

AN ACT

ENTITLED, An Act to revise certain provisions regarding the costs of care and treatment and calculation thereof for persons receiving treatment from the Human Services Center.

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

Section 1. That § 27A-13-2 be amended to read as follows:

27A-13-2. Terms used in this chapter mean:

- (1)(a) "Full time equivalent patient population in the center's psychiatric nursing facility unit," the total daily patient count in that unit at the South Dakota Human Services Center for the immediately preceding fiscal year divided by the number of days in that fiscal year;
- (b) "Full time equivalent patient population, excluding psychiatric nursing facility unit patients," the total daily patient count, excluding those patients in the center's psychiatric nursing facility unit, at the South Dakota Human Services Center for the immediately preceding fiscal year divided by the number of days in that fiscal year;
- (2)(a) "Per diem for the center's psychiatric nursing facility unit," the daily amount, set by the secretary of human services, for the daily care, support, maintenance, and treatment of a patient in the center's psychiatric nursing facility unit during any part of the period of time for which the amount is set if it has been determined that the patient or legally responsible person or agency is not able to pay the total service charge;
- (b) "Per diem for any of the center's treatment programs, other than the psychiatric nursing facility unit," the daily amount, set by the secretary of human services, for the daily care, support, maintenance, and treatment of a patient in any of the center's acute, adolescent, alcohol, drug, extended (chronic), or other such treatment units, other than the center's psychiatric nursing facility unit, during any part of the period of time for which the amount is set if it has been determined that the patient or legally responsible person or agency is not able to pay the total service charge;

(3) "Responsible person," a person legally liable for the support and maintenance of a patient.

A parent is not liable for the expenses of an adult child;

(4) "Total service charge," the actual cost of providing services to an individual patient at the South Dakota Human Services Center.

Section 2. That chapter 27A-13 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of human services shall direct the Human Services Center to calculate and maintain for each patient at the center a billing statement itemizing the individual charges for the care, support, maintenance, and treatment provided to each patient. The center shall determine the patient or legally responsible person or agency's ability to pay such charges considering such factors as the person's financial ability to pay and the availability of commercial insurance or other third-party payors. If the center determines that the patient or legally responsible person or agency is able to pay the total service charge, the charge shall be assessed and collected by the Human Services Center. If the center determines that the patient or legally responsible person lacks the ability to pay the total service charge based upon the before-mentioned considerations, the patient's account shall be assessed to the state.

Section 3. That chapter 27A-13 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of human services shall promulgate rules, pursuant to chapter 1-26, to establish a method to determine the fee for each service or test based on the actual cost of performing the service or test and the determination of ability to pay and indigence. The secretary of human services shall periodically review and approve the listing of itemized charges.

Section 4. That § 27A-13-7 be amended to read as follows:

27A-13-7. The secretary of human services shall periodically approve the per diem rate for the care, support, maintenance, and treatment provided to each patient by or at the expense of the South

Dakota Human Services Center for the fiscal year during which the services are rendered and cause such amount, or portion thereof as may be appropriate, to be assessed monthly against and collected from the patient or responsible person, agency, or other entity legally liable for paying all or any part of the patient's applicable amount if it has been determined that the patient or that the legally responsible person or agency is not financially able to pay the total service charge.

The secretary shall set the per diem rate based on the center's actual expenditures during the fiscal year immediately preceding the fiscal year for which the amount is being determined and shall compute that determination of the amount as follows:

- (1) The total expenditures of the center for operating the center's psychiatric nursing facility, including an apportionment of all the center's support services to that unit, for the fiscal year immediately preceding the fiscal year for which the amount is being determined shall be computed in accordance with generally accepted accounting procedures. In so doing, the secretary may not include any of the following:
  - (a) Capital expenditures for land or building fixed assets;
  - (b) Expenditures for special educational programs required by state or federal law to be provided to center patients who are under the age of twenty-one years;
  - (c) Expenditures for direct medical care provided to a patient at medical facilities other than the center, the cost of which shall be charged directly against the patient who received that care at the exact cost to the center as a total service charge for that care.

Those total expenditures shall then be divided by the average daily on roll census of the center's psychiatric nursing facility unit to arrive at the per diem amount for that unit for the fiscal year.

- (2) The total expenditures of the center for operating all of its treatment units, excepting its psychiatric nursing facility unit, including an apportionment of all the center's support

services to those units, for the fiscal year immediately preceding the fiscal year for which amount is being determined, shall be computed in accordance with generally accepted accounting procedures. In so doing, the secretary may not include the following:

- (a) Capital expenditures for land or building fixed assets;
- (b) Expenditures for special educational programs required by state or federal law to be provided to center patients who are under the age of twenty-one years;
- (c) Expenditures for direct medical care provided to a patient at medical facilities other than the center, the cost of which shall be charged directly against the patient who received that care at the exact cost to the center as a total service charge for that care.

Those total expenditures shall then be divided by the center's average daily on roll census, excluding psychiatric nursing facility patients, to arrive at the per diem amount for all the center's treatment units, excepting the psychiatric nursing facility unit, for the fiscal year.

Section 5. That § 27A-13-8 be amended to read as follows:

27A-13-8. Any patient who is determined by the secretary of human services to be unable to pay the total services charge, but who is determined, as provided in §§ 27A-13-9 and 27A-13-10, to be financially able to pay the per diem rate shall continue to be charged the per diem cost for each day of continuous patient status.

An Act to revise certain provisions regarding the costs of care and treatment and calculation thereof for persons receiving treatment from the Human Services Center.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 55

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

Attest:

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

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

Attest:

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

Senate Bill No. 55  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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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