**67:16:05:01.  Definition of terms.** Terms as used in this chapter:

 (1)  "Attending physician or other licensed practitioner" means the individual's personal private physician or other licensed practitioner or a physician or other licensed practitioner assigned to care for the individual in the absence of a personal private physician or other licensed practitioner;

 (2)  "Custodial care" means services that do not require nursing supervision and are designed to assist an individual perform the activities of daily living;

 (3)  "Home health agency" means an organization that is primarily engaged in providing skilled nursing, medical social services, or home health aide services and which meets the requirements of a home health agency under 42 C.F.R. §§ 484.1 through 484.115, inclusive (June 19, 2020). This does not include an agency or organization whose function is primarily the care and treatment of mental illness;

 (4)  "Home health aide services" means those nursing-related services not required to be performed by a licensed health professional but prescribed by a licensed physician or other licensed practitioner and provided on an intermittent basis;

 (5)  "Home health services" or "services" means skilled nursing services, medical social services, or home health aide services provided by a home health agency;

 (6)  "Medical social services" means those services that contribute to the treatment of a patient's physical condition and are needed because social problems exist, which impede the effective treatment of the patient's medical condition or the patient's rate of recovery;

 (7)  "Plan of care" means the plan developed by the home health agency in response to the physician or other licensed practitioner's written orders to the agency prescribing the needed services and the duration of those services;

 (8)  "Postpartum services" means skilled nursing services following a child's birth;

 (9)  "Skilled nursing services" means those nursing services defined in SDCL 36-9-3 and provided on a part-time or intermittent basis;

 (10)  "Therapy services" means physical, respiratory, occupational, and speech therapy services provided by a home health agency either directly or through a contract with a qualified therapist acting within the therapist's scope of practice; and

 (11)  "Visit" means one encounter with a recipient for the purpose of delivering home health services.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 30, effective October 13, 1974; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 16 SDR 111, effective January 7, 1990; 16 SDR 233, effective July 1, 1990; 18 SDR 203, effective July 1, 1992; 33 SDR 137, effective March 7, 2007; 47 SDR 38, effective October 6, 2020.

 **General Authority:** SDCL 28-6-1.

 **Law Implemented:** SDCL 28-6-1(1)(2).