

AN ACT

ENTITLED, An Act to revise certain provisions regarding the annual inspection requirement for licensed health care facilities.

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

Section 1. That § 34-12-16 be amended to read:

34-12-16. Any building, institution, or establishment for which a license is issued under this chapter shall be inspected by the Department of Health under rules established by the department pursuant to § 34-12-13. The provisions of this section do not apply to a licensed hospital or licensed chemical dependency treatment facility surveyed and accredited under the standards of the accreditation program of the joint commission on accreditation of health care organizations that submits to the department, within a reasonable time, copies of its currently valid accreditation certificate and accreditation letter, together with accompanying recommendations and comments and any further recommendations, progress reports, and correspondence directly related to the accreditation. However, the department may inspect all licensed hospitals or licensed chemical dependency treatment facilities to determine compliance with rules promulgated pursuant to subdivisions 34-12-13(1), (2), and (3).

The department retains the right of access to all hospital or licensed chemical dependency treatment facility premises and to relevant records to investigate complaints or to follow through on corrective measures related to deficiencies identified by the joint commission survey process which are in conflict with state law or rule. If, prior to an inspection, the operator refuses to allow the inspection, no inspection may be made. If, during the course of the inspection, the operator refuses to allow the inspection to continue, the inspection shall cease. In such cases, the department may immediately initiate revocation proceedings pursuant to chapter 1-26 against the operator's license.

An Act to revise certain provisions regarding the annual inspection requirement for licensed health care facilities.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1026

\_\_\_\_\_  
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. 1026  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State