

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

723R0543

## SENATE BILL NO. 92

Introduced by: Senators Adelstein, Bradford, Jerstad, Merchant, Tieszen, and Turbak Berry  
and Representatives Kirkeby, Gosch, Jensen, McLaughlin, and Nygaard

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the reimbursement  
2 of referring counties for certain mental health services.

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

4 Section 1. That § 27A-11A-13 be amended to read as follows:

5 27A-11A-13. If the board of mental illness finds that a person meets the criteria in § 27A-  
6 10-9.1, the board shall enter a finding, based on the criteria in § 28-13-3, regarding the county  
7 of residence of the person or a finding that the person is not a resident of this state. If a person  
8 is determined to be a resident of this state, the board shall find that the person is a resident of  
9 the county in which the person geographically resides regardless of whether the person is a  
10 member of an Indian tribe, is affiliated with a tribe, or resides on an Indian reservation within  
11 the county.

12 Section 2. That chapter 27A-13 be amended by adding thereto a NEW SECTION to read  
13 as follows:

14 Any reimbursement by the county of residence that is required in this title shall be made  
15 within thirty days after notice by the referring county to the county of residence that



1 reimbursement is due. Reimbursement shall be made by the county of residence to the referring  
2 county regardless of whether the person is Native American, is a member of or may be affiliated  
3 with an Indian tribe, or resides on an Indian reservation in this state. Reimbursement shall be  
4 made by the county of residence to the referring county regardless of whether third-party  
5 coverage is or may be available to cover the reimbursable costs, expenses, and fees incurred by  
6 the referring county in carrying out the provisions of this title. If third-party coverage is or may  
7 be available to the county of residence, the county of residence may seek reimbursement from  
8 the third party after reimbursing the referring county.