

2023 South Dakota Legislature

Senate Bill 101**AMENDMENT 101D
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to provide the Department of Health with oversight authority for the**
2 **provision of emergency medical services.**

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

4 **Section 1. That § 34-11-1 be AMENDED:**

5 ~~34-11-1. Any A county or municipality may provide ambulance service and enter~~
6 ~~into agreements with other governmental subdivisions and with other persons for such~~
7 ~~services. Any county or municipality may appropriate funds for such purposes and may~~
8 ~~enter into an agreement with such other governmental:~~

9 ~~(1) Provide or contract for the provision of ambulance services; and~~

10 ~~(2) Contract with a political subdivision or any competent other person to furnish funds~~
11 ~~for such purposes, on an annual basis as may mutually be agreed upon. The funds~~
12 ~~shall be paid to such person or political subdivision when a claim has been duly~~
13 ~~filed, audited, and allowed by the county or municipality. Any county or~~
14 ~~municipality may license and regulate persons providing such services, for the~~
15 ~~provision of monies to support ambulance services.~~

16 **Section 2. That § 34-11-2 be AMENDED:**

17 **34-11-2. Terms used in this chapter mean:**

18 (1) ~~"Air ambulance," an aircraft, fixed wing, or helicopter, that is designated or can be~~
19 ~~quickly modified to provide transportation of wounded, injured, sick, invalid, or~~
20 ~~incapacitated human beings or expectant mothers;~~

21 ~~(2) "Ambulance," a vehicle for emergency care with that has a driver compartment and~~
22 ~~a patient compartment, carrying and carries all equipment and supplies needed to~~
23 ~~provide emergency medical technician basic level for the provision of emergency~~

care, at the scene of an emergency and enroute to an appropriate a medical facility,
as well as during an inter-facility transfer, by:

(a) Advanced life support personnel, as defined in § 36-4B-1; and

(b) Emergency medical technicians, certified in accordance with section 31 of
 this Act; and

(2) "Ambulance service," any person or organization that is licensed by the Department
 of Health to provide emergency medical services, at the scene of an emergency
 and enroute to a medical facility, and to provide nonemergency medical
 transportation to a patient-transport;

~~(4) "Emergency medical responder," any person certified by the Department of Health
 trained to provide simple, noninvasive care focused on lifesaving interventions for
 critical patients. The emergency medical responder renders on site emergency care
 while awaiting additional emergency medical services response from an emergency
 medical technician or higher level personnel. An emergency medical responder may
 not make decisions independently regarding the appropriate disposition of a
 patient;~~

~~(5) "Emergency medical technician" any person trained in emergency medical care in
 accordance with standards prescribed by rules promulgated pursuant to this
 chapter, who provides emergency medical services, including automated external
 defibrillation under indirect medical control, in accordance with the person's level
 of training;~~

~~(6) "License," the permit to provide ambulance service;~~

~~(7) "Licensing agency," the Department of Health;~~

~~(8) "Medical director," a physician licensed pursuant to chapter 36-4 who is responsible
 for providing medical supervision and direction to an ambulance service; and~~

~~(9) "Operator," any person or entity who has a license from the licensing agency to
 provide ambulance service.~~

Section 3. That § 34-11-3 be AMENDED:

34-11-3. ~~No~~ Before an ambulance service shall may be operated in this
 state unless the ambulance service has a currently valid license from the licensing agency
 to provide such, the service must be licensed by the Department of Health. In order to
 obtain licensure, the chief executive of the service must:

(1) Complete and submit an application developed by the department; and

- 1 (2) Submit a licensure fee established by the department, in rule, pursuant to chapter
2 1-26, but not exceeding twenty-five dollars.
3 A license issued in accordance with this section expires two years from the date of
4 issuance.

5 **Section 4. That § 34-11-5 be AMENDED:**

- 6 ~~34-11-5. The Department of Health may adopt~~ shall promulgate rules, pursuant to
7 chapter 1-26, relating to the licensure and operation of an ambulance services including
8 patient care, personnel, medical and maintenance service. The rules must include:
9 (1) The nature and scope of the services that may be provided to patients by the
10 ambulance service;
11 (2) The medical equipment and supplies that must be on board each ambulance;
12 (3) The maintenance requirements for medical equipment—sanitary conditions,
13 and necessary supplies; and
14 (4) Sanitary requirements.

