

CHAPTER 44:58:07

RECORDS, REPORTS, AND INVENTORIES

Section

44:58:07:01 and 44:58:07:02 Repealed.

44:58:07:03 Inventory requirements.

44:58:07:04 Acquisition, dispensing, and distribution records.

44:58:07:05 Theft reports.

44:58:07:06 to 44:58:07:08 Repealed.

44:58:07:09 Emergency supplies of controlled substances in long term care facilities, Repealed.

44:58:07:09. Emergency supplies of controlled substances in long term care facilities.

Emergency supplies of controlled substances may be kept in long term care facilities under the following circumstances:

- ~~—— (1) The pharmacist supplying the controlled substances retains ownership and responsibility for the controlled substances, including a monthly physical inventory;~~
- ~~—— (2) The controlled substances are stored in a manner that allows only those individuals authorized to administer the controlled substances access to them;~~
- ~~—— (3) The controlled substances are stored in a sealed emergency box or in a separate locked cabinet, with a complete and accurate record kept of the controlled substances in the box or cabinet and their disposition;~~
- ~~—— (4) The facility notifies the pharmacist within 36 hours after the withdrawal of a Schedule II controlled substance and within 72 hours after the withdrawal of a Schedule III or IV controlled substance and the pharmacist replaces the controlled substance within 72 hours after notification; and~~
- ~~—— (5) No more than five different controlled substances are stored in the emergency box, which may contain no more than six doses of any Schedule II controlled substance, no more than six doses of any Schedule III or IV injectable controlled substance, and no more than 12 doses of any oral Schedule III or IV controlled substance Repealed.~~

Source: 25 SDR 48, effective October 1, 1998.

~~—— **General Authority:** SDCL 34-20B-41.~~

~~—— **Law Implemented:** SDCL 34-20B-41.~~

ARTICLE 44:66

HOSPITAL CHARGE REPORTING

Chapter

44:66:01 Definitions, Repealed.

44:66:02 Reporting requirements.

44:66:03 Reports to public, Repealed.

ADOPTED

CHAPTER 44:66:01

DEFINITIONS

(Repealed)

Section

44:66:01:01 Definitions, Repealed.

ADOPTED

44:66:01:01. Definitions. ~~Terms used in this article mean:~~

- ~~—— (1) "Case severity rating," the relative value reflecting average resource consumption by patients in a hospital for its APR DRGs over a particular period of time;~~
- ~~—— (2) "Charge," that amount a hospital would expect to charge for an inpatient diagnostic-related group;~~
- ~~—— (3) "Department," the South Dakota Department of Health;~~
- ~~—— (4) "All patient refined diagnosis related group," "APR DRG," a classification assigned to an inpatient hospital service claim based on the patient's age and sex, the principal and secondary diagnoses, the procedures performed, and the discharge status;~~
- ~~—— (5) "CMS Uniform Bill 04," "UB 04," a standardized form from the Centers for Medicare and Medicaid Services used to electronically submit claims for health care received in an institutional setting to payers;~~
- ~~—— (6) "Hospital variation," any of several factors, including cross subsidization of governmental payers and uncompensated care, regional staffing costs, services specialization, and operational cost structures and capital expenses that comprise a hospital's charge structure;~~
- ~~—— (7) "Patient variation," any of several factors, including age, preexisting condition, comorbidity, reaction to medication or treatment, and time of recovery that influences treatment decisions and affects resource consumption; and~~
- ~~—— (8) "SDAHO," the South Dakota Association of Healthcare Organizations Repealed.~~

Source: 32 SDR 69, effective November 7, 2005; 34 SDR 88, effective September 10, 2007; 35 SDR 183, effective February 2, 2009.

~~—— **General Authority:** SDCL 34-12E-11.~~

~~—— **Law Implemented:** SDCL 34-12E-11.~~

CHAPTER 44:66:02
REPORTING REQUIREMENTS

Section

- 44:66:02:01 Entities required to report, Repealed.
- 44:66:02:02 Organization and structure.
- 44:66:02:03 Required patient data to be reported.
- 44:66:02:03.01 Required financial data to be reported.
- 44:66:02:04 Timelines for reporting.

44:66:02:01. Entities required to report. ~~Each hospital licensed pursuant to SDCL chapter 34-12 shall report annually to SDAHO the charge information for the inpatient APR-DRGs for which there are at least ten cases rendered by the hospital during the twelve months preceding the report. Any hospital that does not have charge information that can be grouped to APR-DRGs is exempt from the reporting requirement.~~ Repealed.

Source: 32 SDR 69, effective November 7, 2005; 35 SDR 183, effective February 2, 2009.

