

AN ACT

ENTITLED, An Act to repeal and revise certain outdated provisions relating to the Department of Human Services.

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

Section 1. That § 1-36A-8 be repealed.

Section 2. That § 1-36A-10 be repealed.

Section 3. That § 28-9-48 be repealed.

Section 4. That § 28-9-49 be repealed.

Section 5. That § 28-10-11 be amended to read as follows:

28-10-11. Except as otherwise provided by law or as specified in the state plan agreement with the federal government, the following rehabilitation services shall be provided to individuals with a visual impairment based upon their economic need:

- (1) Physical restoration;
- (2) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary;
- (3) Occupational licenses;
- (4) Customary occupational tools and equipment, excluding computer-related assistive technology devices needed to overcome visual disability as an impediment to employment for competitive employment purposes;
- (5) Maintenance;
- (6) Training books and materials; and
- (7) Tuition and fees for participating in postsecondary academic training programs under the Federal Student Financial Assistance Program.

Section 6. That § 36-9-28 be amended to read as follows:

36-9-28. This chapter does not prohibit:

- (1) Any nursing assistance in an emergency;
- (2) The practice of nursing included in a program of study by a student enrolled in an approved program for the preparation of registered nurses or licensed practical nurses;
- (3) The practice of a legally qualified nurse from another state employed by the United States government and performing her official duty in this state;
- (4) Gratuitous care of friends or members of the family;
- (5) Domestic administration of family remedies, or care of the sick by domestic servants, housekeepers, companions or household aides of any type, whether employed regularly or because of an emergency or illness, but who shall not in any way assume to practice nursing as defined in this chapter;
- (6) The nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof, so long as they do not engage in the practice of nursing as defined in this chapter;
- (7) The practice of nursing in this state by a nurse currently licensed in another state or territory whose employment requires her to accompany and care for a patient in South Dakota during one such employment not to exceed three months in length; provided, however, that such person shall not hold herself out to be licensed in this state;
- (8) The practice of the functions of a certified registered nurse anesthetist by a registered nurse enrolled as a student in an approved program for the preparation of certified registered nurse anesthetists;
- (9) The practice of nursing in this state by a nurse currently licensed in another state, territory or foreign country who is present in this state to lecture relative to the practice of nursing for a period of not more than five days;

- (10) The administration of medications, other than by the parenteral route, by staff of community support providers, group homes, and supervised apartments certified or approved by the Department of Human Services, when under the supervision of a licensed registered nurse. The Department of Human Services, in consultation with the South Dakota Board of Nursing, shall promulgate rules pursuant to chapter 1-26 for administration of medications by such staff;
- (11) The assistance with or performance of bowel and bladder care, other than the insertion or removal of suprapubic and foley catheters, by domestic servants, housekeepers, companions or household aides, at the direction of a person needing such care who resides independently outside of any hospital, nursing or health care facility or other similar institutional setting;
- (12) The administration of medications, other than by the parenteral route, by staff of community mental health centers, community mental health residential facilities, and community support services programs certified or approved by the Department of Social Services. The administration of medications shall be under the direct or indirect supervision of a registered nurse. The Department of Social Services and the South Dakota Board of Nursing shall promulgate rules pursuant to chapter 1-26 for administration of medications by such staff;
- (13) The services performed in accordance with § 28-8A-10 by a personal attendant when acting at the direction of a person with a disability;
- (14) The practice of nursing included in a program of study by a registered nurse enrolled in an approved program for the preparation of a clinical nurse specialist.

An Act to repeal and revise certain outdated provisions relating to the Department of Human Services.

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I certify that the attached Act originated in the  
SENATE as Bill No. 21

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Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 21  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,  
20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State