



Assisted Living in South Dakota

DSS 
Strong Families - South Dakota's Foundation and Our Future

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Assisted Living Centers

Assisted living is a residential alternative that promotes maximum independence for each resident through a combination of supportive services and assistance. The definition of assisted living from one state to another may vary and so will the cost and types of service.



Assisted living centers vary in size, style and the optional services they may offer. Small family style living or the larger complex of units can be found in South Dakota. Some facilities are operated by nonprofit organizations, while others are proprietary. In addition, some facilities may be co-located or affiliated with a hospital or nursing facility.

Assisted living centers are regulated by the South Dakota Department of Health, under South Dakota Administrative Rules 44:70. The South Dakota Department of Health is responsible for the licensure and inspection of assisted living centers.

Assisted living centers are required to provide assistance with daily living activities, including eating, bathing, dressing and personal hygiene; three meals a day; supervision of self-administration of medications; laundry service including personal laundry; housekeeping; and 24 hour staffing.

Assisted Living Requirements

By South Dakota law, any health care facility or related institution for the care of people including assisted living must obtain a license from the South Dakota Department of Health. This does not include those residences that only offer room and board. By Administrative Rule (ARSD 44:70), the following is required of assisted living centers:

- ü Physical Environment Qualifications
- ü Fire and Safety Protection
- ü Management and Administration
- ü Nursing and Related Care Services
- ü Dietetic Services
- ü Medication Control
- ü Resident Record Services
- ü Resident's Rights and Supportive Services
- ü Construction Standards

Considering Assisted Living

Assisted Living communities are intended to be an alternative for individuals who do not need 24-hour nursing care, but do need a combination of housing and assistance. They are generally less expensive than nursing care facilities and are intended to be a home-like environment. Assisted living is NOT a nursing care facility, and even though they might be co-located, the facility may only offer limited nursing care to individuals in the assisted living residences.

While assisted living may not admit or retain residents who require ongoing nursing care, some facilities have been approved to assist individuals with optional services including:

- ü Medication Administration [ARSD 44:70:04:14(2)]
- ü Acceptance of Cognitively Impaired Residents [ARSD 44:70:04:14(3)]
- ü Acceptance of Physically Impaired Residents [ARSD 44:70:04:14(4)]
- ü Acceptance of Residents Incapable of Self Preservation [ARSD 44:70:04:14(5)]
- ü Acceptance of Residents Dependent on Supplemental Oxygen [ARSD 44:70:04:14(6)]
- ü Acceptance of Residents Requiring Therapeutic Diets [ARSD 44:70:04:14(7)]
- ü Acceptance of Residents Electing Hospice [ARSD 44:70:04:14(8)]

If you or someone you know is thinking about moving to an assisted living center, take time to tour the location and visit with the staff or talk to neighbors and friends about the care provided. Ask to review the admissions agreement and any other documents required upon admission. Request to read their most recent licensure survey completed by the South Dakota Department of Health.



Residents Rights:

Assisted living centers must ensure all residents receive a copy of their rights and that these rights are fully implemented.

Administrative rules require assisted living centers to inform residents of these rights both orally and in writing.

Questions to Consider Asking

- a What is the staff to resident ratio?
- a Is the assisted living center clean and free of any odors?
- a Can a resident bring their personal furniture and belongings?
- a Are individual group activities offered?
- a Does the resident have privacy during family visits?
- a Do staff treat the residents with dignity and respect?
- a During meal time, does the food look and smell appetizing?
- a Would a short term stay be acceptable for a trial period?

Facility Lists Available

The Department of Health, Office of Health Facilities Licensure and Certification, provides a list of licensed assisted living centers in South Dakota.

The list includes the name of the facility, administrator, address, phone number and number of beds licensed per center.

Recommendations on the quality of care provided by the facility are not made in this list; however, it is recommended that interested individuals ask to read the most recent survey completed.

The report highlights any significant problems identified through the survey process. A Plan of Correction should also be available to document how and when the facility intends to correct any survey deficiencies. Assisted living centers are required to have a copy of the survey posted and Plan of Correction available for the public to read.

South Dakota Department of Health Contact Information

600 East Capitol Avenue
Pierre, SD 57501
605-773-3361 or 1-800-738-2301
<http://doh.sd.gov/Licensure/Default.aspx>

Staffing and Services

Assisted living centers are required to have a sufficient number of qualified personnel to provide effective and safe care. [ARSD 44:70:04:03].

ARSD 44:70 requires assisted living centers to provide staff to meet the care needs of the residents served and have documentation that assures that the individual needs of residents are identified and addressed.

When you visit the assisted living center, talk with as many staff as possible. The administrator will be a good resource, but also talk with the staff who provide individual care to the residents. Try to get a sense of who they are, if they enjoy their job, and if they are personable to the residents.



Questions to Ask the Administrator or Staff

- a How many staff are employed?
- a Will the residents have the same staff each day?
- a What happens if staff call in sick or are on vacation?
- a Have there been any staff resignations lately? If so, why?
- a Is there a call system from each resident's room in case of emergency? If not, how do they plan to accommodate this need?
- a Is this facility approved to provide medication administration or any of the other optional licenses?
- a Are staff trained and appear to know what their job requires?
- a Can I hire a nurse privately to provide services?
- a Can I ask for more assistance from staff on certain days?
- a Can I go to my local church?
- a Can I attend local activities?
- a Can I have an occasional meal in my own room?

Assisted Living Costs

South Dakota is able to assist with payment for assisted living in the following situations:

1. The individual is eligible for long-term care medical assistance and the facility is willing to accept the payment for care of the resident.

2. Certain assisted living centers have met criteria to provide waiver services to individuals who have been determined to meet financial eligibility and level of care requirements.

