

South Dakota

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44:04:01:01. Definitions. Terms defined in SDCL 34-12-1.1 have the same meaning in this article. In addition, terms used in this article mean:

(30) "Licensed health professional," a physician; physician's assistant; nurse practitioner; physical, speech, or occupational therapist; physical or occupational therapy assistant; nurse; nursing facility administrator; dietitian; pharmacist; respiratory therapist; or social worker who holds a current license to practice in South Dakota;

(58) "Social worker," a person who is licensed pursuant to SDCL chapter 36-26;

(59) "Social service designee," a person who has a degree in a behavioral science field, two years of supervised experience in a behavioral science field, is a licensed nurse, or has similar qualifications;

44:04:02:18.02. Office required for social services activities.

An office which is large enough to accommodate private consultation and record keeping and which is easily accessible to patients or residents must be provided for social services activities.

Source: 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

44:04:06:05. Patient or resident care plans and programs. The nursing service of a
Page 42 of 146 06.25.07 health care facility must provide safe and effective care from the day of admission through the ongoing development and implementation of written care plans for each patient or resident. The care plan must address medical, physical, mental, and emotional needs of the patient or resident. The health care facility must establish and implement procedures for assessment and management of symptoms including pain. The care plan for nursing facility residents must be based on the resident assessments required in §§ 44:04:06:15 and 44:04:06:16 and must be developed and approved by the resident's physician; the resident, the resident's family, or the resident's legal representative; the interdisciplinary team consisting of at least a licensed nurse, the facility's social worker or social service designee, the dietary manager or dietitian, the activities coordinator, and other staff in disciplines determined by the resident's needs. The care plan shall describe the services necessary to meet the resident's medical, physical, mental or cognitive, nursing, and psychosocial needs and shall contain objectives and timetables to attain and maintain the highest level of functioning of the resident. The care plan must be completed within seven days after the completion of each resident assessment required in §§ 44:04:06:15 and 44:04:06:16. Each nursing facility must provide restorative care services to meet resident needs.

44:04:06:13. Hospice services. Each facility offering hospice services must provide services to terminally ill individuals or arrange for such services by a hospice program under a written plan established and periodically reviewed by the individual's attending physician. The hospice agency must provide for care and services in the licensed facility, the individual's home, on an outpatient basis, or on a short-term inpatient basis. Personnel providing hospice care must include at least one physician, one registered nurse, and one social worker. An unlicensed employee of a licensed facility may not accept any delegated skilled tasks from any hospice providers pursuant to SDCL chapter 36-9.

44:04:11:08. Social services.

A hospital offering social services must maintain written policies and procedures relating to staffing requirements and functions of services and must provide social services facilities as

required by § 44:04:02:18.02. If social services are offered, services must be provided under the supervision of a social worker or the facility must have a written agreement with a social worker for regularly scheduled consultation and assistance. The social services staff shall participate in discharge planning to assist patients to access inpatient, outpatient, extended care, and home health services in the community. Social services summaries must be entered in the patient's medical record.

Source: 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

Cross-Reference: Social workers, SDCL 36-26, art 20:59.

44:04:12:05. Provision of social services by nursing facilities. A nursing facility must provide or make arrangements to provide social services for each resident as needed. A member of the staff of the facility must be designated as responsible for social services. If the staff member is not a social worker, the facility must have a written agreement with a social worker for consultation and assistance to be provided on a regularly scheduled basis but at least quarterly.

Source: 14 SDR 81, effective December 10, 1987; transferred from § 44:04:06:12, 22 SDR 70, effective November 19, 1995; 30 SDR 84, effective December 4, 2003.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

44:04:13:03.01. Social services office. In hospitals and nursing facilities, a social services office which is in accordance with § 44:04:02:18.02 must be provided.

Source: 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995.

General Authority: SDCL 34-1-17, 34-12-13.

Law Implemented: SDCL 34-12-13.

44:04:15:02. Administration department. The administration department must include a business office, administrator's office, lobby, public and staff toilet rooms, office for the director of nurses, social service office, dietary service office, and housekeeper's office.

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.

General Authority: SDCL 34-1-17, 34-12-13.

Law Implemented: SDCL 34-12-13.

44:04:17:13. Self-administration of drugs. A resident may self-administer drugs if the Page 127 of 146 06.25.07 physician, registered nurse, pharmacist, and social worker or designee have determined the practice to be safe. The determination must state whether the resident or the nursing staff is responsible for storage of the drug and documentation of its administration in accordance with chapter 44:04:08. In an assisted living center a resident may self-administer drugs if the registered nurse (if applicable), physician, and pharmacist have determined the practice to be safe.

44:04:18:15. Nurse aide curriculum.

The curriculum of the nurse aide training program must address the medical, psychosocial, physical, and environmental needs of the patients or residents served by the nursing facility. Each unit of instruction must include behaviorally stated objectives with measurable performance criteria. The nurse aide training program must consist of at least 75 hours of classroom and clinical instruction, including the following:

(3) Instruction in each of the following content areas:

(c) Mental health and social services:

(i) Modifying aides' behavior in response to patients' or residents' behavior;

(ii) Awareness of developmental tasks associated with the aging process;

(iii) How to respond to patients' or residents' behavior;

(iv) Allowing the patient or resident to make personal choices, providing and reinforcing other behavior consistent with the patient's or resident's dignity; and

(v) Using the patient's or resident's family as a source of emotional support;

Source: 21 SDR 118, effective January 2, 1995.

General Authority: SDCL 34-12-29.

Law Implemented: SDCL 34-12-29.