

## Information in State statutes and regulations relevant to the National Background Check Program: South Dakota

This document describes what was included as of February 2011 in South Dakota statutes and regulations relevant to the Centers for Medicare & Medicaid Services' National Background Check Program. South Dakota has one relevant regulation.

Key Feature	Description
Specific facility and provider types	Not addressed.
Registry checks	Not addressed.
Fingerprinting	Not addressed.
Rap back	Not addressed.
Provisional employment	Not addressed.
Definition of direct patient access employee	Not addressed.
Provision of criminal background check results to employee	Not addressed.
Expiration of criminal history background check results	Not addressed.
Inclusion of disqualifying crimes specified in section 6201 of the Affordable Care Act: <ol style="list-style-type: none"> <li>1. Medicare/Medicaid program-related crimes (42 U.S.C § 1320a-7(a)(1))</li> <li>2. Convictions related to patient abuse/neglect (42 U.S.C § 1320a-7(a)(2))</li> <li>3. Felony convictions related to health care fraud (42 U.S.C § 1320a-7(a)(3))</li> <li>4. Certain felony convictions related to controlled substances (42 U.S.C § 1320a-7(a)(4))</li> </ol>	<ol style="list-style-type: none"> <li>1. Not addressed.</li> <li>2. Not addressed.</li> <li>3. Not addressed.</li> <li>4. Not addressed.</li> </ol>

<b>Key Feature</b>	<b>Description</b>
State-identified convictions	South Dakota identifies abuse as disqualifying.
Opportunity to contest accuracy of background check findings	Not addressed.
Ability to remove hiring prohibition based on rehabilitation factors	Not addressed.
Rehabilitation/mitigation process for negative fitness determinations	Not addressed.
Independence of appeal or review process	Not clear.

### **State Statutes and Regulations**

<b>Citation</b>	<b>Description</b>
South Dakota Administrative Rules, Rule 44, Article 04, Chapter 04, Section 04.	This says that a facility “may not knowingly employ any person with a conviction for abusing another person.”