

Committee: House Health and Human Services

Thursday, March 05, 2020 6:30 AM

Roll Call

Roll Call Missing

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by**

**MOTION: TO APPROVE THE MINUTES OF TUESDAY, MARCH 03<sup>RD</sup>**

Moved by: Duba  
Second by: Perry  
Action: Prevailed by voice vote

**SB 139 : revise provisions regarding replacement nursing facilities.**

Presented by: Senator Wayne Steinhauer  
Proponents: Representative Jean Hunhoff  
Opponents: Lynne Valenti, Department of Health

**MOTION: DO PASS SB 139**

Moved by: Miskimins  
Second by: Wiese  
Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, Duba, St. John, York, Healy, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, and Rounds

**MOTION: AMEND SB 18**

18F

- On page 6, line 14, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 6, line 17, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 7, line 18, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 9, line 13, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 9, line 30, of the Senate Health and Human Services bill, delete "competent " and insert "board-approved "
- On page 9, line 30, of the Senate Health and Human Services bill, delete "selected by the board" and insert ", licensed or authorized to practice pursuant to title 36"
- On page 9, line 32, of the Senate Health and Human Services bill, delete "the health care provider confirms " and insert "after a hearing in accordance with chapter 1-26 the board finds by clear and convincing evidence "
- On page 10, line 1, of the Senate Health and Human Services bill, after "license" delete " until the applicant furnishes proof that the applicant's physical and mental health is sufficient to practice counseling"

- On page 15, line 12, of the Senate Health and Human Services bill, delete "either with or without consulting" and insert " in consultation with"
- On page 15, line 13, of the Senate Health and Human Services bill, after "board" insert " president"
- On page 15, line 17, of the Senate Health and Human Services bill, after "board." delete "If the complaint is not dismissed and a disposition is not agreed upon, the investigator may request that the board set a date for a hearing on the complaint. "
- On page 15, line 19, of the Senate Health and Human Services bill, after "proceeding " delete "held under the provisions of this chapter "
- On page 15, line 26, of the Senate Health and Human Services bill, after "officer, " insert "or "
- On page 15, line 26, of the Senate Health and Human Services bill, after "agent" delete ", or employee"
- On page 16, line 2, of the Senate Health and Human Services bill, after "obtained " insert "by the board "
- On page 16, line 6, of the Senate Health and Human Services bill, after "complaint " insert "on behalf of the board "
- On page 16, line 11, of the Senate Health and Human Services bill, delete "A license or permit may be suspended, revoked, or canceled if" and insert "For purposes of this chapter, "unprofessional or dishonorable conduct" includes a finding that"
- On page 16, line 22, of the Senate Health and Human Services bill, after "holder " delete "is "
- On page 16, line 22, of the Senate Health and Human Services bill, after "is " insert ", as "
- On page 16, line 23, of the Senate Health and Human Services bill, delete "to be at" and insert ", poses a"
- On page 16, line 24, of the Senate Health and Human Services bill, after "licensee" delete ". A majority of the board may demand an examination of the licensee or permit holder at the board's expense. Failure of the licensee or permit holder to submit to the examination is grounds for the immediate suspension of the license or permit"
- On page 16, line 30, of the Senate Health and Human Services bill, after "a " insert "materially "
- On page 16, line 32, of the Senate Health and Human Services bill, after "a " insert "materially "
- On page 16, line 34, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 17, line 1, of the Senate Health and Human Services bill, after "holder " delete "has "
- On page 17, line 2, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 17, line 3, of the Senate Health and Human Services bill, delete "has been found to be in violation of" and insert "violated"
- On page 17, line 8, of the Senate Health and Human Services bill, after "have " delete "committed any misconduct as provided in § 36-32-81 or"
- On page 17, line 9, of the Senate Health and Human Services bill, after "or " delete "is guilty of gross incompetence or"
- On page 17, line 9, of the Senate Health and Human Services bill, after "or " insert "engaged in any "
- On page 17, line 10, of the Senate Health and Human Services bill, after "conduct" insert ", as described in § 36-32-83, or violated this chapter or any rule promulgated under this chapter"
- On page 17, line 13, of the Senate Health and Human Services bill, after "has " insert "engaged in any unprofessional or dishonorable conduct, as described in § 36-32-83, or "
- On page 17, line 14, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 19, line 11, of the Senate Health and Human Services bill, delete "thereunder" and insert "under this chapter"
- On page 19, line 17, of the Senate Health and Human Services bill, delete "five " and insert "three "
- Moved by: Wiese  
 Second by: Healy  
 Action: Prevailed by voice vote

