AN ACT

ENTITLED, An Act to transfer licensure of adult foster care homes from the Department of Social Services to the Department of Health and to revise the definition of an assisted living center.

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

Section 1. That § 28-1-45 be amended to read as follows:

28-1-45. The secretary may adopt reasonable and necessary rules for the administration and operation of the program for adults and the elderly which shall relate to the following areas:

(1) Services to enable recipients to remain in their own home and services to older persons in institutional care;

(2) Legal services;

(3) Transportation services;

(4) Nutrition services as provided in §§ 28-1-42 and 28-1-43;

(5) Information and referral services to help the elderly gain access to programs for their benefit;

(6) Eligibility for services;

(7) Amount, scope, and duration of services;

(8) The basis of payment to and the qualifications for providers of services;

(9) Administration of public grants, record keeping, and audit requirements;

(10) Requirements to obtain federal financial participation and ensure efficient operation and administration of the program;

(11) Adult protective services;

(12) Ombudsman services; and

(13) Payments for elderly, blind, and disabled persons residing in adult foster care or assisted living centers.

Section 2. That § 28-1-39 be repealed.

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

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 in a free-standing, physically separate facility which is not otherwise required to be licensed under this chapter;

(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, sanitarium, maternity home, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care 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) "Maternity home," any institution, place, building, or agency in which, within a period of six months, more than one woman, during pregnancy, or during or after delivery, except women related by blood or marriage, are kept for care or treatment; or which has in its custody or control at any one time, two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food, and lodging, except infants related to the one having such custody or control by blood or marriage;

(7) "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;

(8) "Rural primary care hospital," any hospital which has limited acute inpatient services, focusing on ambulatory, 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 rural primary care hospital. A rural primary care hospital shall provide emergency care on a twenty-four hour basis; and

(9) "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.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1027

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Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

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Received at this Executive Office this ____ day of _____ ,

19___ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19___

_____
Governor

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

Filed _____ , 19___ at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State

House Bill No. 1027
File No. ____
Chapter No. _____