

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0263

SENATE BILL NO. 36

Introduced by: The Committee on Appropriations at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain drug registration fees and license fees
2 related to health care facilities.

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

4 Section 1. That § 34-12-6 be amended to read as follows:

5 34-12-6. Any application for a license to operate a health care facility shall be accompanied
6 by a fee. ~~The annual license fee shall be established by the Department of Health through rules~~
7 ~~adopted pursuant to chapter 1-26. The annual license fee established for each licensure category~~
8 ~~of health care facilities shall be based upon a fixed amount not to exceed one hundred dollars~~
9 ~~plus a variable amount based upon the number of beds to be licensed not to exceed three dollars~~
10 ~~per bed, except that the fee per bed established for hospitals qualifying for exemption under~~
11 ~~§ 34-12-16 may not exceed two dollars~~ as follows:

12 (1) Nursing facility:

13 (a) Fifty beds or less, six hundred dollars;

14 (b) Fifty-one to one hundred beds, inclusive, nine hundred dollars;

15 (c) One hundred one to one hundred fifty beds, inclusive, one thousand two



1 hundred dollars;

2 (d) One hundred fifty-one or more beds, one thousand five hundred dollars;

3 (2) Assisted living center:

4 (a) Sixteen beds or less, one hundred fifty dollars;

5 (b) Seventeen to fifty beds, inclusive, three hundred dollars;

6 (c) Fifty-one to one hundred beds, inclusive, four hundred fifty dollars;

7 (d) One hundred one or more beds, six hundred dollars;

8 (3) Hospital:

9 (a) Twenty-five beds or less, one thousand dollars;

10 (b) Twenty-six to fifty beds, inclusive, one thousand five hundred dollars;

11 (c) Fifty-one to one hundred beds, inclusive, two thousand dollars;

12 (d) One hundred one to one hundred fifty beds, inclusive, three thousand dollars;

13 (e) One hundred fifty-one to two hundred beds, inclusive, four thousand dollars;

14 (f) Two hundred one or more beds, five thousand dollars;

15 (4) Ambulatory surgery center, five hundred dollars;

16 (5) Chemical dependency treatment facility:

17 (a) Sixteen beds or less, one hundred fifty dollars;

18 (b) Seventeen to fifty beds, inclusive, three hundred dollars;

19 (c) Fifty-one or more beds, four hundred fifty dollars;

20 (6) Inpatient and residential hospice, two hundred dollars.

21 No such fee may be refunded. All fees received by the State Department of Health under the
22 provisions of this chapter shall be paid into the general fund.

23 Section 2. That § 34-12-7 be amended to read as follows:

24 34-12-7. The State Department of Health may issue licenses to operate a health care facility

1 or related institutions as defined in § 34-12-1.1 which, after application and inspection, are
2 found to comply with the provisions of this chapter, and the rules adopted by the State
3 Department of Health. Provision may be made for annual or multiple-year licenses, prorated
4 license fees, and multiple licenses for health care facilities providing different levels of care and
5 services to patients. To implement this section, the State Department of Health may promulgate
6 rules pursuant to chapter 1-26.

7 Section 3. That § 34-12-10 be repealed.

8 ~~34-12-10. Any license issued under this chapter expires on the next succeeding June~~
9 ~~thirtieth, unless otherwise provided by this chapter, and shall be renewed annually subject to the~~
10 ~~provisions of §§ 34-12-5 and 34-12-7 and upon payment of a fee as required by § 34-12-6.~~

11 Section 4. That § 34-20B-41 be amended to read as follows:

12 34-20B-41. The ~~Department of Health~~ department may promulgate rules pursuant to chapter
13 1-26 relating to exclusions from uniform drug articles pursuant to subdivision 34-20B-2(1); the
14 definition of precursors; exceptions from Schedule III of stimulants, depressants, and anabolic
15 steroid-estrogen combinations in medicinal preparations; the registration of manufacturers,
16 distributors, and dispensers; waivers of registration; the suspending, revoking, surrendering,
17 transferring, and reinstating of registration; inventories and records of controlled substances
18 establishing minimum standards for prescribing and dispensing practices, labeling and security
19 requirements and the issuance of prescriptions as provided by this chapter and chapter 22-42;
20 and the inspection of registered premises. The department may charge reasonable fees relating
21 to the registration and control of the manufacture, distribution, and dispensing of controlled
22 drugs and substances within this state. No fee may exceed one hundred fifty dollars.

23 Section 5. That § 34-21-18 be amended to read as follows:

24 34-21-18. The ~~agency~~ Department of Health may require licensing of all sources of ionizing

1 radiation. The annual license shall be accompanied by an annual license fee. The ~~Department~~
2 ~~of Health shall, by rules promulgated pursuant to chapter 1-26, establish the annual license fee~~
3 ~~which may not exceed one hundred dollars~~ shall be as follows:

- 4 (1) One diagnostic X ray system, one hundred dollars;
- 5 (2) Two to five diagnostic X ray systems, inclusive, one hundred fifty dollars;
- 6 (3) Six to ten diagnostic X ray systems, inclusive, two hundred dollars;
- 7 (4) Eleven to twenty diagnostic X ray systems, inclusive, two hundred fifty dollars; and
- 8 (5) Twenty-one or more diagnostic X ray systems, three hundred dollars.

9 For the purposes of this section, diagnostic X ray system means an X ray system designed
10 for irradiation of any part of the human or animal body for the purpose of diagnosis or
11 visualization.