

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

282B0287

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 61** - 1/31/2019

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 nursing facility beds from that existing facility will be held available
7 by the department for eighteen months from date of closure and be available for use by an
8 organization. The organization shall become licensed pursuant to this chapter before the
9 organization may operate a nursing facility.

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

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



1 order to:

2 (1) Eliminate or prevent imminent safety hazards as defined by federal, state, or local
3 fire, building, or life safety codes or regulations;

4 (2) Comply with state licensure standards;

5 (3) Comply with accreditation or certification standards which shall be met to receive
6 reimbursement under Title XVIII or XIX of the Social Security Act as amended to
7 December 31, 2004;

8 (4) Respond to an emergency situation created by a natural disaster such as tornadoes,
9 floods, fire, or explosions; or

10 (5) Improve physical conditions which are related to operational or functional
11 deficiencies.

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