

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

282B0287

## HOUSE HEALTH AND HUMAN SERVICES

### ENGROSSED NO. **SB 61** - 2/26/2019

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Steinhauer, Blare, Bolin, Cronin, Curd, DiSanto, Foster, Greenfield (Brock), Jensen (Phil), Langer, Monroe, Nelson, Nesiba, Rusch, Schoenbeck, Smith (VJ), Solano, Stalzer, Sutton, White, and Wismer and Representatives Gosch, Anderson, Beal, Diedrich, Duba, Greenfield (Lana), Haugaard, Howard, Lake, Lesmeister, McCleerey, Mills, Milstead, Peterson (Sue), Qualm, Smith (Jamie), Steele, Wiese, and Willadsen

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding nursing facility  
2 closures.

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

4 Section 1. That chapter 34-12 be amended by adding a NEW SECTION to read:

5 Notwithstanding any other provisions of this chapter, if an existing nursing facility ceases  
6 operation, the authorized beds from that existing facility shall be held available by the  
7 department for eighteen months from the date the facility closes and shall be available for use  
8 by an entity licensed to operate a nursing facility pursuant to this chapter.

9 Section 2. That § 34-12-39.2 be amended to read:

10 34-12-39.2. No new nursing facility may be constructed, operated, or maintained in this state  
11 unless the nursing facility is serving as a replacement for an existing facility and is required in  
12 order to:



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

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