**SB 18 : revise certain provisions regarding professional counselors.**

Presented by: Jennifer Stalley, Board of Examiners of Counselors (Handout(s) 1)  
 Proponents: Justin Smith, SD Association of Youth Care Providers

Deb Fischer-Clemens, Avera  
 Rebecca Chrishansen, self, Aberdeen  
 Terry Dosch, SD Council of Community Behavioral Health

**MOTION: DO PASS SB 18 AS AMENDED**

Moved by: Perry  
 Second by: Borglum  
 Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, St. John, Duba, Healy, York, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, and Rounds

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 18 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: AMEND SB 19**

19A

- On page 3, line 4, of the Introduced bill, delete "thereunder" and insert "under this chapter"
- On page 3, line 5, of the Introduced bill, delete "thereunder" and insert "under this chapter"
- On page 3, line 8, of the Introduced bill, delete "thereunder" and insert "under this chapter"
- On page 4, line 11, of the Introduced bill, delete "thereunder" and insert "under this chapter"
- On page 4, line 27, of the Introduced bill, delete "competent " and insert "board-approved "
- On page 4, line 27, of the Introduced bill, delete "selected by the board" and insert ", licensed or authorized to practice pursuant to title 36"
- On page 4, line 29, of the Introduced bill, delete "the health care provider confirms" and insert "after a hearing in accordance with chapter 1-26 the board finds by clear and convincing evidence"
- On page 4, line 31, of the Introduced bill, after "license" delete " until the applicant furnishes proof that the applicant's physical and mental health is sufficient to practice marriage and family therapy"
- On page 10, line 6, of the Introduced bill, delete "either with or without consulting" and insert "in consultation with "
- On page 10, line 7, of the Introduced bill, after "board" insert " president"
- On page 10, line 11, of the Introduced bill, after "board." delete "If the complaint is not dismissed and a disposition is not agreed upon, the investigator may request that the board set a date for a hearing on the complaint. "
- On page 10, line 13, of the Introduced bill, after "proceeding " delete "held under the provisions of this chapter "
- On page 10, line 20, of the Introduced bill, after "officer, " insert "or "
- On page 10, line 20, of the Introduced bill, after "agent" delete ", or employee"
- On page 10, line 26, of the Introduced bill, after "obtained " insert "by the board "
- On page 10, line 30, of the Introduced bill, after "complaint " insert "on behalf of the board "
- On page 11, line 3, of the Introduced bill, delete "The license of a marriage and family therapist may be suspended, revoked, or canceled if" and insert "For purposes of this chapter, "unprofessional or dishonorable conduct" includes a finding that"
- On page 11, line 5, of the Introduced bill, after "is " delete "found to be "
- On page 11, line 16, of the Introduced bill, delete "is " and insert ", as "
- On page 11, line 17, of the Introduced bill, delete "to be at" and insert ", poses a"
- On page 11, line 18, of the Introduced bill, after "licensee" delete ". A majority of the board may demand an examination of the licensee at the board's expense. Failure of the licensee to submit to the examination is grounds for the immediate suspension of the license"
- On page 11, line 23, of the Introduced bill, after "a " insert "materially "

