dependency treatment facility," any facility ~~which~~ that provides a
14 structured inpatient treatment program for alcoholism or drug abuse;
- 15 (4) "Health care facility," any institution, birth center, ambulatory surgery center,
16 chemical dependency treatment facility, hospital, nursing facility, assisted living
17 center, rural primary care hospital, adult foster care home, inpatient hospice,
18 residential hospice, freestanding emergency care facility, community living home,
19 rural emergency hospital, place, building, or agency in which any accommodation
20 is maintained, furnished, or offered for the hospitalization, nursing care, or
21 supervised care of the sick or injured;
- 22 (5) "Hospital," any establishment with an organized medical staff with permanent
23 facilities that include inpatient beds and is primarily engaged in providing by or
24 under the supervision of physicians, to inpatients, any of the following services:
25 diagnostic or therapeutic services for the medical diagnosis, treatment, or care of
26 injured, disabled, or sick persons; obstetrical services including the care of the

- 1 newborn; or rehabilitation services for injured, disabled, or sick persons. In no
2 event may the inpatient beds include nursing facility beds or assisted living center
3 beds unless the same are licensed as such pursuant to this chapter;
- 4 (6) "Nursing facility," any facility ~~which~~ that is maintained and operated for the express
5 or implied purpose of providing care to one or more persons whether for
6 consideration or not, who are not acutely ill but require nursing care and related
7 medical services of such complexity as to require professional nursing care under
8 the direction of a physician on a twenty-four hour per day basis; or a facility ~~which~~
9 that is maintained and operated for the express or implied purpose of providing
10 care to one or more persons, whether for consideration or not, who do not require
11 the degree of care and treatment ~~which~~ that a hospital is designed to provide, but
12 who because of their mental or physical condition require medical care and health
13 services ~~which~~ that can be made available to them only through institutional
14 facilities;
- 15 (7) "Critical access hospital," any nonprofit or public hospital providing emergency care
16 on a twenty-four hour basis located in a rural area ~~which~~ that has limited acute
17 inpatient services, focusing on primary and preventive care, and ~~which~~ that has in
18 effect an agreement with a general hospital that provides emergency and medical
19 backup services and accepts patient referrals from the critical access hospital. For
20 the purposes of this subdivision, a rural area is any municipality ~~of~~ under fifty
21 thousand population;
- 22 (8) "Adult foster care home," a family-style residence ~~which~~ that provides supervision
23 of personal care, health services, and household services for no more than four
24 aged, blind, physically disabled, developmentally disabled, or socially-emotionally
25 disabled adults;
- 26 (9) "Inpatient hospice," any facility ~~which~~ that is not part of a hospital or nursing home
27 ~~which~~ that is maintained and operated for the express or implied purpose of
28 providing all levels of hospice care to terminally ill individuals on a twenty-four
29 hour per day basis;
- 30 (10) "Residential hospice," any facility ~~which~~ that is not part of a hospital or nursing
31 home ~~which~~ that is maintained and operated for the express or implied purpose of
32 providing custodial care to terminally ill individuals on a twenty-four hour per day
33 basis;

- 1 (11) "Birth center," any health care facility at which a woman is scheduled to give birth
 2 following a normal, uncomplicated pregnancy, but does not include a hospital or
 3 the residence of the woman giving birth;
- 4 (12) "Freestanding emergency medical care facility," any facility structurally separate
 5 and distinct from a hospital that directly receives a person and provides emergency
 6 medical care;
- 7 (13) "Community living home," any family-style residence whose owner or operator is
 8 engaged in the business of providing individualized and independent residential
 9 community living supports for compensation to at least one unrelated adult, but
 10 no more than four adults, and provides one or more regularly scheduled health
 11 related services, either administered directly or in collaboration with an outside
 12 health care provider. This term does not include any setting ~~which~~ that is certified
 13 or accredited through chapter 34-20A, title 27A, or title 27B; and
- 14 (14) "Rural emergency hospital," any nonprofit or public health care facility previously
 15 licensed as a hospital that provides emergency care on a twenty-four-hour basis,
 16 is located in a municipality under fifty thousand population that has no acute
 17 inpatient services, and that has in effect a transfer agreement with a level I or II
 18 trauma hospital, as designated by the Department of Health, to accept patients
 19 from the rural emergency hospital.