15 **Section 5. That § 34-11-6 be AMENDED:**

- 16 ~~34-11-6. No operator may provide~~ The Department of Health may not license an
17 ambulance service unless both the each driver of the ambulance and the attendant on duty
18 in the ambulance possess certification of completing an emergency care has:
19 (1) Completed an emergency vehicles operation course, approved by the Department
20 of Health department; and
21 (2) Met all other requirements set forth by the department, in rules promulgated under
22 chapter 1-26, regarding:
23 (a) The performance of cardiopulmonary resuscitation;
24 (b) The maintenance of patient confidentiality;
25 (c) Infection control measures;
26 (d) Patient movement; and
27 (e) Equipment and communication system knowledge.
28 The department shall, in rules promulgated under chapter 1-26, establish the
29 frequency with which a driver must undergo initial and continued training.

30 **Section 6. That § 34-11-6.1 be AMENDED:**

~~34-11-6.1. The Department of Health may deny the issuance or renewal of a certification or suspend or revoke the certification of any driver or attendant certified pursuant to § 34-11-6 upon satisfactory proof of the person's gross incompetence, or unprofessional or dishonorable conduct, including acts of gross incompetence, or unprofessional or dishonorable conduct occurring before July 1, 2006. For the purposes of this section, the Department of Health shall define, in rules pursuant to chapter 1-26, the terms, gross incompetence, unprofessional conduct, and dishonorable conduct not license an ambulance service unless each attendant is:~~

- ~~(1) An emergency medical technician, certified in accordance with chapter 36-4B;~~
 - ~~(2) An emergency medical technician-intermediate/85, licensed in accordance with chapter 36-4B;~~
 - ~~(3) An emergency medical technician-intermediate/99, licensed in accordance with chapter 36-4B;~~
 - ~~(4) An advanced emergency medical technician, licensed in accordance with chapter 36-4B; or~~
 - ~~(5) A paramedic, licensed in accordance with chapter 36-4B; or~~
 - ~~(6) Any of the following health care providers:~~
 - ~~(a) A respiratory care practitioner licensed in accordance with chapter 36-4C;~~
 - ~~(b) A registered nurse authorized to practice in accordance with § 36-9-3;~~
 - ~~(c) A licensed practical nurse authorized to practice in accordance with § 36-9-4; or~~
 - ~~(d) A certified nurse practitioner licensed in accordance with chapter 36-9A.~~
- ~~For purposes of this section, an attendant does not include the driver.~~

Section 7. That § 34-11-7 be AMENDED:

~~34-11-7. Each operator shall record each trip on forms designated by the licensing agency and copies submitted to the department monthly. These records shall be maintained for a period of four years and upon request be made available to the department for inspection. ambulance service shall provide electronic trip records to the Department of Health, at the time and in the manner directed by the department. The department shall set forth the required content for these records in rules promulgated pursuant to chapter 1-26.~~

Section 8. That chapter 34-11 be amended with a NEW SECTION:

1 Any information that contains a patient's name, address, diagnosis, treatment, or
 2 other personally identifiable information, and which is obtained by the staff of an
 3 ambulance service, is a confidential medical record and is not subject to chapter 1-27.

4 **Section 9. That § 34-11-8 be AMENDED:**

5 ~~34-11-8. No provision of §§ 34-11-2 to 34-11-10, inclusive, nor any regulation~~
 6 ~~adopted pursuant to said sections shall be construed as limiting any other provision of law~~
 7 ~~delegating to the~~The Department of Health ~~the authority to regulate and~~may inspect an
 8 ambulance to verify that the siren and warning lights, siren, brakes, and mechanical
 9 adequacy and safety of ambulances are operational.