On page 11, line 25, of the Introduced bill, after "a " insert "materially "  
 On page 11, line 26, of the Introduced bill, delete "thereunder" and insert "under this chapter"  
 On page 11, line 27, of the Introduced bill, after "licensee " delete "has "  
 On page 11, line 28, of the Introduced bill, delete "thereunder" and insert "promulgated under this chapter"  
 On page 11, line 28, of the Introduced bill, delete "has been found to be in violation of" and insert "violated"  
 On page 11, line 33, of the Introduced bill, after "have " delete "committed any misconduct as provided in § 36-33-61 or is guilty of gross incompetence or "  
 On page 12, line 1, of the Introduced bill, after "or " insert "engaged in any "  
 On page 12, line 2, of the Introduced bill, after "conduct" insert ", as described in § 36-33-61, or violated this chapter or any rule promulgated under this chapter"  
 On page 12, line 5, of the Introduced bill, after "has " insert "engaged in any unprofessional or dishonorable conduct, as described in § 36-33-61, or "  
 On page 12, line 6, of the Introduced bill, delete "thereunder" and insert "under this chapter"  
 On page 13, line 30, of the Introduced bill, delete "thereunder" and insert "under this chapter"  
 On page 14, line 5, of the Introduced bill, delete "five " and insert "three "  
 Moved by: Wiese  
 Second by: York  
 Action: Prevailed by voice vote

**SB 19 : revise certain provisions regarding marriage and family therapists.**

Presented by: Jennifer Stalley, Board of Examiners of Counselors  
 Proponents: Rebecca Chrishansen, self, Aberdeen  
 Deb Fischer-Clemens, Avera

**MOTION: DO PASS SB 19 AS AMENDED**

Moved by: Duba  
 Second by: Borglum  
 Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, Duba, St. John, York, Healy, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, and Rounds

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 19 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 81 : establish eligibility criteria for out-of-state health institutions to receive financing from the Health and Educational Facilities Authority.**

Presented by: Matt McCaulley, South Dakota Health and Educational Facilities Authority  
 (Handout(s) 2,3,4)  
 Daniel J. Bacastow, SD Health and Educational Facilities Authority  
 (Handout(s) 5)

**MOTION: DO PASS SB 81**

Moved by: Perry  
 Second by: York  
 Action: Prevailed by roll call vote (9-0-4-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, Rounds, Duba, York, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, St. John, and Healy

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 81 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 46 : revise provisions related to the restoration to competency of criminal defendants.**

Presented by: Laura Ringling, Department of Social Services  
Sadie Stevens, Unified Judicial System  
Mike Milstead, self, Sioux Falls  
Dick Tieszen, South Dakota Sheriffs' Association  
Wendy Giebink, Executive Director NAMI, self, Sioux Falls  
Terry Dosch, SD Council of Community Behavioral Health

Opponents: Justin Bell, SD Association of Criminal Defense Lawyers (Handout(s) 6,7,8)

**MOTION: DO PASS SB 46**

Moved by: Rounds  
Second by: Duba  
Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, Rounds, Duba, York, Healy, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, and St. John

**SB 20 : create a monitor to review and respond to complaints related to the care provided to youth in the custody or care of certain care facilities, treatment centers, and programs.**

Presented by: Virgena Wieseler, Department of Social Services  
Proponents: Justin Smith, SD Association of Youth Care Providers  
Tim Neyhart, Disability Rights South Dakota

**MOTION: DO PASS SB 20**

Moved by: Borglum  
Second by: Healy  
Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Borglum, Milstead, Miskimins, Perry, Rounds, Duba, Healy, York, Wiese, and Kevin Jensen

Excused: Deutsch, Frye-Mueller, and St. John

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 20 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION:     **ADJOURN****

Moved by:     Perry  
Second by:    Healy  
Action:        Prevailed by voice vote

Pam Kean, Committee Secretary

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/s/ KEVIN D. JENSEN  
Kevin D. Jensen, Chair