20 **Section 2. That § 34-12-6 be AMENDED:**

21 **34-12-6.** Any application for a license to operate a health care facility ~~shall~~ must
 22 be accompanied by a fee. The annual license fee established for each licensure category
 23 of health care facilities ~~shall be as follows~~ is:

- 24 (1) ~~Nursing~~ For a nursing facility of:
- 25 (a) Fifty beds or less, six hundred dollars;
- 26 (b) Fifty-one to one hundred beds, inclusive, nine hundred dollars;
- 27 (c) One hundred one to one hundred fifty beds, inclusive, one thousand two
 28 hundred dollars; and
- 29 (d) One hundred fifty-one or more beds, one thousand five hundred dollars;
- 30 (2) ~~Assisted~~ For an assisted living center of:
- 31 (a) Sixteen beds or less, one hundred fifty dollars;
- 32 (b) Seventeen to fifty beds, inclusive, three hundred dollars;
- 33 (c) Fifty-one to one hundred beds, inclusive, four hundred fifty dollars; and
- 34 (d) One hundred one or more beds, six hundred dollars;

- 1 (3) ~~Hospital~~For a hospital of:
 2 (a) Twenty-five beds or less, one thousand dollars;
 3 (b) Twenty-six to fifty beds, inclusive, one thousand five hundred dollars;
 4 (c) Fifty-one to one hundred beds, inclusive, two thousand dollars;
 5 (d) One hundred one to one hundred fifty beds, inclusive, three thousand dollars;
 6 (e) One hundred fifty-one to two hundred beds, inclusive, four thousand dollars;
 7 and
 8 (f) Two hundred one or more beds, five thousand dollars;
 9 (4) ~~Ambulatory~~For an ambulatory surgery center, five hundred dollars;
 10 (5) ~~Chemical~~For a chemical dependency treatment facility of:
 11 (a) Sixteen beds or less, one hundred fifty dollars;
 12 (b) Seventeen to fifty beds, inclusive, three hundred dollars; and
 13 (c) Fifty-one or more beds, four hundred fifty dollars;
 14 (6) ~~Inpatient~~For an inpatient and residential hospice, two hundred dollars;
 15 (7) ~~Freestanding~~For a freestanding emergency medical care facility, five hundred
 16 dollars;
 17 (8) ~~Community~~For a community living home, one hundred fifty dollars; and
 18 (9) For a rural emergency hospital, five hundred dollars.
 19 No ~~such~~ fee may be refunded. All fees received by the Department of Health under
 20 the provisions of this chapter ~~shall~~ must be paid into the general fund.

21 **Section 3. That § 34-12-52 be AMENDED:**

- 22 **34-12-52.** Terms used in this section and §§ 34-12-53 to 34-12-55, inclusive,
 23 mean:
 24 (1) "Department," the Department of Health;
 25 (2) "Emergency medical services," health care provided to the patient at the scene,
 26 during transportation to a medical facility, between medical facilities, and upon
 27 entry at the medical facility;
 28 (3) ~~"Freestanding emergency medical care facility," a facility structurally separate and~~
 29 ~~distinct from a hospital that directly receives a person and provides emergency~~
 30 ~~medical care;~~
 31 (4) ~~"Hospital," a hospital licensed pursuant to chapter 34-12;~~
 32 (5) "Trauma," a sudden, severe injury or damage to the body caused by an external
 33 force that results in potentially life-threatening injuries or that could result in the
 34 following disabilities:

- 1 (a) Impairment of cognitive or mental abilities;
- 2 (b) Impairment of physical functioning; or
- 3 (c) Disturbance of behavioral or emotional functioning;
- 4 ~~(6)~~(4) "Trauma care system," a statewide system for the prevention of trauma and the
- 5 provision of optimal medical care to trauma victims that includes both the provision
- 6 of appropriate health care services and provision of emergency medical care,
- 7 equipment, and personnel for effective and coordinated prehospital, hospital, inter-
- 8 hospital, and rehabilitative care for trauma patients;
- 9 ~~(7)~~(5) "Trauma hospital," a hospital designated by the department as providing a
- 10 specialized program in trauma care with appropriately trained personnel,
- 11 equipment, and other facility resources that are specifically organized to provide
- 12 optimal care to a trauma patient at the facility; and
- 13 ~~(8)~~(6) "Trauma registry," patient-specific trauma data that is maintained by a health care
- 14 facility, in a format prescribed by rules promulgated pursuant to § 34-12-54.

15 **Section 4. That § 34-12-53 be AMENDED:**

16 **34-12-53.** The department shall develop, implement, and administer a trauma

17 care system including a statewide trauma registry that involves all hospitals, freestanding

18 emergency medical care facilities, rural emergency hospitals, and emergency medical

19 services within the state.