10 **Section 10. That § 34-11-9 be AMENDED:**

11 ~~34-11-9. The following are exempt from the provisions of §§ 34-11-2 to 34-11-~~
 12 ~~1034-11-8, inclusive:~~

- 13 (1) The occasional use of a privately owned vehicle or aircraft, not ordinarily used in
 14 the business of providing ambulance service or operating under the provisions of
 15 § 32-34-3;
- 16 (2) ~~A vehicle rendering services as an~~ that provides ambulance in case of major
 17 ~~catastrophe service following a disaster or emergency when ambulance services, if~~
 18 ambulances based in the localities of the catastrophe or emergency area are
 19 ~~insufficient or unavailable unable to render provide the necessary services required;~~
- 20 (3) ~~Ambulance services~~ An ambulance service based outside the of this state, except
 21 ~~that any such ambulance unless the service is receiving a patient within in this~~
 22 state for transport and providing non-emergency medical transportation to
 23 ~~another location within in this state shall comply with §§ 34-11-2 to 34-11-10,~~
 24 ~~inclusive, unless such transport is a medical emergency;~~
- 25 (4) ~~Vehicles~~ A vehicle owned and operated by a rescuesquads which are squad,
 26 provided the vehicle is not regularly used as ambulances except as part an
 27 ambulance outside of rescue operations;
- 28 (5) ~~Ambulances~~ An ambulance owned and operated by agencies of the United
 29 Statethe federal government; and
- 30 (6) ~~Coach services engaged~~ A vehicle used to provide coach service, by prior
 31 appointmentin the transportation of infirm or disabled individuals not requiring
 32 emergency, for persons who require non-emergency medical care in
 33 transit transportation.

1 **Section 11. That § 34-11-10 be AMENDED:**

2 ~~34-11-10.~~ Any person violating ~~the provisions~~ any provision of §§ 34-11-234-11-
 3 3 to 34-11-9, inclusive, or the regulations rules adopted pursuant thereto thereunder, is
 4 guilty of a Class 1 misdemeanor. ~~A violation is also grounds, upon hearing held pursuant~~
 5 ~~to chapter 1-26, for suspension or revocation of any prior authorized license.~~

6 **Section 12. That § 36-4B-1 be AMENDED:**

7 **36-4B-1.** Terms used in this chapter mean:

8 (1) "Advanced life support," ~~a level of emergency care consisting of basic life support~~
 9 ~~procedures and definitive therapy including the use of invasive procedures and may~~
 10 ~~include the use of drugs and manual defibrillation~~ services designed to provide
 11 emergency medical care, by licensed personnel, under the supervision of a
 12 physician, at the scene of an emergency, during transport to a hospital, during
 13 interfacility transfer, and in:

14 (a) A hospital;

15 (b) Any other health care facility, as defined in chapter 34-12; and

16 (c) A chemical dependency detoxification center;

17 (2) "Advanced life support personnel," ~~any person other than a physician who has~~
 18 ~~completed a department and board approved program and is licensed or holds a~~
 19 ~~privilege as an emergency medical technician-intermediate/85; emergency~~
 20 ~~medical technician-intermediate/99; emergency medical technician-advanced; or~~
 21 ~~emergency medical technician-paramedic as set forth in this chapter, or its~~
 22 ~~equivalent~~ a person, licensed by the Department of Health as:

23 (a) An emergency medical technician-intermediate/85;

24 (b) An emergency medical technician-intermediate/99;

25 (c) An advanced emergency medical technician; or

26 (d) A paramedic;

27 (3) ~~"Board," the South Dakota Board of Medical and Osteopathic Examiners;~~

28 ~~(4) "Department," the South Dakota State Department of Health;~~

29 ~~(5) "Direct medical control," communications between field~~ advanced life support
 30 personnel and a physician during an emergency run;

31 (4) "Emergency medical services," ~~health care provided to the patient~~ the provision, by
 32 advanced life support personnel licensed pursuant to this chapter and emergency
 33 medical technicians, of medical care, stabilization, or transportation, including

1 interfacility transportation, of a patient who is sick, injured, otherwise incapacitated
2 or helpless, in an altered mental state, or experiencing a real or perceived acute
3 medical condition;

4 ~~(7) "Emergency medical technician advanced," any person who has successfully~~
5 ~~completed a program of study approved by the department and the board in all~~
6 ~~areas of training and skills set forth in the advanced emergency medical technician~~
7 ~~instructional guidelines and standards, including placement of esophageal and~~
8 ~~supraglottic airways, intravenous cannulation, shock management, administration~~
9 ~~of specific medications, and other advanced skills approved by the board, and who~~
10 ~~is licensed by the board to perform such advanced skills;~~

