

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0174

SENATE BILL NO. 15

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise the definition of accredited prevention or
2 treatment facilities and to authorize the Division of Drug and Alcohol Abuse to inspect these
3 facilities and access their records.

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

5 Section 1. That subdivision (1) of § 34-20A-2 be amended to read as follows:

6 (1) "Accredited prevention or treatment facility," a private or public agency meeting the
7 standards prescribed in § 34-20A-27 and listed under § 34-20A-47, or a private or
8 public agency or facility surveyed and accredited by the Joint Commission; an Indian
9 Health Service's quality assurance review under the Indian Health Service Manual,
10 Professional Standards-Alcohol/Substance Abuse; or the Commission on
11 Accreditation of Rehabilitation Facilities; or the Council on Accreditation; under the
12 drug and alcohol treatment standards incorporated and adopted by the division in
13 rules promulgated pursuant to chapter 1-26, if proof of such accreditation, with
14 accompanying recommendations, progress reports and related correspondence are
15 submitted to the Division of Drug and Alcohol Abuse in a timely manner;



1 Section 2. That § 34-20A-44 be amended to read as follows:

2 34-20A-44. The Division of Drug and Alcohol Abuse shall inspect accredited prevention
3 or treatment facilities to insure compliance with this chapter. For purposes of inspection, the
4 division shall have access to the facility and its records at reasonable times and in a reasonable
5 manner. This section does not apply to facilities accredited pursuant to accreditation by the Joint
6 Commission, the Commission on Accreditation of Rehabilitation Facilities, ~~or~~ an Indian Health
7 Service's quality assurance review under the Indian Health Service Manual, Professional
8 Standards-Alcohol/Substance Abuse, or the Council on Accreditation.

9 Section 3. That § 34-20A-44.1 be amended to read as follows:

10 34-20A-44.1. If a public or private agency or facility is considered to be an accredited
11 prevention or treatment facility by reason of compliance with accreditation by the Joint
12 Commission, the Commission on Accreditation of Rehabilitation Facilities, ~~or~~ an Indian Health
13 Service's quality assurance review under the Indian Health Service Manual, Professional
14 Standards-Alcohol/Substance Abuse, or the Council on Accreditation, as described in § 34-20A-
15 2, the Division of ~~Alcohol and Drug~~ and Alcohol Abuse retains the right of access to all facility
16 premises and relevant records to monitor compliance or investigate complaints brought against
17 the facility.