



2020 South Dakota Legislature

Senate Bill 139

Introduced by: **Senator Steinhauer**

1 **An Act to revise provisions regarding replacement nursing facilities.**

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

3 **Section 1.** That § 34-12-39.2 be AMENDED:

4 **34-12-39.2. New nursing facilities--Limitations--Requirements.**

5 No new nursing facility may be constructed, operated, or maintained in this state
6 unless the nursing facility is serving as a replacement for an existing facility and ~~is required~~
7 ~~in order to~~ has met at least one of the following requirements to:

- 8 (1) Eliminate or prevent imminent safety hazards as defined by federal, state, or local
9 fire, building, or life safety codes or regulations;
- 10 (2) Comply with state licensure standards;
- 11 (3) Comply with accreditation or certification standards which shall be met to receive
12 reimbursement under Title XVIII or XIX of the Social Security Act as amended to
13 December 31, 2004;
- 14 (4) Respond to an emergency situation created by a natural disaster such as tornadoes,
15 floods, fire, or explosions; ~~or~~
- 16 (5) Improve physical conditions which are related to operational or functional
17 deficiencies;
- 18 (6) Improve operations or increase services; or
- 19 (7) Consolidate, merge, or join another health care or long-term service provider.

20 The replacement nursing facility shall be located within fifteen miles of the existing
21 facility, if the existing facility is located in a first-class municipality. If the existing facility
22 is located outside of a first-class municipality, the replacement facility must be located
23 within sixty miles of the existing facility.