11 ~~(8) "Emergency medical technician/EMT," any person trained in emergency medical~~
12 ~~care in accordance with standards prescribed by rules and regulations promulgated~~
13 ~~pursuant to § 34-11-6, who provides emergency medical services, including~~
14 ~~automated external defibrillation under indirect medical control, in accordance with~~
15 ~~the person's level of training;~~

16 ~~(9) "Emergency medical technician intermediate/85," any person who has successfully~~
17 ~~completed a department and board approved program of instruction in basic life~~
18 ~~support and advanced life support skills in shock and fluid therapy, placement of~~
19 ~~esophageal airways, and other advanced life support skills approved by board~~
20 ~~action, and who is licensed by the board to perform such skills, including automated~~
21 ~~external defibrillation;~~

22 ~~(10) "Emergency medical technician paramedic," any person who has successfully~~
23 ~~completed a program of study approved by the department and the board and is~~
24 ~~licensed as an emergency medical technician paramedic, which includes all training~~
25 ~~and skills set forth herein for emergency medical technician intermediate/85 and~~
26 ~~emergency medical technician intermediate/99, and other advanced skills~~
27 ~~programs approved by board action, and who is licensed by the board to perform~~
28 ~~such intermediate, special, and advanced skills;~~

29 ~~(11) "Emergency medical technician intermediate/99," any person who has successfully~~
30 ~~completed a department and board approved program of instruction in all areas~~
31 ~~of emergency medical technician intermediate/85 curriculum plus other specific~~
32 ~~areas of emergency medical care in the following areas: manual and automated~~
33 ~~external defibrillation, telemetered electrocardiography, administration of cardiac~~
34 ~~drugs, administration of specific medications and solutions, use of adjunctive~~
35 ~~breathing devices, advanced trauma care, tracheotomy suction, esophageal~~

1 ~~airways and endotracheal intubation, intraosseous infusion, or other special skills~~
 2 ~~programs approved by board action, and who is licensed by the board to perform~~
 3 ~~intermediate skills plus such special skills;~~

4 ~~(12) "Epinephrine auto-injector," a spring-loaded needle and syringe with a single dose~~
 5 ~~of epinephrine that will automatically release and inject the medicine, any similar~~
 6 ~~automatic pre-filled cartridge injector, or any similar automatic injectable~~
 7 ~~equipment;~~

8 ~~(13) "Good faith," honesty, in fact, in the conduct, or transaction concerned;~~

9 ~~(14)(5) "Gross negligence," the intentional failure to perform a manifest duty in~~
 10 ~~reckless disregard of the consequences as affecting the life or health of another;~~

11 ~~(15) "Hour of advanced life support studies," fifty minutes of training;~~

12 ~~(16)(6) "Indirect medical control," the establishment and implementation of~~
 13 ~~system policies and procedures, such as medical treatment protocols, quality~~
 14 ~~assurance programs and case reviews and protocols, by a physician licensed in~~
 15 ~~South Dakota;~~

16 ~~(17) "Local government," any county, municipality, township, or village in this state;~~

17 ~~(18) "Medical community," the physicians and medical resources located and available~~
 18 ~~within a geographic area;~~

19 ~~(19) "Medical emergency," an event affecting an individual in such a manner that a need~~
 20 ~~for immediate medical care is created;~~

21 ~~(20) "Patient," an individual who, as a result of illness or injury, needs medical attention;~~
 22 ~~and~~

23 ~~(21) "Prehospital care," those emergency medical services rendered to patients in an~~
 24 ~~out-of-hospital setting, administered for analytic, stabilizing, or preventive~~
 25 ~~purposes this state.~~

26 **Section 13. That § 36-4B-2 be AMENDED:**

27 **36-4B-2.** ~~A state~~ The Department of Health shall administer an advanced life
 28 support program ~~is created. It shall be implemented by the department of health under~~
 29 ~~the direction of the Board of Medical and Osteopathic Examiners, in accordance with this~~
 30 chapter.