Not all facilities have chosen to participate in these assistance programs. Check with the administrator or the Department of Social Services to determine if the facility participates.

When a person enters an assisted living center paying privately and then at some point needs assistance to pay for the continuation of care, that person would need to apply for long-term care medical assistance through the local Department of Social Services. The application process may take up to 45 days so advanced planning is important.

When considering a facility, the rates and services offered, be thinking about the future and not just current needs.

Be sure to inquire about any services not covered in the basic monthly rate, such as a telephone, cable TV and Internet, newspaper or magazine delivery. It is important to be aware of “fees” or “add-on” costs. The facility must provide in writing to each resident a list of services available and their charges.

A few other things to keep in mind when it comes to assisted living costs include:

Does the facility require a security deposit prior to admission? Ask what the purpose of the fee is and if it is refundable, and if so, under what circumstances.

What is the assisted living community's policy on increasing the monthly rate?

Does the facility have an automatic cost of services increase established during the year? How is the resident informed of this increase and is the timeframe reasonable for the notice period?

Admissions Agreement

Every facility must have an admissions agreement which describes the services available to each resident.

The following checklist is intended to highlight those areas which protect the rights of the resident and should give some assurances of the quality of care provided to the resident.

- a Is there a clear, itemized list of services included in the basic daily rate?
- a Is there a clear, itemized list of extra services and charges?
- a Does the facility require the signature of the resident or their legal guardian?
- a Does the admissions agreement state they are willing to accept Medicaid-eligible residents and those who go on Medicaid after admission?
- a Does the facility require a down payment?

- a Does the facility require residents to private pay at the time of admission to the facility?
- a Does the agreement provide a reasonable timeframe (i.e. 30 days) to be notified of any increase in the facility's fees or charges?
- a Does the agreement include an understandable statement of residents rights, or is it stated in a separate document?
- a Does the Residents Rights document outline the procedures for filing a complaint about the care or services provided? The name of the local Ombudsman should be made available upon request.
- a Does the agreement, or any accompanying form, seek a blanket consent for medical treatment or pharmacy services?
- a Do any agreement provisions waive or limit the facility's liability for lost or damaged personal possessions or injury to the resident?
- a Does the agreement provide reasons the resident can be discharged or transferred?
- a Does the contract provide for a minimum number of days advance notice to any discharge or transfer initiated by the facility?
- a Does the agreement explain how many days a resident's bed can be held should the resident be absent during a hospitalization, family event, or another long or short term leave of absence?

Before you Sign the Agreement

Is the language in the agreement clearly understandable? Be sure you are comfortable with the agreement and all of the provisions. If there are any terms that are unclear, ask for clarification in writing.

a What are the conditions under which the agreement can be terminated? Are these conditions acceptable?

Remember, admission agreements are written to protect the assisted living community.

Please read the agreement or have an attorney review it so you clearly understand all of the language in it.

Assisted Living Complaints

The assisted living administrator should be contacted when you or the resident have any concerns about the quality of care or any policy or treatment received while in their care. If you are not satisfied with the response, you have the right to contact an Ombudsman.

The State Ombudsman is located within the Department of Social Services, Division of Adult Services and Aging. The purpose of the Ombudsman Program is to receive, investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities including assisted living centers. The ombudsman is available to all residents of assisted living and is an advocate to assist them in resolving questions or concerns about their care or services they receive during their stay.

An ombudsman investigates and helps resolve complaints regarding resident's rights; access to information; admission, transfer and discharge questions; resident choice and privacy; personal funds; dietary services; environment; administration; and other issues related to resident care.

Notice of Non-Discrimination

The Americans with Disabilities Act (ADA) is a federal law prohibiting discrimination against persons with disabilities in all public facilities, places of employment and commercial facilities.

The Federal Fair Housing Amendments Act of 1988 (FHAA) prohibits discrimination against persons with disabilities in housing transactions, including the provision of services in connection with the housing. Therefore, assisted living residents, employees and visitors with disabilities are covered under the provisions of the ADA and FHAA.

In order to ensure that persons with disabilities are not discriminated against, assisted living centers must make reasonable accommodations for individuals with disabilities to assist them.

According to the ADA, reasonable accommodation means any modification or adjustment to the environment which will assure individuals with disabilities the same rights, privileges and access equal to those individuals without disabilities.

Additional Information

If you need more information or have questions about any of the following, please contact the corresponding agency.

a Licensure of a facility, call the Department of Health:
(605) 773-3361

a Payment sources, call the Division of Adult Services and Aging: (605) 773-3656 or 1-866-854-5465

a State Ombudsman, call the Division of Adult Services and Aging: (605) 773-3656 or 1-866-854-5465

Division of Adult Services and Aging Field Offices

Aberdeen.....	605-626-3160
Belle Fourche.....	605-892-2731
Brookings.....	605-688-4330
Chamberlain.....	605-734-4500
Custer.....	605-673-4347
Deadwood.....	605-578-2402
Hot Springs.....	605-745-5100
Huron.....	605-353-7112
Lake Andes.....	605-487-7607
Madison.....	605-256-5683
Mission.....	605-856-4489
Mitchell.....	605-995-8000
Mobridge.....	605-845-2922
Olivet.....	605-387-4219
Pierre.....	605-773-3612
Pine Ridge.....	605-867-5861
Rapid City.....	605-394-2525
Redfield.....	605-472-2230
Sioux Falls.....	605-367-5444
Sisseton.....	605-698-7673
Sturgis.....	605-347-2588
Vermillion.....	605-677-5000
Watertown.....	605-882-5003
Winner.....	605-842-0400
Yankton.....	605-668-3030

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