

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

922V0659

HOUSE BILL NO. 1245

Introduced by: The Committee on Health and Human Services

1 FOR AN ACT ENTITLED, An Act to provide for certain exceptions from the assisted living
2 center regulations.

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

4 Section 1. That ARSD chapter 44:70 be amended by adding a NEW SECTION to read as
5 follows:

6 Notwithstanding subsection 44:70:01:05(6)(d), an assisted living center may admit or retain
7 a resident who is dependant on nutrition or hydration dining assistance if the assisted living
8 center implements a nutrition and hydration dining assistance program that is approved by the
9 department. The program shall require a full-time licensed nurse to work a minimum of thirty-
10 two hours per week during the day shift and shall require that a licensed nurse is on call at all
11 times. The program shall include instruction from a speech therapist and a registered dietician
12 and shall consist of a minimum of eight hours of training and clinical experience in the
13 following areas:

- 14 (1) Feeding techniques;
15 (2) Assistance with feeding and hydration;



- 1 (3) Communication and interpersonal skills;
- 2 (4) Appropriate responses to resident behaviors;
- 3 (5) Safety and emergency procedures, including the Heimlich maneuver;
- 4 (6) Infection control;
- 5 (7) Resident's rights; and
- 6 (8) Recognizing a change in a resident that is inconsistent with the resident's normal
7 behavior and the importance of reporting a change to nursing staff.

8 All nutrition and hydration assistants shall work under the supervision of a licensed nurse.

9 A licenced nurse shall assess all residents prior to participation in the dining assistance program.

10 A licensed nurse shall conduct at least one assessment on the resident per month and more
11 frequently if a change in condition occurs. A resident may not participate in a dining assistance
12 program if the resident has a complicated feeding problem. A resident may not participate in a
13 dining assistance program if the resident has difficulty swallowing, recurrent lung aspirations,
14 or tube feeding.

15 A registered dietician shall conduct a monthly nutritional review and a menu review and
16 approval. The dietician shall collaborate monthly with the licensed nurse regarding the resident's
17 nutrition and hydration plan. The dietician shall document any special nutrition needs and
18 instructions on the resident's care plan.

19 Section 2. That ARSD 44:70 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Notwithstanding subsections 44:70:01:05(6)(a), (b), and (c), an assisted living center may
22 admit and retain residents who require up to full assistance with completing activities of daily
23 living and require assistance from up to two staff members to turn and raise themselves in bed
24 and to transfer if the assisted living center implements a training program for staff on activities

1 of daily living that is approved by the Department of Health. The program shall require a full-
2 time licensed nurse to work a minimum of thirty-two hours per week during the day shift and
3 shall require that a licensed nurse is on call at all times. The program shall include a competency
4 evaluation that is conducted by a facility nurse or a nurse consultant and shall include a
5 minimum of forty hours of training in the following areas:

- 6 (1) Ambulation with the use of a gait belt;
- 7 (2) Brushing teeth or oral care;
- 8 (3) Changing an occupied bed;
- 9 (4) Denture care;
- 10 (5) Fluid intake;
- 11 (6) Hair care;
- 12 (7) Hand washing;
- 13 (8) Partial bed bath;
- 14 (9) Partial dressing of a resident;
- 15 (10) Passing fresh water;
- 16 (11) Positioning a resident on the side of the bed;
- 17 (12) Toileting using a bed pan;
- 18 (13) Transfer from a bed to a wheelchair using a gait belt;
- 19 (14) Transfer from a wheelchair to a bed using a gait belt; and
- 20 (15) Weighing of an ambulatory resident.

21 If a resident requires a full assist of one or two staff members for activities listed in
22 subdivision 44:70:01:05(c), a licensed nurse shall conduct a nursing assessment and document
23 the need of full assistance.

24 A facility licensed for this optional service is not eligible for a staffing exception as allowed

1 under subdivision 44:70:03:02:01.