31 **Section 14. That § 36-4B-7 be AMENDED:**

1 ~~**36-4B-7.** An~~ The Department of Health shall approve educational program
2 programs for the instruction of advanced life support personnel~~shall meet the following~~
3 general requirements:

4 ~~(1) The educational program shall develop an evaluation mechanism satisfactory to~~
5 the Board of Medical and Osteopathic Examiners to determine the effectiveness of
6 its theoretical and clinical programs, the results of which shall be made available
7 to the board annually;

8 ~~(2) Instructors in the theoretical and clinical training programs shall be competent and~~
9 properly qualified in their respective fields of instruction and clinical training;

10 ~~(3) The educational program shall establish a method of definitive candidate selection~~
11 satisfactory to the board; and

12 ~~(4) The number of students enrolled in the theoretical program may not exceed~~
13 the number that can be clinically supervised and trained, provided the programs meet or
14 exceed the standards established for certification by the National Registry of Emergency
15 Medical Technicians, as of January 1, 2023.

16 A person may not offer a program for the instruction of advanced life support
17 personnel without first receiving approval by the department, in accordance with this
18 section.

19 The department shall, by rule promulgated in accordance with chapter 1-26:

20 ~~(1) Provide for the time and manner in which applications for program approval under~~
21 this section must be submitted; and

22 ~~(2) Set forth the criteria for approval, including instructor qualifications, student~~
23 acceptance, and clinical requirements.

24 **Section 15. That § 36-4B-13 be AMENDED:**

25 ~~**36-4B-13.** The board may issue an appropriate advanced life support license to~~
26 any person who files a verified application upon a form prescribed by the board, pays the
27 required fee, and furnishes evidence satisfactory to the board that the person has met the
28 following qualifications:

29 ~~(1) Completes successfully an appropriate course of study approved by the board for~~
30 the license sought; and

31 ~~(2) Completes successfully a written and practical examination testing the~~
32 applicant's knowledge in theoretical and applied prehospital primary care as it applies to
33 the practice of the advanced life support license soughtDepartment of Health shall, by rule
34 promulgated pursuant to chapter 1-26:

1 (1) Establish the educational and practical criteria and requirements for licensure as
2 an emergency medical technician, at each of the several levels, and for licensure
3 as a paramedic;

4 (2) Provide an application form for use in requesting licensure; and

5 (3) Establish an application fee, which may not exceed fifty dollars.

6 **Section 16. That § 36-4B-13.1 be AMENDED:**

7 ~~36-4B-13.1. In addition to the requirements of set forth in § 36-4B-13, each an~~
8 ~~applicant for licensure as an advanced life support personnel must~~shall submit to a state
9 and federal criminal background check. The applicant ~~must submit~~ shall provide a full set
10 of the applicant's fingerprints to the ~~board~~ Department of Health, in ~~a the~~ form and manner
11 prescribed by the ~~board~~ department. The ~~board~~ department shall submit the applicant's
12 fingerprints to the Division of Criminal Investigation ~~to conduct for~~ a criminal background
13 check by the division and the Federal Bureau of Investigation. The applicant ~~must~~ shall
14 sign a release of information to the ~~board~~ department, and pay any fee charged for the
15 ~~cost of~~ fingerprinting or ~~conducting the~~ background check.

16 Upon completion of the background check, the division shall deliver ~~to the board~~
17 the applicant's criminal history record information regarding the applicant, and the board
18 to the department. The department shall consider this information in its
19 ~~determination~~ determining whether to issue a license to the applicant.

20 The ~~board~~ department may not issue a license to an applicant before receiving this
21 information.

22 The ~~board~~ department may ~~only not~~ disseminate an applicant's any information ~~to~~
23 obtained under this section to a person on or not employed by the ~~board~~.

24 ~~The board may require any licensee who is the subject of a disciplinary~~
25 ~~investigation to submit to a state and federal background check. The board may deny the~~
26 ~~issuance of, suspend, or revoke a license for failure to submit to or cooperate with a~~
27 ~~background check~~ department.

28 **Section 17. That chapter 36-4B be amended with a NEW SECTION:**

29 The Department of Health may require a licensee who is the subject of a
30 disciplinary investigation to submit to a fingerprint-based state and federal criminal
31 background check.

