

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

891A0414

HOUSE ENGROSSED NO. **HB1233** - 2/21/97

Introduced by: Representatives Putnam, Barker, Brooks, Duenwald, Duxbury, Fischer-Clemens, Gabriel, Haley, Hunt, Jorgensen, Koskan, Kredit, Lucas, Monroe, Munson (Donald), Pederson (Gordon), Pummel, Schaubman, Van Gerpen, and Wetz and Senators Whiting, Brown (Arnold), Drake, Everist, Halverson, Hunhoff, Hutmacher, Johnson (William), Lawler, Munson (David), Olson, and Symens

1 FOR AN ACT ENTITLED, An Act to prohibit the expansion of the number of certain licensed
2 hospital beds.

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

4 Section 1. That § 34-12-1.1 be amended by adding thereto NEW SUBDIVISIONS to read
5 as follows:

6 "General hospital," a hospital that provides at least medical, surgical, obstetrical, and
7 emergency services;

8 "Specialized hospital," a hospital that provides only one service or a combination of services
9 but does not provide all of the services required to qualify as a general hospital.

10 Section 2. That subdivision (4) of § 34-12-1.1 be amended to read as follows:

11 (4) "Health care facility," any ~~institution, sanitarium, maternity home, ambulatory surgery~~
12 ~~center, chemical dependency treatment facility, hospital, nursing facility, assisted~~
13 ~~living center, rural primary care hospital, place, building,~~ institution; sanitarium;

1 maternity home; ambulatory surgery center; chemical dependency treatment facility;
2 hospital, including general hospital, specialized hospital, and rural primary care
3 hospital; nursing facility; assisted living center; place; building; or agency in which any
4 accommodation is maintained, furnished, or offered for the hospitalization, nursing
5 care, or supervised care of the sick or injured;

6 Section 3. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Each hospital licensed pursuant to this chapter and to rules promulgated under this chapter
9 may operate no more than the number of beds for which the hospital is licensed and which are
10 in existence on the effective date of this Act. After the effective date of this Act, except as
11 provided in section 4 of this Act, the Department of Health may only issue a new hospital license
12 if the hospital complies with all of the requirements of this chapter and the rules promulgated
13 under this chapter for licensure as a general hospital or a rural primary care hospital.

14 Section 4. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Nothing in this Act or this chapter and the rules promulgated under this chapter prohibits the
17 following licensure:

- 18 (1) Conversion of a general hospital which has been licensed as a general hospital for at
19 least five years, or which was licensed as a general hospital for at least five years
20 immediately prior to closure, to a specialized hospital with no more licensed beds than
21 those licensed as general beds as of the date of conversion or closure;
- 22 (2) Licensure of a specialized hospital in a community in which a rural primary hospital
23 was closed. Such specialized hospital may not be licensed for more beds than those
24 licensed immediately prior to when the closed hospital was licensed as a rural primary
25 care hospital;

1 (3) A specialized hospital which serves as a replacement for an existing specialized
2 hospital for one or more of the following reasons:

3 (a) To eliminate or prevent imminent safety hazards as defined by federal, state,
4 or local fire, building, or life safety codes or regulations;

5 (b) To comply with state licensure standards;

6 (c) To comply with accreditation or certification standards which shall be met to
7 receive reimbursement under Title XVIII or XIX of the Social Security Act as
8 amended to December 31, 1996;

9 (d) To respond to an emergency situation created by a natural disaster such as
10 tornado, flood, fire, or explosions;

11 (e) To improve physical conditions which are related to operational or functional
12 deficiencies; or

13 (4) A new specialized hospital for which plans were approved for construction by the
14 Department of Health prior to March 1, 1997.

15 Section 5. Sections 3 and 4 of this Act are repealed on June 30, 1999.

1 **BILL HISTORY**

2 2/3/97 First read in House and referred to Health and Human Services. H.J. 261

3 2/12/97 Scheduled for Committee hearing on this date.

4 2/12/97 Health and Human Services Do Pass, Failed, AYES 6, NAYS 7.

5 2/12/97 Deferred to 41st legislative day, AYES 7, NAYS 6. H.J. 435

6 2/12/97 Recalled from committee (Rule 7-7). H.J. 441

7 2/13/97 Health and Human Services Removed from Table, AYES 9, NAYS 4.

8 2/13/97 Health and Human Services Do Pass, Failed, AYES 6, NAYS 7.

9 2/13/97 Health and Human Services Report Without Recommendation, AYES 12, NAYS 1.

10 H.J. 463

11 2/14/97 House of Representatives Placed on Calendar, AYES 48, NAYS 21. H.J. 486

12 2/15/97 Deferred to another day. H.J. 522

13 2/18/97 Motion to Amend, AYES 58, NAYS 12. H.J. 536

14 2/18/97 Motion to Amend, Failed, AYES 30, NAYS 40. H.J. 536

15 2/18/97 Motion to Amend, Failed, AYES 18, NAYS 51. H.J. 538

16 2/18/97 Motion to Amend, Passed. H.J. 546

17 2/18/97 Motion to Amend, Failed, AYES 22, NAYS 47. H.J. 546

18 2/18/97 Motion to Amend, Failed, AYES 13, NAYS 55. H.J. 547

19 2/18/97 Motion to Amend, Passed. H.J. 548

20 2/18/97 Deferred with pending amendment (Rule 5-17). H.J. 548

21 2/20/97 Motion to Amend, Passed, AYES 35, NAYS 33. H.J. 608

22 2/20/97 Motion to Amend, Failed, AYES 31, NAYS 38. H.J. 609

23 2/20/97 House of Representatives Do Pass Amended, Passed, AYES 47, NAYS 23. H.J. 610

24 2/20/97 Intent to reconsider. H.J. 610