

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0237

## SENATE BILL NO. 49

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 license and regulate freestanding emergency medical care  
2 facilities.

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

4 Section 1. That § 34-12-1.1 be amended to read:

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

- 6 (1) "Ambulatory surgery center," any facility which is not part of a hospital and which  
7 is not an office of a dentist, whether for individual or group practice, in which  
8 surgical procedures requiring the use of general anesthesia are performed upon  
9 patients;
- 10 (2) "Assisted living center," any institution, rest home, boarding home, place, building,  
11 or agency which is maintained and operated to provide personal care and services  
12 which meet some need beyond basic provision of food, shelter, and laundry;
- 13 (3) "Chemical dependency treatment facility," any facility which provides a structured  
14 inpatient treatment program for alcoholism or drug abuse;
- 15 (4) "Health care facility," any institution, ~~sanitarium~~, birth center, ambulatory surgery



1 center, chemical dependency treatment facility, hospital, nursing facility, assisted  
2 living center, rural primary care hospital, adult foster care home, inpatient hospice,  
3 residential hospice, freestanding emergency care facility, place, building, or agency  
4 in which any accommodation is maintained, furnished, or offered for the  
5 hospitalization, nursing care, or supervised care of the sick or injured;

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

14 (6) "Nursing facility," any facility which is maintained and operated for the express or  
15 implied purpose of providing care to one or more persons whether for consideration  
16 or not, who are not acutely ill but require nursing care and related medical services  
17 of such complexity as to require professional nursing care under the direction of a  
18 physician on a twenty-four hour per day basis; or a facility which is maintained and  
19 operated for the express or implied purpose of providing care to one or more persons,  
20 whether for consideration or not, who do not require the degree of care and treatment  
21 which a hospital is designed to provide, but who because of their mental or physical  
22 condition require medical care and health services which can be made available to  
23 them only through institutional facilities;

24 (7) "Critical access hospital," any nonprofit or public hospital providing emergency care

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

7 (8) "Adult foster care home," a family-style residence which provides supervision of  
8 personal care, health services, and household services for no more than four aged,  
9 blind, physically disabled, developmentally disabled, or socially-emotionally disabled  
10 adults;

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

14 (10) "Residential hospice," any facility which is not part of a hospital or nursing home  
15 which is maintained and operated for the express or implied purpose of providing  
16 custodial care to terminally ill individuals on a twenty-four hour per day basis; ~~and~~

17 (11) "Birth center," any health care facility at which a woman is scheduled to give birth  
18 following a normal, uncomplicated pregnancy, but does not include a hospital or the  
19 residence of the woman giving birth;

20 (12) "Freestanding emergency medical care facility," any facility structurally separate and  
21 distinct from a hospital that directly receives a person and provides emergency  
22 medical care.

23 Section 2. That § 34-12-6 be amended to read:

24 34-12-6. Any application for a license to operate a health care facility shall be accompanied

1 by a fee. The annual license fee established for each licensure category of health care facilities  
2 shall be as follows:

3 (1) Nursing facility:

4 (a) Fifty beds or less, six hundred dollars;

5 (b) Fifty-one to one hundred beds, inclusive, nine hundred dollars;

6 (c) One hundred one to one hundred fifty beds, inclusive, one thousand two  
7 hundred dollars;

8 (d) One hundred fifty-one or more beds, one thousand five hundred dollars;

9 (2) Assisted living center:

10 (a) Sixteen beds or less, one hundred fifty dollars;

11 (b) Seventeen to fifty beds, inclusive, three hundred dollars;

12 (c) Fifty-one to one hundred beds, inclusive, four hundred fifty dollars;

13 (d) One hundred one or more beds, six hundred dollars;

14 (3) Hospital:

15 (a) Twenty-five beds or less, one thousand dollars;

16 (b) Twenty-six to fifty beds, inclusive, one thousand five hundred dollars;

17 (c) Fifty-one to one hundred beds, inclusive, two thousand dollars;

18 (d) One hundred one to one hundred fifty beds, inclusive, three thousand dollars;

19 (e) One hundred fifty-one to two hundred beds, inclusive, four thousand dollars;

20 (f) Two hundred one or more beds, five thousand dollars;

21 (4) Ambulatory surgery center, five hundred dollars;

22 (5) Chemical dependency treatment facility:

23 (a) Sixteen beds or less, one hundred fifty dollars;

24 (b) Seventeen to fifty beds, inclusive, three hundred dollars;

- 1 (c) Fifty-one or more beds, four hundred fifty dollars;
- 2 (6) Inpatient and residential hospice, two hundred dollars; and
- 3 (7) Freestanding emergency medical care facility, five hundred dollars.

