State of South Dakota

NINETY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2017

840Y0026

HOUSE BILL NO. 1003

Introduced by: Representatives Steinhauer and Campbell and Senators Netherton and Stalzer at the request of the Interim Committee on Regulation of Nursing and Assisted Living Beds

1 FOR AN ACT ENTITLED, An Act to allow nursing facilities to transfer or sell nursing bed 2 capacity. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA: 4 Section 1. That chapter 34-12 be amended by adding a NEW SECTION to read: 5 Notwithstanding the provisions of §§ 34-12-35.4 to 34-12-35.9, inclusive, a licensed nursing 6 facility may transfer nursing bed capacity owned by the licensee to another facility. A licensed 7 nursing facility may sell nursing bed capacity to another facility. The receiving facility shall 8 license the transferred or purchased beds within twenty-four months of the transfer or sale. The 9 receiving facility shall: 10 (1) Have an annual minimum Medicaid occupancy rate no less than fifty percent below 11 the statewide average at the time rates are established for the newly licensed beds; 12 and 13 (2) Have an approved program or affiliation with a home and community-based care 14 provider for the receiving facilities service area.

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- 1 For the purposes of this section, the term, receiving facility, means the facility that obtained
- 2 nursing home beds through a transfer between facilities owned by a licensee or purchased beds
- 3 from a facility owned by another licensee.