

Committee: House Health and Human Services

Tuesday, February 13, 2024 7:45 AM

Roll Call

Present: Rep. Cammack, Rep. Deutsch, Rep. Donnell, Rep. Healy, Rep. Heermann, Rep. Kull, Rep. Moore, Rep. Mulder, Rep. Nelson, Rep. Schaeffbauer, Rep. Weisgram, Rep. Rehfeldt, and Rep. Jensen (Kevin)

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Jensen (Kevin)

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 08TH

Moved by: Cammack
Second by: Rehfeldt
Action: Prevailed by voice vote

HB 1223 : repeal a section of the Administrative Rules of South Dakota regarding cooperation with the Division of Child Support.

Presented by: Representative Erin Healy
Proponents: Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls
Opponents: Matt Althoff, Department of Social Services

MOTION: DEFER HB 1223 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Cammack, Deutsch, Donnell, Heermann, Kull, Mulder, Schaeffbauer, Weisgram, Rehfeldt, and Jensen (Kevin)

Voting No: Healy and Nelson

Excused: Moore

HCR 6012 : Acknowledging the challenges and responses during the COVID-19 pandemic and committing to accountability and action.

Presented by: Representative Aaron Aylward
Proponents: Chad Bishop, self, Sioux Falls
Opponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls (Handout(s) #1)
Matthew McCaulley, Sanford Health, Sioux Falls (Handout(s) #2)

MOTION: DEFER HCR 6012 TO THE 41ST LEGISLATIVE DAY

Moved by: Rehfeldt
Second by: Mulder
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Cammack, Deutsch, Donnell, Healy, Heermann, Kull, Mulder, Nelson, Schaeffbauer, Weisgram, Rehfeldt, and Jensen (Kevin)

Excused: Moore

HB 1202 : establish procedures for the termination of services by a provider through the CHOICES waiver program.

Presented by: Representative Chris Karr (Handout(s) #3,4,5)

Proponents: Daniel P. Cross, Community Support Providers of South Dakota, Spearfish
Steve K. Watkins, LifeScape, Sioux Falls
Brad Saathoff, Black Hills Works, Rapid City
Jennifer Gray, Aspire Inc., self, Aberdeen
Pam Hanna, LifeQuest, Self, Mitchell

Opponents: Cole Uecker, Disability Rights South Dakota, Pierre
Teri Bukowski, self, Pierre
Jenna Howell, Department of Human Services
Brenda Tidball-Zeltinger, Department of Social Services

MOTION: AMEND HB 1202

1202B

On page 1, line 14, of the Introduced bill, delete "Except as provided in section 5 of this Act, a " and insert "A "

On page 1, line 15, of the Introduced bill, after "terminating " insert "services provided to a participant under the "

On page 1, line 15, of the Introduced bill, after "program" delete " services to a participate"

On page 2, line 1, of the Introduced bill, after "terminating" insert " the services provided under the"

On page 2, line 1, of the Introduced bill, after "program" delete " services"

On page 2, line 2, of the Introduced bill, after "services;

(2)" insert "The date that the termination of services is effective;

(3) "

On page 2, line 2, of the Introduced bill, after "of" delete " other"

On page 2, line 3, of the Introduced bill, delete "(3) An explanation " and insert "(4) A statement "

On page 2, line 3, of the Introduced bill, delete " decision" and insert " termination"

On page 2, line 4, of the Introduced bill, delete "(4) An explanation " and insert "(5) A statement indicating "

On page 2, line 4, of the Introduced bill, after "upon" insert " the question of"

On page 2, line 5, of the Introduced bill, after "procedures " insert "as "

On page 2, line 5, of the Introduced bill, after "chapter, " insert "in "

On page 2, line 6, of the Introduced bill, after "and " insert "in "

On page 2, line 9, of the Introduced bill, after "guardian" insert the comma

On page 2, line 9, of the Introduced bill, after "of " insert "services under the "

On page 2, line 10, of the Introduced bill, after "program" delete " services"

On page 2, line 11, of the Introduced bill, after "the" delete " provider's"

On page 2, line 11, of the Introduced bill, after "upon " insert "the question of "

On page 2, line 12, of the Introduced bill, after "procedures" insert " as"

On page 2, line 12, of the Introduced bill, after "chapter, " insert "in "

On page 2, line 13, of the Introduced bill, after "and " insert "in "

On page 2, line 14, of the Introduced bill, delete "If " and insert "Except as provided in section 5 of this Act, if "

On page 2, line 23, of the Introduced bill, delete "If a provider determines that a delay in termination of CHOICES waiver program services will jeopardize the life, health, or safety of the participant, other participants cared for by the provider, employees of the provider, or members of the public, the provider may immediately terminate services to the participant upon providing a notice of emergency termination to the:

- (1) Participant, with accommodations for participants who have difficulty communicating, or the participant's parent, if the participant is under age eighteen;
- (2) Participant's guardian, if applicable;
- (3) Participant's individualized service plan team; and
- (4) Department of Human Services.

Affirmative understanding of the notice by the participant is not required.

The emergency termination notice must contain the reason for terminating services to the participant, information on the availability of other similar services in the community, and the contact information of the participant's case manager and the Department of Human Services." and insert "

If the provider determines that a participant is a danger to self or others, or the participant has engaged in behavior that repeatedly interferes with the rights, health, or safety of others, the provider may terminate services provided to the participant under the CHOICES waiver program on the noticed date of termination, regardless of whether an appeal is filed under section 4 of this Act. If a participant has a residential lease agreement with a provider, the noticed date of termination may not be sooner than the termination or expiration of the agreement.

In order to terminate services in accordance with this section, the provider must forward the notice required by section 2 of this Act and include:

- (1) A statement indicating that the provider is terminating services to the participant because:
 - (a) The participant is a danger to self or others; or
 - (b) The participant has engaged in behavior that repeatedly interferes with the rights, health, or safety of others;
- (2) A statement indicating that, if an appeal is filed, the provider may terminate services on the noticed termination date; and
- (3) Documentation of the participant's behavior and action taken by the provider to address the behaviors that led to the issuance of the termination notice. "

On page 3, line 5, of the Introduced bill, delete " who is" and insert " whose services are"

On page 3, line 6, of the Introduced bill, after "secure " insert "alternative "

On page 3, line 6, of the Introduced bill, after "placement" insert " until a decision is reached after a hearing pursuant to chapter 1-26"

Moved by: Rehfeldt
 Second by: Deutsch
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1202 AS AMENDED

Moved by: Cammack
 Second by: Donnell
 Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Cammack, Deutsch, Donnell, Healy, Heermann, Kull, Moore, Mulder, Nelson, Schaeffbauer, Rehfeldt, and Jensen (Kevin)

Voting No: Weisgram

SB 46 : authorize the disclosure of referral status by Department of Human Services personnel.

Presented by: Tom Martinec, Department of Human Services

Proponents: Kim Malsam-Rysdon, Avera Health, Sioux Falls
Erik Nelson, AARP South Dakota, Sioux Falls
Ally Brandner, Sanford Health, Sioux Falls
Cole Uecker, Disability Rights South Dakota, Pierre
Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls

MOTION: DO PASS SB 46

Moved by: Mulder

Second by: Healy

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Cammack, Deutsch, Donnell, Healy, Heermann, Kull, Moore, Mulder, Nelson, Schaeffbauer, Weisgram, Rehfeldt, and Jensen (Kevin)

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 46 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Nelson

Second by: Schaeffbauer

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KEVIN D. JENSEN
Kevin D. Jensen, Chair