4 No such fee may be refunded. All fees received by the State Department of Health under the  
 5 provisions of this chapter shall be paid into the general fund.

6 Section 3. That § 34-12-52 be amended to read:

7 34-12-52. Terms used in this section and §§ 34-12-53 to 34-12-55, inclusive, mean:

- 8 (1) "Department," the Department of Health;
- 9 (2) "Emergency medical services," health care provided to the patient at the scene, during  
 10 transportation to a medical facility, between medical facilities, and upon entry at the  
 11 medical facility;
- 12 (3) "Freestanding emergency medical care facility," a facility structurally separate and  
 13 distinct from a hospital that directly receives a person and provides emergency  
 14 medical care;
- 15 (4) "Hospital," a hospital licensed pursuant to chapter 34-12;
- 16 ~~(4)~~(5) "Trauma," a sudden, severe injury or damage to the body caused by an external force  
 17 that results in potentially life-threatening injuries or that could result in the following  
 18 disabilities:
  - 19 (a) Impairment of cognitive or mental abilities;
  - 20 (b) Impairment of physical functioning; or
  - 21 (c) Disturbance of behavioral or emotional functioning;
- 22 ~~(5)~~(6) "Trauma care system," a statewide system for the prevention of trauma and the  
 23 provision of optimal medical care to trauma victims that includes both the provision  
 24 of appropriate health care services and provision of emergency medical care,

1 equipment, and personnel for effective and coordinated prehospital, hospital, inter-  
2 hospital, and rehabilitative care for trauma patients;

3 ~~(6)~~(7) "Trauma hospital," a hospital designated by the department as providing a specialized  
4 program in trauma care with appropriately trained personnel, equipment, and other  
5 facility resources that are specifically organized to provide optimal care to a trauma  
6 patient at the facility; and

7 ~~(7)~~(8) "Trauma registry," patient-specific trauma data that is maintained by a health care  
8 facility, in a format prescribed by rules promulgated pursuant to § 34-12-54.

9 Section 4. That § 34-12-53 be amended to read:

10 34-12-53. The department, ~~with input from the Department of Public Safety,~~ shall develop,  
11 implement, and administer a trauma care system including a statewide trauma registry that  
12 involves all hospitals, freestanding emergency medical care facilities, and emergency medical  
13 services within the state.

14 Section 5. That § 34-12-54 be amended to read:

15 34-12-54. The department, ~~with input from the Department of Public Safety,~~ shall  
16 promulgate rules, pursuant to chapter 1-26, to provide for a trauma care system and statewide  
17 trauma registry. The rules shall include:

- 18 (1) Designation of the levels of trauma hospitals or freestanding emergency medical care  
19 facilities and the resources each hospital or freestanding emergency medical care  
20 facility is required to have concerning personnel, equipment, data collection, and  
21 organizational capacity for each level;
- 22 (2) Prehospital emergency medical services triage and treatment protocols for trauma  
23 patients; and
- 24 (3) Requirements for collection and release of trauma registry data.

1 Section 6. That § 34-12-55 be amended to read:

2 34-12-55. Each hospital or freestanding emergency medical care facility shall meet the  
3 requirements of one of the designated levels of trauma hospitals as provided for in § 34-12-54  
4 ~~by January 1, 2012~~. The department may not direct a hospital or freestanding emergency  
5 medical care facility to establish a certain level of designation.

6 Section 7. That chapter 34-12 be amended by adding a NEW SECTION to read:

7 Any freestanding emergency medical care facility that is federally certified as a department  
8 of a hospital is exempt from the freestanding emergency medical care facility licensing and  
9 license fee provisions of this chapter.