

AN ACT

ENTITLED, An Act to license and regulate community living homes.

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

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

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

- (1) "Ambulatory surgery center," any facility which is not part of a hospital and which is not an office of a dentist, whether for individual or group practice, in which surgical procedures requiring the use of general anesthesia are performed upon patients;
- (2) "Assisted living center," any institution, rest home, boarding home, place, building, or agency which is maintained and operated to provide personal care and services which meet some need beyond basic provision of food, shelter, and laundry;
- (3) "Chemical dependency treatment facility," any facility which provides a structured inpatient treatment program for alcoholism or drug abuse;
- (4) "Health care facility," any institution, birth center, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care home, inpatient hospice, residential hospice, community living home, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization, nursing care, or supervised care of the sick or injured;
- (5) "Hospital," any establishment with an organized medical staff with permanent facilities that include inpatient beds and is primarily engaged in providing by or under the supervision of physicians, to inpatients, any of the following services: diagnostic or therapeutic services for the medical diagnosis, treatment, or care of injured, disabled, or sick persons; obstetrical services including the care of the newborn; or rehabilitation

services for injured, disabled, or sick persons. In no event may the inpatient beds include nursing facility beds or assisted living center beds unless the same are licensed as such pursuant to this chapter;

- (6) "Nursing facility," any facility which is maintained and operated for the express or implied purpose of providing care to one or more persons whether for consideration or not, who are not acutely ill but require nursing care and related medical services of such complexity as to require professional nursing care under the direction of a physician on a twenty-four hour per day basis; or a facility which is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who do not require the degree of care and treatment which a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services which can be made available to them only through institutional facilities;
- (7) "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four hour basis located in a rural area which has limited acute inpatient services, focusing on primary and preventive care, and which has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality of under fifty thousand population;
- (8) "Adult foster care home," a family-style residence which provides supervision of personal care, health services, and household services for no more than four aged, blind, physically disabled, developmentally disabled, or socially-emotionally disabled adults;
- (9) "Inpatient hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing all levels of

hospice care to terminally ill individuals on a twenty-four hour per day basis;

- (10) "Residential hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing custodial care to terminally ill individuals on a twenty-four hour per day basis;
- (11) "Birth center," any health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth; and
- (12) "Community living home," any family-style residence whose owner or operator is engaged in the business of providing individualized and independent residential community living supports for compensation to at least one unrelated adult, but no more than four adults, and provides one or more regularly scheduled health related services, either administered directly or in collaboration with an outside health care provider. This term does not include any setting which is certified or accredited through chapter 34-20A, title 27A, or title 27B.

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

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

- (1) Nursing facility:
  - (a) Fifty beds or less, six hundred dollars;
  - (b) Fifty-one to one hundred beds, inclusive, nine hundred dollars;
  - (c) One hundred one to one hundred fifty beds, inclusive, one thousand two hundred dollars;
  - (d) One hundred fifty-one or more beds, one thousand five hundred dollars;

- (2) Assisted living center:
  - (a) Sixteen beds or less, one hundred fifty dollars;
  - (b) Seventeen to fifty beds, inclusive, three hundred dollars;
  - (c) Fifty-one to one hundred beds, inclusive, four hundred fifty dollars;
  - (d) One hundred one or more beds, six hundred dollars;
- (3) Hospital:
  - (a) Twenty-five beds or less, one thousand dollars;
  - (b) Twenty-six to fifty beds, inclusive, one thousand five hundred dollars;
  - (c) Fifty-one to one hundred beds, inclusive, two thousand dollars;
  - (d) One hundred one to one hundred fifty beds, inclusive, three thousand dollars;
  - (e) One hundred fifty-one to two hundred beds, inclusive, four thousand dollars;
  - (f) Two hundred one or more beds, five thousand dollars;
- (4) Ambulatory surgery center, five hundred dollars;
- (5) Chemical dependency treatment facility:
  - (a) Sixteen beds or less, one hundred fifty dollars;
  - (b) Seventeen to fifty beds, inclusive, three hundred dollars;
  - (c) Fifty-one or more beds, four hundred fifty dollars;
- (6) Inpatient and residential hospice, two hundred dollars;
- (7) Community living home, one hundred fifty dollars.

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

An Act to license and regulate community living homes.

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1040

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1040  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Governor

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State