

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

400X0198

HOUSE BILL NO. 1026

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the annual inspection
2 requirement for licensed health care facilities.

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

4 Section 1. That § 34-12-16 be amended to read:

5 34-12-16. Any building, institution, or establishment for which a license is issued under this
6 chapter shall be inspected ~~at least annually by a duly appointed representative of the State~~ by the
7 Department of Health under rules established by the department pursuant to § 34-12-13 ~~in~~
8 ~~compliance with chapter 1-26.~~ The provisions of this section do not apply to a licensed hospital
9 or licensed chemical dependency treatment facility surveyed and accredited under the standards
10 of the accreditation program of the joint commission on accreditation of health care
11 organizations that submits to the ~~State Department of Health~~ department, within a reasonable
12 time, copies of its currently valid accreditation certificate and accreditation letter, together with
13 accompanying recommendations and comments and any further recommendations, progress
14 reports, and correspondence directly related to the accreditation. However, the ~~State Department~~
15 ~~of Health~~ department may inspect all licensed hospitals or licensed chemical dependency



1 treatment facilities to determine compliance with rules promulgated pursuant to subdivisions
2 34-12-13(1), (2), and (3).

3 The ~~State Department of Health~~ department retains the right of access to all hospital or
4 licensed chemical dependency treatment facility premises and to relevant records to investigate
5 complaints or to follow through on corrective measures related to deficiencies identified by the
6 joint commission survey process which are in conflict with state law or ~~regulations promulgated~~
7 ~~thereunder~~ rule. If, prior to an inspection, the operator refuses to allow the inspection, no
8 inspection ~~shall~~ may be made. If, during the course of the inspection, the operator refuses to
9 allow the inspection to continue, the inspection shall cease. In such cases, the department may
10 immediately initiate revocation proceedings pursuant to chapter 1-26 against the operator's
11 license.