



2021 South Dakota Legislature

Senate Bill 32**SENATE HEALTH AND HUMAN SERVICES ENGROSSED**

Introduced by: The Committee on Health and Human Services at the request of the Department of Human Services

1 **An Act to revise certain provisions regarding access critical nursing facilities.**

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

3 **Section 1.** That § 34-12-35.5 be AMENDED.

4 **34-12-35.5. Access critical nursing facilities.**

5 The Department of ~~Social~~Human Services shall designate access critical nursing
6 facilities annually as part of the medicaid rate setting process. The department shall
7 designate the access critical nursing facilities according to the following criteria:

- 8 (1) No other nursing facility is located within twenty miles;
- 9 (2) The nursing facility is located in the largest municipality within thirty-five miles,
10 unless the next closest nursing facility is located more than fifty miles from any
11 other nursing facility;
- 12 (3) The nursing facility provides ~~skilled~~-nursing facility services;
- 13 (4) The nursing facility is integrated with other health care services, either through
14 affiliation with other services or through formal agreement;
- 15 (5) ~~The projected nursing facility demand within the county in which the facility is~~
16 ~~located is less than sixty beds in 2015. The current five-year average number of~~
17 occupied beds in the facility is less than sixty; and
- 18 (6) The nursing facility agrees to relinquish any excess moratorium beds that are
19 authorized pursuant to § 34-12-35.4.