

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0240

## SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1040** - 2/3/2017

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 community living homes.

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

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

4 34-12-1.1. Terms used in this chapter mean:

5 (1) "Ambulatory surgery center," any facility which is not part of a hospital and which  
6 is not an office of a dentist, whether for individual or group practice, in which  
7 surgical procedures requiring the use of general anesthesia are performed upon  
8 patients;

9 (2) "Assisted living center," any institution, rest home, boarding home, place, building,  
10 or agency which is maintained and operated to provide personal care and services  
11 which meet some need beyond basic provision of food, shelter, and laundry;

12 (3) "Chemical dependency treatment facility," any facility which provides a structured  
13 inpatient treatment program for alcoholism or drug abuse;

14 (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, community living home, place, building, or agency in which any  
4 accommodation is maintained, furnished, or offered for the hospitalization, nursing  
5 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; and

20 (12) "Community living home," any family-style residence whose owner or operator is  
21 engaged in the business of providing individualized and independent residential  
22 community living supports for compensation to at least one unrelated adult, but no  
23 more than four adults, and provides one or more regularly scheduled health related  
24 services, either administered directly or in collaboration with an outside health care

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

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

4           34-12-6. Any application for a license to operate a health care facility shall be accompanied  
5           by a fee. The annual license fee established for each licensure category of health care facilities  
6           shall be as follows:

7           (1)   Nursing facility:

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

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

10                  (c)   One hundred one to one hundred fifty beds, inclusive, one thousand two  
11                          hundred dollars;

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

13           (2)   Assisted living center:

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

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

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

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

18           (3)   Hospital:

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

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

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

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

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

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

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

2 (5) Chemical dependency treatment facility:

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

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

5 (c) Fifty-one or more beds, four hundred fifty dollars;

6 (6) Inpatient and residential hospice, two hundred dollars;

7 (7) Community living home, one hundred fifty dollars.

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