

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0330

SENATE BILL NO. 24

Introduced by: The Committee on Health and Human Services at the request of the Boards of Medical & Osteopathic Examiners, Nursing, Dentistry, Pharmacy, and Nursing Facility Admin.

1 FOR AN ACT ENTITLED, An Act to require certain applicants for licensure as a health
2 professional or a licensee who is the subject of a disciplinary investigation to submit to a
3 state and federal criminal background check.

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

5 Section 1. That chapter 36-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Each applicant for licensure as a physician in this state shall submit to a state and federal
8 criminal background investigation by means of fingerprint checks by the Division of Criminal
9 Investigation and the Federal Bureau of Investigation. Upon application, the Board of Medical
10 and Osteopathic Examiners shall submit completed fingerprint cards to the Division of Criminal
11 Investigation. Upon completion of the criminal background check, the Division of Criminal
12 Investigation shall forward to the board all information obtained as a result of the criminal
13 background check. This information shall be obtained prior to permanent licensure of the
14 applicant. The Board of Medical and Osteopathic Examiners may require a state and federal



1 criminal background check for any licensee who is the subject of a disciplinary investigation by
2 the board. Failure to submit or cooperate with the criminal background investigation is grounds
3 for denial of an application or may result in revocation of a license. The applicant shall pay for
4 any fees charged for the cost of fingerprinting or the criminal background investigation.

5 Section 2. That chapter 36-4A be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Each applicant for licensure as a physician assistant in this state shall submit to a state and
8 federal criminal background investigation by means of fingerprint checks by the Division of
9 Criminal Investigation and the Federal Bureau of Investigation. Upon application, the board
10 shall submit completed fingerprint cards to the Division of Criminal Investigation. Upon
11 completion of the criminal background check, the Division of Criminal Investigation shall
12 forward to the board all information obtained as a result of the criminal background check. This
13 information shall be obtained prior to permanent licensure of the applicant. The board may
14 require a state and federal criminal background check for any licensee who is the subject of a
15 disciplinary investigation by the board. Failure to submit or cooperate with the criminal
16 background investigation is grounds for denial of an application or may result in revocation of
17 a license. The applicant shall pay for any fees charged for the cost of fingerprinting or the
18 criminal background investigation.

19 Section 3. That chapter 36-6A be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Each applicant for licensure as a dentist in this state shall submit to a state and federal
22 criminal background investigation by means of fingerprint checks by the Division of Criminal
23 Investigation and the Federal Bureau of Investigation. Upon application, the board shall submit
24 completed fingerprint cards to the Division of Criminal Investigation. Upon completion of the

1 criminal background check, the Division of Criminal Investigation shall forward to the board
2 all information obtained as a result of the criminal background check. This information shall be
3 obtained prior to permanent licensure of the applicant. The board may require a state and federal
4 criminal background check for any licensee who is the subject of a disciplinary investigation by
5 the board. Failure to submit or cooperate with the criminal background investigation is grounds
6 for denial of an application or may result in revocation of a license. The applicant shall pay for
7 any fees charged for the cost of fingerprinting or the criminal background investigation.

8 Section 4. That chapter 36-9A be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Each applicant for licensure as a certified nurse practitioner or certified nurse midwife in this
11 state shall submit to a state and federal criminal background investigation by means of
12 fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of
13 Investigation. Upon application, the boards shall submit completed fingerprint cards to the
14 Division of Criminal Investigation. Upon completion of the criminal background check, the
15 Division of Criminal Investigation shall forward to the boards all information obtained as a
16 result of the criminal background check. This information shall be obtained prior to permanent
17 licensure of the applicant. The boards may require a state and federal criminal background check
18 for any licensee who is the subject of a disciplinary investigation by the boards. Failure to
19 submit or cooperate with the criminal background investigation is grounds for denial of an
20 application or may result in revocation of a license. The applicant shall pay for any fees charged
21 for the cost of fingerprinting or the criminal background investigation.

22 Section 5. That chapter 36-11 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Each applicant for licensure as a pharmacist in this state shall submit to a state and federal

1 criminal background investigation by means of fingerprint checks by the Division of Criminal
2 Investigation and the Federal Bureau of Investigation. Upon application, the board shall submit
3 completed fingerprint cards to the Division of Criminal Investigation. Upon completion of the
4 criminal background check, the Division of Criminal Investigation shall forward to the board
5 all information obtained as a result of the criminal background check. This information shall be
6 obtained prior to permanent licensure of the applicant. The board may require a state and federal
7 criminal background check for any licensee who is the subject of a disciplinary investigation by
8 the board. Failure to submit or cooperate with the criminal background investigation is grounds
9 for denial of an application or may result in revocation of a license. The applicant shall pay for
10 any fees charged for the cost of fingerprinting or the criminal background investigation.

11 Section 6. That chapter 36-28 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Each applicant for licensure as a nursing facility administrator in this state shall submit to
14 a state and federal criminal background investigation by means of fingerprint checks by the
15 Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application,
16 the board shall submit completed fingerprint cards to the Division of Criminal Investigation.
17 Upon completion of the criminal background check, the Division of Criminal Investigation shall
18 forward to the board all information obtained as a result of the criminal background check. This
19 information shall be obtained prior to permanent licensure of the applicant. The board may
20 require a state and federal criminal background check for any licensee who is the subject of a
21 disciplinary investigation by the board. Failure to submit or cooperate with the criminal
22 background investigation is grounds for denial of an application or may result in revocation of
23 a license. The applicant shall pay for any fees charged for the cost of fingerprinting or the
24 criminal background investigation.