

AN ACT

ENTITLED, An Act to revise certain provisions relating to the inspection of certain residential care facilities.

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

Section 1. That § 34-12-33 be amended to read as follows:

34-12-33. Upon receipt of a complaint, the Department of Health may enter and inspect any establishment or facility registered or required to be registered pursuant to § 34-12-32 to determine if there are violations of the licensing provisions of this chapter. Before entering an establishment or facility, the department shall obtain the consent of the owner, operator, or person-in-charge, or obtain a court order authorizing entry for the purpose of inspection unless an emergency exists. As used in this section, the term, emergency, means any circumstance which the department has reason to believe exists, which may constitute a hazardous condition that may endanger human life or be seriously detrimental to the health or welfare of residents. As used in this section, the term, person-in-charge, means the person present at a residential care facility who is responsible for its operation. The inspection shall take place during reasonable times and shall be conducted by an authorized department inspector after presentation of identification. The scope of the inspection is limited to those areas provided for in this chapter. After an inspection is completed, the department may proceed in accordance with § 34-12-34 to cause compliance with this chapter and the rules promulgated thereunder.

An Act to revise certain provisions relating to the inspection of certain residential care facilities.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1028

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1028

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State