

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0231

HOUSE BILL NO. 1028

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the inspection of
2 certain residential care facilities.

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

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

5 34-12-33. Upon receipt of a complaint, the state Department of Health may enter and inspect
6 any establishment or facility registered or required to be registered pursuant to § 34-12-32 to
7 determine if there are violations of the licensing provisions of this chapter. Before entering an
8 establishment or facility, the department shall obtain the consent of the owner, operator, or
9 person-in-charge, or obtain a court order authorizing entry for the purpose of inspection ~~except~~
10 ~~in those instances where~~ unless an emergency exists. As used in this section, the term,
11 emergency, means any circumstance which the department has reason to believe exists, which
12 may constitute a hazardous condition that may endanger human life or be seriously detrimental
13 to the health or welfare of residents. As used in this section, the term, person-in-charge, means
14 the person present at a residential care facility who is responsible for its operation. The
15 inspection shall take place during reasonable times and shall be conducted by an authorized
16 department inspector after presentation of identification. The scope of the inspection is limited

1 to those areas provided for in this chapter. After an inspection is completed, the department may
2 proceed in accordance with § 34-12-34 to cause compliance with this chapter and the rules
3 promulgated thereunder.