32 The department may suspend or revoke a license for failure to submit to or
33 cooperate with a background check.

1 **Section 18. That § 36-4B-15 be AMENDED:**

2 **36-4B-15.** Advanced life support personnel ~~shall~~must be supervised by a
3 physician who directs and reviews the work records and practice permitted by ~~§§ 36-4B-~~
4 ~~16 and 36-4B-17, to ensure that the patient is given proper treatment~~this chapter.

5 **Section 19. That § 36-4B-18.1 be AMENDED:**

6 **36-4B-18.1.** A critical care endorsement is hereby created. The ~~board~~Department
7 of Health shall issue the endorsement to any person who is licensed as an emergency
8 medical technician-paramedic and:

- 9 (1) Completes the educational requirements and training, in critical care transport,
10 approved by the ~~board~~department and promulgated in accordance with ~~section~~§
11 36-4B-35; or
12 (2) Is certified as a critical care paramedic or a flight paramedic by the International
13 Board of Specialty Certification.

14 **Section 20. That § 36-4B-20 be AMENDED:**

15 **36-4B-20.** If advanced life support personnel ~~should~~ render services in a hospital
16 ~~and related institutions as licensed pursuant to chapter 34-12, said advanced life support~~
17 ~~personnel shall be or other health care facility, as defined in chapter 34-12, or in a~~
18 ~~chemical detoxification center, they are subject to the rules and regulations~~policies and
19 protocols of that hospital~~and related institutions, facility, or center.~~

20 **Section 21. That § 36-4B-26 be AMENDED:**

21 **36-4B-26.** A person holding ~~an~~An initial license issued to advanced life support
22 personnel license ~~under the provisions of~~in accordance with this chapter~~shall renew the~~
23 ~~license annually on or before~~expires on the fifteenth day of July. ~~A person licensed as~~
24 ~~an emergency medical technician-intermediate/85, an emergency medical~~
25 ~~technician-intermediate/99, or an emergency medical technician-paramedic shall renew~~
26 ~~the license upon a form furnished to the person by the board, during the second~~
27 ~~calendar year after issuance and every two years thereafter.~~

28 In order to renew a license, advanced life support personnel shall submit to the
29 Department of Health, prior to the expiration date:

- 30 (1) An application for renewal, as prescribed by the department;
31 (2) The renewal fee in the amount set forth in § 36-4B-35; and

- 1 (3) Verification of having met the continuing education requirements, as set forth in
 2 rules authorized under § 36-4B-35.

3 **Section 22. That § 36-4B-28 be AMENDED:**

4 ~~36-4B-28. Any~~The Department of Health shall suspend any license not renewed
 5 ~~pursuant to § 36-4B-27 shall be suspended. A license so suspended may be~~
 6 ~~reinstated~~within the time required, as set forth in § 36-4B-26.

7 The department may reinstate the license, during the following twelve months by
 8 month period following the date of expiration, upon receiving proof of that the person who
 9 held the license:

- 10 (1) Complied with the requirements met set forth in § 36-4B-27,37-4B-26; and by
 11 payment of the renewal fee and a reinstatement fee as fixed by the board.
 12 Thereafter, a suspended license may be reinstated upon payment of a
 13 (2) Paid the reinstatement fee fixed established by the board department pursuant to
 14 § 36-4B-29 following specific approval by the board.

15 **Section 23. That § 36-4B-29 be AMENDED:**

16 ~~36-4B-29. The board~~Department of Health shall promulgate rules, pursuant to
 17 chapter 1-26, to set fees in each of the following categories establish fees, in an amount
 18 which that will produce sufficient revenue for the ensuing fiscal year, but not to exceed
 19 one hundred twenty percent of the department's anticipated expenses of the board for
 20 the operation of for administering the advanced life support program
 21 by the board for that year.

22 The license fees for all advanced life support personnel shall be as follows:

- 23 (1) Licensure by examination, not less than fifteen dollars nor more than fifty
 24 dollars;
 25 (2) Reexamination within one year, not less than fifteen dollars nor more than fifty
 26 dollars;
 27 (3) Licensure by reciprocity, not less than twenty-five dollars nor more than,
 28 provided the fee for:
 29 (1) Initial licensure may not exceed seventy-five dollars;
 30 (2) Licensure by reciprocity may not exceed seventy-five dollars;
 31 (4)(3) Renewal of a license, not less than ten dollars, nor more than Licensure renewal
 32 may not exceed twenty-five dollars; and

1 ~~(5)(4)~~ Reissuance of a lost or destroyed license, following approval of the board, may not
2 more than exceed ten dollars.