~~— **General Authority:** SDCL 34-12E-11.~~

~~— **Law Implemented:** SDCL 34-12E-11.~~

44:66:02:02. Organization and structure. ~~SDAHO~~ The South Dakota Association of Healthcare Organizations is responsible for the collection, ~~validation~~, analysis, and dissemination of data and information related to reporting required in § 44:66:02:03.

Source: 32 SDR 69, effective November 7, 2005; 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 34-12E-11.

Law Implemented: SDCL 34-12E-11(2).

44:66:02:03. Required patient data to be reported. Each hospital required to report charge information pursuant to ~~§ 44:66:02:01~~ SDCL 34-12E-11 shall provide the following information from the UB-04 form:

- (1) Record type;
- (2) Hospital number;
- (3) Patient control number;
- (4) Date of birth;
- (5) Sex;
- (6) Admission date;
- (7) Principal diagnosis;
- (8) Admitting diagnosis;
- (9) Principal procedure;
- (10) Discharge date;
- (11) Patient status; and
- (12) Total charges.

~~— All other fields on the UB-04 form shall be submitted as entered on the form or submitted with filler data as specified by the SDAHQ.~~

For the purposes of this section, "UB-04 form" is a standardized form from the Centers for Medicare and Medicaid Services used to electronically submit claims for health care received in an institutional setting.

Source: 32 SDR 69, effective November 7, 2005; 34 SDR 88, effective September 10, 2007; 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 34-12E-11.

Law Implemented: SDCL 34-12E-11(4).

ADOPTED

44:66:02:03.01. Required financial data to be reported. Each hospital required to report pursuant to ~~§ 44:66:02:01~~ SDCL 34-12E-11 shall annually provide financial information including revenue by type, uncompensated care, and revenue by payor on a form provided by the department South Dakota Association of Healthcare Organizations.

Source: 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 34-12E-11.

Law Implemented: SDCL 34-12E-11.

44:66:02:04. Timelines for reporting. Each hospital required to report charge information pursuant to SDCL 34-12-11 shall provide to SDAHQ the report the patient data elements information described in § 44:66:02:03 by the following dates to the South Dakota Association of Healthcare Organizations as follows:

~~First Quarter (January-March) July 1 of the same year~~
~~Second Quarter (April-June) October 1 of the same year~~
~~Third Quarter (July-September) January 1 of the following year~~
~~Fourth Quarter (October-December) April 1 of the following year~~
~~Each hospital shall provide to SDAHQ the financial data described in § 44:66:02:03.01 by May 1 of each year for the fiscal year corresponding to the annual reporting period of the patient data elements described in § 44:66:02:03~~

~~(1) January first to June thirtieth data by October first of the same year; and~~
~~(2) July first through December thirtieth data by April first of the following year.~~

Source: 32 SDR 69, effective November 7, 2005; 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 34-12E-11.

Law Implemented: SDCL 34-12E-11.

CHAPTER 44:66:03
REPORTS TO PUBLIC

(Repealed)

Section

44:66:03:01 Annual publication of data, Repealed.

44:66:03:02 Data to be published, Repealed.

44:66:03:01. Annual publication of data. ~~SDAHO shall publish hospital charge information data based on a calendar year~~ Repealed.

Source: 32 SDR 69, effective November 7, 2005; 35 SDR 183, effective February 2, 2009.

~~General Authority:~~ SDCL 34-12E-11.

~~Law Implemented:~~ SDCL 34-12E-11.1.

ADOPTED

44:66:03:02. Data to be published. ~~The data to be published in accordance with § 44:66:02:01 shall include the following:~~

- ~~—— (1) Volume of cases by APR DRG required to be reported by hospital;~~
- ~~—— (2) Case severity rating by hospital; and~~
- ~~—— (3) A general disclaimer statement regarding those hospital variations and patient variations that affect the actual charges to patients Repealed.~~

Source: 32 SDR 69, effective November 7, 2005; 35 SDR 183, effective February 2, 2009.

~~—— **General Authority:** SDCL 34-12E-11.~~

~~—— **Law Implemented:** SDCL 34-12E-11.1.~~

44:70:01:07.01. Reports to the Department of Human Services, law enforcement, or state's attorney. A facility shall report an event involving ~~an attempted suicide or~~ any reasonable cause to suspect abuse or neglect of any resident by any person within twenty-four hours of the discovery of the event, orally or in writing, to the Department of Human Services, to a law enforcement officer, or to the state's attorney of the county in which the facility is located.

Source: 50 SDR 19, effective August 30, 2023.

General Authority: SDCL 34-12-13(14).

Law Implemented: SDCL 34-12-13.

