



2020 South Dakota Legislature
Senate Bill 139
ENROLLED

AN ACT

ENTITLED An Act to revise provisions regarding replacement nursing facilities.

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

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

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

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

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

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

An Act to revise provisions regarding replacement nursing facilities.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 139

2020 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 139
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State