

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.



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.