44:73:01:07. Reports to the department. Each facility shall report any of the following events to the department through the department's online reporting system within twenty-four hours of the discovery of the event:

- (1) An attempted suicide by a resident;
- (2) An incident or event where there is reasonable cause to suspect abuse or neglect of any resident by any person;
- ~~(2)(3)~~ Any A death not resulting from other than natural causes that originated on facility property;
- ~~(3)(4)~~ A missing resident;
- ~~(4)(5)~~ Any A fire in the facility;
- ~~(5)(6)~~ Any A loss, for more than twenty-four hours, of utilities, an emergency generator, a fire alarm, sprinklers, ~~and or~~ other critical equipment necessary for operation of the facility ~~for more than twenty-four hours;~~ or
- ~~(6)(7)~~ Any A unsafe water samples from pools or spas.

The facility shall conduct an internal investigation ~~for~~ of the event and report the results to the department no later than five working days after the event.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 24 SDR 90, effective January 4, 1998; 26 SDR 96, effective January 23, 2000; 28 SDR 83, effective December 16, 2001; 29 SDR 81, effective December 11, 2002; 30 SDR 84, effective December 4, 2003; 32 SDR 128, effective January 30, 2006; transferred from § 44:04:01:07, 42 SDR 51, effective October 13, 2015; 51 SDR 53, effective November 11, 2024.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

ADOPTED

44:73:01:07.01. Reports to the Department of Human Services, law enforcement, or state's attorney. In addition to the reporting requirements in § 44:73:01:07, a facility shall report an event involving ~~an attempted suicide at the facility, and~~ any reasonable cause to suspect abuse or neglect of a resident by any person, within twenty-four hours of the discovery of the event ~~or reasonable cause~~, orally or in writing, to the Department of Human Services, a law enforcement officer, or the state's attorney of the county where the facility is located.

Source: 51 SDR 53, effective November 11, 2024.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

44:73:08:11. Controlled drugs kept for emergency use. A facility may keep controlled drugs for emergency use under the following circumstances:

(1) The pharmacist supplying the controlled drugs maintains ownership and responsibility for the drugs, including a monthly physical inventory;

(2) The controlled drugs are stored in a manner that allows only those individuals authorized to administer the drugs access to them;

(3) The controlled drugs are stored in a sealed emergency box or in a separate locked cabinet, with a complete and accurate record kept of the drugs in the box or cabinet and of their disposition; and

(4) The facility notifies the pharmacist within thirty-six hours after the withdrawal of a Schedule II drug and within seventy-two hours after the withdrawal of a Schedule III or IV drug and the pharmacist replaces the drugs within seventy-two hours after notification; and

~~—— (5) No more than five different controlled drugs are stored in the emergency box or separate locked cabinet. The emergency box or separate locked cabinet may contain no more than six doses of any Schedule II controlled drug, no more than six doses of any Schedule III or IV injectable controlled drug, and no more than twelve doses of any oral Schedule III or IV controlled drug.~~

Source: 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; transferred from § 44:04:08:07.01, 42 SDR 51, effective October 13, 2015; 51 SDR 53, effective November 11, 2024.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

Cross-Reference: Pharmacist controls emergency kit in nursing facility, § 20:51:15:15.01.

44:75:01:07. Reports to the department. Each facility shall report any of the following events to the department through the department's online reporting system within twenty-four hours of the discovery of the event:

- (1) An attempted suicide by a patient;
- ~~_____~~ (2) An incident or event where there is reasonable cause to suspect abuse or neglect of any patient by any person;
- ~~(2)(3)~~ ~~Any~~ A death resulting from other than natural causes originating on facility property;
- ~~(3)(4)~~ A missing patient;
- ~~(4)(5)~~ A fire in the facility;
- ~~(5)(6)~~ ~~Any~~ A loss, for more than twenty-four hours, of utilities, emergency generator, fire alarm, sprinklers, ~~and~~ or other critical equipment necessary for operation of the facility ~~for more than twenty-four hours~~; or
- ~~(6)(7)~~ ~~Any~~ An unsafe water samples ~~for pools or spas~~ from a pool or spa.

The facility shall conduct an internal investigation ~~for~~ of the event and report the results to the department no later than five working days after the event.

Source: 42 SDR 51, effective October 13, 2015; 50 SDR 62, effective November 27, 2023.

General Authority: SDCL 34-12-13~~(14)~~.

Law Implemented: SDCL 34-12-13.

44:75:01:07.01. Reports to the Department of Human Services, law enforcement, or state's attorney. A facility shall report an event involving ~~an attempted suicide, or any reasonable cause to suspect abuse or neglect of any patient by any person within twenty-four hours of the discovery of the event or reasonable cause,~~ orally or in writing, to the Department of Human Services, to a law enforcement officer, or to the state's attorney of the county in which the facility is located.

Source: 50 SDR 62, effective November 27, 2023.

General Authority: SDCL 34-12-13(14).

Law Implemented: SDCL 34-12-13.