



## 2024 South Dakota Legislature

# Senate Bill 147

Introduced by: **Senator Hunhoff**

1 **An Act to provide for the distribution of informational materials regarding palliative**  
 2 **care.**

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

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

5 **34-12-1.1.** Terms used in this chapter mean:

- 6 (1) "Adult foster care home," a family-style residence that provides supervision of  
 7 personal care, health services, and household services for no more than four aged,  
 8 blind, physically disabled, developmentally disabled, or socially-emotionally  
 9 disabled adults;
- 10 (2) "Ambulatory surgery center," any facility that is not part of a hospital and that is  
 11 not an office of a dentist, whether for individual or group practice, in which surgical  
 12 procedures requiring the use of general anesthesia are performed upon patients;
- 13 ~~(3)~~(3) "Assisted living center," any institution, rest home, boarding home, place, building,  
 14 or agency that is maintained and operated to provide personal care and services  
 15 that meet some need beyond basic provision of food, shelter, and laundry;
- 16 (4) "Birth center," any health care facility at which a woman is scheduled to give birth  
 17 following a normal, uncomplicated pregnancy, but does not include a hospital or  
 18 the residence of the woman giving birth;
- 19 ~~(3)~~(5) "Chemical dependency treatment facility," any facility that provides a structured  
 20 inpatient treatment program for alcoholism or drug abuse;
- 21 (6) "Community living home," any family-style residence whose owner or operator is  
 22 engaged in the business of providing individualized and independent residential  
 23 community living supports for compensation to at least one unrelated adult, but  
 24 no more than four adults, and provides one or more regularly scheduled health  
 25 related services, either administered directly or in collaboration with an outside

1 health care provider. This term does not include any setting that is certified or  
2 accredited through chapter 34-20A, title 27A, or title 27B;

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

10 (8) "Freestanding emergency medical care facility," any facility structurally separate  
11 and distinct from a hospital that directly receives a person and provides emergency  
12 medical care;

13 ~~(4)~~(9) "Health care facility," any institution, birth center, ambulatory surgery center,  
14 chemical dependency treatment facility, hospital, nursing facility, assisted living  
15 center, rural primary care hospital, adult foster care home, inpatient hospice,  
16 residential hospice, freestanding emergency care facility, community living home,  
17 rural emergency hospital, place, building, or agency in which any accommodation  
18 is maintained, furnished, or offered for the hospitalization, nursing care, or  
19 supervised care of the sick or injured;

20 ~~(5)~~(10) "Hospital," any establishment with an organized medical staff with permanent  
21 facilities that include inpatient beds and is primarily engaged in providing by or  
22 under the supervision of physicians, to inpatients, any of the following services:  
23 diagnostic or therapeutic services for the medical diagnosis, treatment, or care of  
24 injured, disabled, or sick persons; obstetrical services including the care of the  
25 newborn; or rehabilitation services for injured, disabled, or sick persons. In no  
26 event may the inpatient beds include nursing facility beds or assisted living center  
27 beds unless the same are licensed as such pursuant to this chapter;

28 (11) "Inpatient hospice," any facility that is not part of a hospital or nursing home that  
29 is maintained and operated for the express or implied purpose of providing all levels  
30 of hospice care to terminally ill individuals on a twenty-four hour per day basis;

31 ~~(6)~~(12) "Nursing facility," any facility that is maintained and operated for the express or  
32 implied purpose of providing care to one or more persons whether for consideration  
33 or not, who are not acutely ill but require nursing care and related medical services  
34 of such complexity as to require professional nursing care under the direction of a  
35 physician on a twenty-four hour per day basis; or a facility that is maintained and

- 1 operated for the express or implied purpose of providing care to one or more  
2 persons, whether for consideration or not, who do not require the degree of care  
3 and treatment that a hospital is designed to provide, but who because of their  
4 mental or physical condition require medical care and health services that can be  
5 made available to them only through institutional facilities;
- 6 ~~(7)~~ "Critical access hospital," any nonprofit or public hospital providing emergency care  
7 on a twenty-four hour basis located in a rural area that has limited acute inpatient  
8 services, focusing on primary and preventive care, and that has in effect an  
9 agreement with a general hospital that provides emergency and medical backup  
10 services and accepts patient referrals from the critical access hospital. For the  
11 purposes of this subdivision, a rural area is any municipality under fifty thousand  
12 population;
- 13 ~~(8)~~ "Adult foster care home," a family style residence that provides supervision of  
14 personal care, health services, and household services for no more than four aged,  
15 blind, physically disabled, developmentally disabled, or socially emotionally  
16 disabled adults;
- 17 ~~(9)~~ "Inpatient hospice," any facility that is not part of a hospital or nursing home that  
18 is maintained and operated for the express or implied purpose of providing all levels  
19 of hospice care to terminally ill individuals on a twenty-four hour per day basis;
- 20 ~~(10)~~(13) "Palliative care," specialized medical care that is provided to a patient of any  
21 age, with a serious illness at any stage, and which:
- 22 (a) Is designed to improve a patient's quality of life, and that of the patient's  
23 family, by providing relief from the symptoms and stresses of the patient's  
24 illness;
- 25 (b) May be provided alongside curative treatments in primary and specialty  
26 settings, based on the needs of the patient and not on the prognosis; and
- 27 (c) Delivered collaboratively, in any setting, by a specially-trained  
28 interdisciplinary team that includes healthcare practitioners, nurses, social  
29 workers, spiritual care providers, and other patient support providers;
- 30 (14) "Residential hospice," any facility that is not part of a hospital or nursing home that  
31 is maintained and operated for the express or implied purpose of providing  
32 custodial care to terminally ill individuals on a twenty-four hour per day basis;
- 33 ~~(11)~~ "Birth center," any health care facility at which a woman is scheduled to give birth  
34 following a normal, uncomplicated pregnancy, but does not include a hospital or  
35 the residence of the woman giving birth;

1 ~~(12) "Freestanding emergency medical care facility," any facility structurally separate~~  
2 ~~and distinct from a hospital that directly receives a person and provides emergency~~  
3 ~~medical care;~~

4 ~~(13) "Community living home," any family style residence whose owner or operator is~~  
5 ~~engaged in the business of providing individualized and independent residential~~  
6 ~~community living supports for compensation to at least one unrelated adult, but~~  
7 ~~no more than four adults, and provides one or more regularly scheduled health~~  
8 ~~related services, either administered directly or in collaboration with an outside~~  
9 ~~health care provider. This term does not include any setting that is certified or~~  
10 ~~accredited through chapter 34-20A, title 27A, or title 27B; and~~

11 ~~(14)~~(15) "Rural emergency hospital," any nonprofit or public health care facility previously  
12 licensed as a hospital that provides emergency care on a twenty-four-hour basis,  
13 is located in a municipality under fifty thousand population that has no acute  
14 inpatient services, and that has in effect a transfer agreement with a level I or II  
15 trauma hospital, as designated by the Department of Health, to accept patients  
16 from the rural emergency hospital.

17 **Section 2. That a NEW SECTION be added to chapter 34-12:**

18 The Department of Health shall make available on its website informational  
19 material governing the provision of palliative care.

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