3 **Section 24. That § 36-4B-30 be AMENDED:**

4 **36-4B-30.** Any money coming in to the board each calendar month, including
5 license fees, renewal fees, penalty fees, and any other payments, shall received by the
6 Department of Health for administration of the advanced life support program must be
7 paid by the board department to the state treasurer by the tenth day of the next month.
8 The state treasurer shall credit the money to the South Dakota Board of Medical and
9 Osteopathic Examiners for deposit in the advanced life support fund, which fund is hereby
10 created. The money Money in the South Dakota Board of Medical and Osteopathic
11 Examiners fund is hereby continuously appropriated to the board department for the
12 purpose of paying the expenses of administering and enforcing the provisions of this
13 chapter. However, the total expense incurred may not exceed the total money collected
14 by the board under the provisions of this chapter.

15 **Section 25. That § 36-4B-31 be AMENDED:**

16 **36-4B-31.** The board Department of Health may deny the issuance or renewal of
17 a license ~~or issued to any advanced life personnel under this chapter, and may suspend~~
18 or revoke the a license of any issued to any advanced life support personnel issued under
19 this chapter, upon satisfactory proof of the person's incompetence, ~~or that the person:~~
20 (1) Is incompetent;
21 (2) Has engaged in unprofessional or dishonorable conduct as defined in § 36-4-30; or
22 proof of a violation of
23 (3) Has violated this chapter or any rules adopted under this chapter.
24

25 **Section 26. That § 36-4B-35 be AMENDED:**

26 **36-4B-35.** The board Department of Health shall ~~adopt~~, in accordance with chapter
27 1-26, promulgate rules to:
28 (1) Establish the educational and training ~~curriculum~~ requirements, and the
29 examination National Registry of Emergency Medical Technicians requirements, for
30 applicants to ~~become license~~ seeking licensure as advanced life support personnel;

- 1 (2) Establish ~~the procedure~~procedures for the administration of the advanced life
2 support program ~~and designate the responsibilities of the department and the~~
3 board;
- 4 (3) Regulate the professional conduct of ~~licensees~~advanced life support personnel;
5 and
- 6 (4) Establish the educational and training requirements and conditions for issuance of
7 a critical care endorsement, as provided for in § 36-4B-18.1.

8 **Section 27. That chapter 36-4B be amended with a NEW SECTION:**

- 9 It is a Class 2 misdemeanor for any person to practice or hold oneself out as being:
- 10 (1) A licensed emergency medical technician, unless that person is so licensed, in
11 accordance with this chapter; or
- 12 (2) A paramedic, unless that person is so licensed, in accordance with this chapter.
13 Each violation is a separate offense.

14 **Section 28. That § 36-4B-37 be AMENDED:**

15 ~~36-4B-37. The board shall appoint~~There is hereby created an advanced life
16 support personnel advisory committee. The committee is composed of four members as
17 follows:

- 18 (1) ~~One emergency medical technician intermediate/85;~~
19 (2) ~~One emergency medical technician intermediate/99;~~
20 (3) ~~One emergency medical technician paramedic; and~~
21 (4) ~~One emergency room physician~~
- 22 (1) Two licensed emergency medical technicians;
23 (2) Two paramedics; and
24 (3) One physician who is board certified in emergency medicine.

25 ~~Each committee member shall serve a term of three years. No committee member~~
26 ~~may be appointed to more than three consecutive full terms. If a vacancy occurs, the~~
27 ~~board must be appointed by the Governor.~~

28 The term of office is three years and begins on July first, except that the initial
29 terms may be staggered by lot so that no more than two terms expire in any one year.

30 A member may not serve more than two consecutive three-year terms.

31 In the event of a vacancy, the Governor shall appoint a person to fill the unexpired
32 term, in the same manner as an initial appointment. The appointment of a person to an
33 unexpired term is not considered to be a full term.

