

AN ACT

ENTITLED, An Act to provide certain provisions regarding nursing facility closures.

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

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

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

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

34-12-39.2. 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 is required in order 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; or
- (5) Improve physical conditions which are related to operational or functional deficiencies.

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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 61

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. 61

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

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

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State