

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

552Y0053

HOUSE BILL NO. 1004

Introduced by: Representatives Soli and Steinhauer and Senator Netherton at the request of the Interim Committee on Regulation of Nursing and Assisted Living Beds

1 FOR AN ACT ENTITLED, An Act to establish a program to assist nursing and assisted living
2 facilities in recruiting certain health care personnel.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 The Department of Health may establish a program to assist nursing and assisted living
6 facilities in recruiting registered nurses, licensed practical nurses, nurse aides, or medication
7 aides.

8 Section 2. That the code be amended by adding a NEW SECTION to read:

9 A facility eligible to participate in the recruitment assistance program is any nursing facility
10 or assisted living center which:

11 (1) Is licensed pursuant to chapter 34-12 or certified under Title XVIII or XIX of the
12 Social Security Act as amended through January 1, 2017;

13 (2) Agrees to provide its portion of the recruitment assistance payment payable to a
14 registered nurse, practical nurse, nurse aide, or medication aide who practices in the
15 nursing facility or assisted living center as required by this Act; and



1 (3) Is determined to be eligible by the Department of Health.

2 A nursing facility or assisted living center may have up to three eligible registered nurses,
3 practical nurses, nurse aides, or medication aides participate in the program each year.

4 Section 3. That the code be amended by adding a NEW SECTION to read:

5 A registered nurse, practical nurse, nurse aide, or medication aide is eligible to participate
6 in the recruitment assistance program, established pursuant to this Act, if the registered nurse,
7 practical nurse, nurse aide, or medication aide is licensed or certified to practice in his or her
8 profession in South Dakota and is employed full time in an eligible nursing facility or assisted
9 living center for a minimum period of three years. No more than sixty licensed registered nurses,
10 practical nurses, nurse aides, or medication aides may participate in the program each year. The
11 Department of Health shall promulgate rules, pursuant to chapter 1-26, to specify the registered
12 nurses, practical nurses, nurse aides, or medication aides eligible to receive incentive payments
13 under this recruitment assistance program.

14 Section 4. That the code be amended by adding a NEW SECTION to read:

15 A registered nurse, practical nurse, nurse aide, or medication aide who fulfills the
16 requirements of the recruitment assistance program established pursuant to this Act is entitled
17 to receive an incentive payment as follows:

18 (1) A registered nurse is entitled to receive an incentive payment not to exceed ten
19 thousand dollars;

20 (2) A practical nurse is entitled to receive an incentive payment not to exceed ten
21 thousand dollars;

22 (3) A nurse aide is entitled to receive an incentive payment not to exceed five thousand
23 dollars; and

24 (4) A medication aide is entitled to receive an incentive payment not to exceed two

1 thousand five hundred dollars.

2 Section 5. That the code be amended by adding a NEW SECTION to read:

3 Any agreement for the payment of recruitment assistance pursuant to this Act shall obligate
4 the nursing or assisted living facility employing a registered nurse, practical nurse, nurse aide,
5 or medication aide to provide a portion of the total amount of recruitment incentives based on
6 the following criteria: a nursing facility or assisted living center in a community of two thousand
7 five hundred persons or less shall provide twenty-five percent of recruitment incentive
8 payments, and a nursing facility or assisted living center in a community of equal to or greater
9 than two thousand five hundred persons provides fifty percent of recruitment incentive
10 payments. When the nursing facility or assisted living center certifies to the secretary of health
11 that it has paid the full amount for which it is obligated, the secretary of health shall pay to a
12 registered nurse, practical nurse, nurse aide, or medication aide the remaining balance of the
13 total incentive amount. The secretary shall pay the required amount out of funds appropriated
14 by the Legislature for such purpose. The incentive shall be paid upon a registered nurse's,
15 practical nurse's, nurse aide's, or medication aide's completion of the required three-year practice
16 period. However, a nursing facility or assisted living center may pay its portion of the incentive
17 at any time during the three-year period.

18 Section 6. That the code be amended by adding a NEW SECTION to read:

19 No recruitment assistance agreement entered into pursuant to the provisions of this Act is
20 effective until it is filed with and approved by the secretary of health. The secretary may
21 prescribe the form of the agreements and procedures for approval by rules promulgated pursuant
22 to chapter 1-26.

23 Section 7. That the code be amended by adding a NEW SECTION to read:

24 No person may participate in the program established pursuant to the provisions of this Act,

- 1 if the person has previously participated in such program, or any other state or federal
- 2 scholarship, loan repayment, or tuition reimbursement program which obligates the person to
- 3 provide medical services within an underserved area.