



## 2021 South Dakota Legislature

# Senate Bill 19

*Introduced by: The Committee on Health and Human Services at the request of the Department of Health*

1 **An Act to correct errors in statutory cross-references in certain provisions regarding**  
 2 **health care.**

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

4 **Section 1.** That § 13-56-9 be AMENDED.

5 **13-56-9. Recipients ineligible for physician tuition reimbursement program.**

6 Any student receiving a scholarship under the provisions of this chapter is not  
 7 eligible to participate in the ~~South Dakota Physician Tuition Reimbursement Program as~~  
 8 ~~provided by §§ 1-16A-71.1 to 1-16A-73.5,~~ a recruitment assistance program as provided  
 9 by §§ 34-12G-1 to 34-12G-9, inclusive.

10 **Section 2.** That § 34-3-12 be REPEALED.

11 **34-3-12. County board provisions not applicable when full-time department**  
 12 **maintained.**

13 **Section 3.** That § 34-16-15 be AMENDED.

14 **34-16-15. County disposal of dead animal on failure of township to act--**  
 15 **Liability for expense.**

16 ~~Whenever~~ If the owner of a dead animal or the township supervisor fails to act as  
 17 provided in ~~§§ 34-16-10 to 34-16-12, inclusive,~~ § 34-16-17 within two days after the  
 18 knowledge of the fact that ~~such the~~ the dead animal exists, ~~it shall then be the duty of the~~  
 19 ~~superintendent of the county board of health to~~ shall forthwith cause the body of ~~such the~~  
 20 the dead animal to be burned or buried, and the expense of the same shall be paid by the  
 21 county, ~~and the.~~ The amount of ~~such the~~ the expenses paid by the county ~~shall constitute~~  
 22 constitutes a lien against the township in which ~~said the~~ the animal was found ~~and shall be~~  
 23 ~~paid by such township,~~ The township shall pay the expenses and the township shall in

1 turn recover ~~such the~~ expenses from the owner or person in charge of ~~such the~~ dead  
2 animal.

3 **Section 4.** That § 36-9-87 be AMENDED.

4 **36-9-87. Practice of a licensed clinical nurse specialist.**

5 In addition to performing all those functions within the scope of practice of a  
6 registered nurse as provided in this chapter, the practice of a licensed clinical nurse  
7 specialist, by means of graduate education in nursing and additional clinical preparation  
8 which provides for knowledge, judgment, and skills beyond that required of a registered  
9 nurse licensed under this chapter, means to:

- 10 (1) Provide advanced nursing assessment, nursing interventions, and nursing care  
11 management in a clinical specialty area in a variety of settings, by integrating the  
12 areas of education, research, consultation, and leadership into their clinical role;  
13 (2) Utilize advanced nursing skills and knowledge to coordinate and manage highly  
14 complex nursing care problems across settings, across disciplines and agencies, and  
15 throughout the life span in a clinical specialty area; and  
16 (3) In collaboration with a licensed physician, prior to care being provided, order and  
17 dispense durable medical equipment or therapeutic devices or refer clients to  
18 qualified licensed providers under ~~Title title~~ 36.

19 Nothing in this section would preclude the retail sale or rental of durable medical  
20 equipment as defined in ~~subdivision 10-45-1(7)~~ § 10-45-1, or would prevent or restrict  
21 the practice, service, or activity of a person licensed in this state by any other law from  
22 engaging in the profession or occupation for which that person is licensed if that person is  
23 performing services within an authorized scope of practice.

24 **Section 5.** That § 36-11A-4 be AMENDED.

25 **36-11A-4. Pharmacy distributor defined.**

26 A pharmacy distributor is any pharmacy or hospital pharmacy that is engaged in  
27 the delivery or distribution of prescription drugs either to another pharmacy or to another  
28 person or entity, including to a wholesale drug distributor ~~as defined in § 36-11A-3,~~ that  
29 is engaged in the delivery or distribution of prescription drugs and ~~who that~~ is involved in  
30 the actual, constructive, or attempted transfer of a drug in this state to other than the  
31 ultimate consumer, if the financial value of the drugs so delivered or distributed is  
32 equivalent to at least five percent of the total gross sales of the pharmacy.

1 **Section 6.** That § 36-11A-23 be AMENDED.

