

Chapter 128
(Senate Bill 147)

**An Act to provide for the distribution of informational materials
regarding palliative care.**

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

Section 1. That § 34-12-1.1 be AMENDED:

34-12-1.1. Terms used in this chapter mean:

- (1) "Adult foster care home," a family-style residence that 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;
- (2) "Ambulatory surgery center," any facility that is not part of a hospital and that 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)~~(3) "Assisted living center," any institution, rest home, boarding home, place, building, or agency that is maintained and operated to provide personal care and services that meet some need beyond basic provision of food, shelter, and laundry;
- (4) "Birth center," any health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth;
- ~~(3)~~(5) "Chemical dependency treatment facility," any facility that provides a structured inpatient treatment program for alcoholism or drug abuse;
- (6) "Community living home," any family-style residence whose owner or operator is engaged in the business of providing individualized and independent residential community living supports for compensation to at least one unrelated adult, but no more than four adults, and provides one or more regularly scheduled health related services, either administered directly or in collaboration with an outside health care provider. This term does not include any setting that is certified or accredited through chapter 34-20A, title 27A, or title 27B;
- (7) "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four-hour basis located in a rural area that has limited acute inpatient services, focusing on primary and preventive care, and that has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality under fifty thousand population;
- (8) "Freestanding emergency medical care facility," any facility structurally separate and distinct from a hospital that directly receives a person and provides emergency medical care;
- ~~(4)~~(9) "Health care facility," any institution, birth center, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care home, inpatient hospice, residential hospice, freestanding emergency care facility, community living home, rural emergency hospital, 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)~~(10) "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;
- (11) "Inpatient hospice," any facility that is not part of a hospital or nursing home that is maintained and operated for the express or implied purpose of providing all levels of hospice care to terminally ill individuals on a twenty-four hour per day basis;
- ~~(6)~~(12) "Nursing facility," any facility that 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 that 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 that a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services that can be made available to them only through institutional facilities;
- ~~(7)~~ "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four hour basis located in a rural area that has limited acute inpatient services, focusing on primary and preventive care, and that has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality under fifty thousand population;
- ~~(8)~~ "Adult foster care home," a family-style residence that 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;
- ~~(9)~~ "Inpatient hospice," any facility that is not part of a hospital or nursing home that is maintained and operated for the express or implied purpose of providing all levels of hospice care to terminally ill individuals on a twenty-four hour per day basis;
- ~~(10)~~(13) "Palliative care," specialized medical care that is provided to a patient of any age, with a serious illness at any stage, and which:
- (a) Is designed to improve a patient's quality of life, and that of the patient's family, by providing relief from the symptoms and stresses of the patient's illness;
 - (b) May be provided alongside curative treatments in primary and specialty settings, based on the needs of the patient and not on the prognosis; and
 - (c) Delivered collaboratively, in any setting, by a specially-trained interdisciplinary team that includes healthcare practitioners, nurses, social workers, spiritual care providers, and other patient support providers;

- (14) "Residential hospice," any facility that is not part of a hospital or nursing home that is maintained and operated for the express or implied purpose of providing custodial care to terminally ill individuals on a twenty-four hour per day basis;
- ~~(11) "Birth center," any health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth;~~
- ~~(12) "Freestanding emergency medical care facility," any facility structurally separate and distinct from a hospital that directly receives a person and provides emergency medical care;~~
- ~~(13) "Community living home," any family style residence whose owner or operator is engaged in the business of providing individualized and independent residential community living supports for compensation to at least one unrelated adult, but no more than four adults, and provides one or more regularly scheduled health related services, either administered directly or in collaboration with an outside health care provider. This term does not include any setting that is certified or accredited through chapter 34-20A, title 27A, or title 27B; and~~
- ~~(14)~~(15) "Rural emergency hospital," any nonprofit or public health care facility previously licensed as a hospital that provides emergency care on a twenty-four-hour basis, is located in a municipality under fifty thousand population that has no acute inpatient services, and that has in effect a transfer agreement with a level I or II trauma hospital, as designated by the Department of Health, to accept patients from the rural emergency hospital.

Section 2. That a NEW SECTION be added to chapter 34-12:

The Department of Health shall make available on its website informational material governing the provision of palliative care.

Signed March 6, 2024