2 **36-11A-23. Normal distribution channel defined.**

3 For the purposes of §§ 36-11A-20 to ~~35-11A-46~~ 36-11A-46, inclusive, a normal  
4 distribution channel is a chain of custody for a prescription drug that goes from a  
5 manufacturer of the prescription drug, or from that manufacturer to that manufacturer's  
6 co-licensed partner, or from that manufacturer to that manufacturer's third-party logistics  
7 provider, or from that manufacturer to that manufacturer's exclusive distributor, directly  
8 or by drop shipment, to:

- 9 (1) A pharmacy to a patient or other designated persons authorized by law to dispense  
10 or administer such drug to a patient;
- 11 (2) A wholesale distributor to a pharmacy to a patient or other designated persons  
12 authorized by law to dispense or administer such drug to a patient;
- 13 (3) A wholesale distributor to a chain pharmacy warehouse to that chain pharmacy  
14 warehouse's intracompany pharmacy to a patient or other designated persons  
15 authorized by law to dispense or administer such drug to a patient; or
- 16 (4) A chain pharmacy warehouse to the chain pharmacy warehouse's intracompany  
17 pharmacy to a patient or other designated persons authorized by law to dispense  
18 or administer such drug to a patient.

19 **Section 7.** That § 36-11A-34 be AMENDED.

20 **36-11A-34. Returns or exchanges of prescription drugs.**

21 A wholesale distributor shall receive prescription drug returns or exchanges from a  
22 pharmacy or chain pharmacy warehouse pursuant to the terms and conditions of the  
23 agreement between the wholesale distributor and the pharmacy or chain pharmacy  
24 warehouse. Returns of expired, damaged, recalled, or otherwise nonsaleable  
25 pharmaceutical products shall be distributed by the receiving wholesale distributor only to  
26 either the original manufacturer or a third party returns processor. ~~The returns or~~  
27 ~~exchanges of prescription drugs, saleable or otherwise, including any redistribution by a~~  
28 ~~receiving wholesaler, are not subject to the requirement of § 36-11A-39, so long as~~  
29 ~~prescription drugs are exempt from tracing requirements under DSCSA. Wholesale~~  
30 distributors and pharmacies shall be held accountable for administering their returns  
31 process and ensuring that the aspects of this operation are secure and do not permit the  
32 entry of adulterated and counterfeit product.

33 **Section 8.** That § 36-31-6 be AMENDED.

1           **36-31-6. Application for licensure--Requirements.**

2           Any applicant applying for a license as an occupational therapist or as an  
3 occupational therapy assistant shall file a written application provided by the board,  
4 showing to the satisfaction of the board that he meets the following requirements:

- 5           (1) Residence: Applicant need not be a resident of this state;
- 6           (2) Character: Applicant shall be of good moral character;
- 7           (3) Education: Applicant shall present evidence satisfactory to the board of having  
8 successfully completed the academic requirements of an educational program in  
9 occupational therapy recognized by the board:
- 10           (a) The occupational therapy educational program ~~shall~~must be accredited by  
11 the committee on allied health education and accreditation/American Medical  
12 Association in collaboration with the American Occupational Therapy  
13 Association;
- 14           (b) The occupational therapy assistant educational program ~~shall~~must be  
15 approved by the American Occupational Therapy Association.
- 16           (4) Experience: Applicant shall submit to the board evidence of having successfully  
17 completed a period of supervised fieldwork experience arranged by the recognized  
18 educational institution where he met the academic requirements or by the nationally  
19 recognized professional association:
- 20           (a) For an occupational therapist, a minimum of six months of supervised  
21 fieldwork experience is required;
- 22           (b) For an occupational therapy assistant, a minimum of two months of  
23 supervised fieldwork experience is required.
- 24           (5) Examination: An applicant for licensure as an occupational therapist or as an  
25 occupational therapy assistant shall pass an examination approved by the board  
26 upon recommendation by the occupational therapy committee;
- 27           (6) Certification: In order to apply physical agent modalities as defined in ~~§ 36-3-1~~§  
28 36-31-1, an occupational therapist or occupational therapist assistant ~~shall be~~is  
29 qualified pursuant to this subdivision, as follows:
- 30           (a) Has successfully completed twenty-five hours of American Occupational  
31 Therapy Association or American Physical Therapy Association approved  
32 education covering physical agent modalities and completed a supervised  
33 mentorship to include five case studies on each class of modality to be  
34 incorporated into patient care;

1 (b) Is certified as a hand therapist by the Hand Therapy Certification commission  
2 or other equivalent entity recognized by the board; or

3 (c) Has completed education during a basic occupational therapy educational  
4 program that included demonstration of competencies on each class of the  
5 physical agent modalities.

6 A supervising therapist or mentor may be a physical therapist, a certified hand  
7 therapist, or an occupational therapist who has completed a supervised mentorship  
8 and has five years of clinical experience utilizing each class of physical agent  
9 modalities; or an occupational therapist who has graduated from an occupational  
10 therapy program whose curriculum includes physical agent modality education.