~~The committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in evaluating standards of care for advanced life support personnel and the regulation of advanced life support personnel pursuant to this chapter. The committee shall also make recommendations to the board regarding rules promulgated pursuant to this chapter. The committee shall meet the requirements of chapter 1-25 regarding open meetings.~~

Section 29. That chapter 36-4B be amended with a NEW SECTION:

The initial meeting of the advanced life support personnel advisory committee must be called by the Department of Health. At the initial meeting, the committee shall select one from among its members to serve as the chair and another to serve as the vice-chair.

All subsequent meetings must be called by the chair or by a majority of the members.

The committee shall meet at least annually.

Section 30. That chapter 36-4B be amended with a NEW SECTION:

The advanced life support personnel advisory committee shall advise the Department of Health regarding all matters pertaining to:

(1) The education, training, licensure, and performance of advanced life support personnel;

(2) The acquisition and use of required and optional equipment;

(3) The evaluation and delivery of emergency medical services throughout this state;

and

(4) The promulgation of rules, as authorized by this chapter.

Section 31. That chapter 36-4B be amended with a NEW SECTION:

The Department of Health shall administer a program to provide for the certification of emergency medical responders and emergency medical technicians.

An emergency medical responder may provide initial emergency care, consisting of first aid and basic life support to a patient at the scene of an emergency, and assist advanced life support personnel both at the scene and during the transport of a patient to a medical facility.

An emergency medical technician may, in addition to any services provided by an emergency medical responder, provide pre-hospital emergency care that includes

1 interventions using basic equipment, typically found in an ambulance, and necessary to
2 stabilize and safely transport patients.

3 The department shall, by rule promulgated in accordance with chapter 1-26:

4 (1) Provide for an application form and process;

5 (2) Establish the educational and training criteria for certification;

6 (3) Provide for the approval of educational and training programs; and

7 (4) Provide for the issuance, renewal, suspension, and revocation of certification.

8 **Section 32. That chapter 36-4B be amended with a NEW SECTION:**

9 In addition to the requirements set forth in section 31 of this Act, an applicant for
10 certification as an emergency medical responder or as an emergency medical technician
11 shall submit to a state and federal criminal background check. The applicant shall provide
12 a full set of fingerprints to the Department of Health, in the form and manner prescribed
13 by the department. The department shall submit the fingerprints to the Division of Criminal
14 Investigation for a criminal background check by the division and the Federal Bureau of
15 Investigation. The applicant shall sign a release of information to the department and pay
16 any fee charged for the fingerprinting or the background check.

17 Upon completion of the background check, the division shall deliver the applicant's
18 criminal history information to the department. The department shall consider this
19 information in determining whether to issue a certificate to the applicant.

20 The department may not issue a certificate to an applicant before receiving this
21 information.

22 The department may not disseminate any information obtained under this section
23 to a person not employed by the department.

24 **Section 33. That chapter 36-4B be amended with a NEW SECTION:**

25 It is a Class 2 misdemeanor for any person to practice or hold oneself out as being
26 an emergency medical responder or an emergency medical technician, unless the person
27 is so certified, in accordance with sections 31 and 32 of this Act.

28 **Section 34. That § 34-11-4 be REPEALED:**

29 ~~The licensing agency shall provide application forms for the providing of ambulance~~
30 ~~service. A fee of not more than twenty five dollars shall accompany each application,~~
31 ~~except for applications from state agencies. The licensing agency shall issue a license to~~

1 ~~any ambulance service which makes application to the agency providing such service~~
2 ~~complies with §§ 34-11-2 to 34-11-10, inclusive. A license shall be valid for a period of~~
3 ~~not more than two years.~~

4 **Section 35. That § 34-11-5.2 be REPEALED:**

5 ~~No person may practice as an emergency medical responder or represent oneself~~
6 ~~as an emergency medical responder unless the person possesses a certification from the~~
7 ~~department or holds a privilege to practice. The department shall promulgate rules,~~
8 ~~pursuant to chapter 1-26, for the application, qualifications, issuance, and renewal of a~~
9 ~~certification of an emergency medical responder. A certification issued under this section~~
10 ~~shall be renewed every two years.~~

11 **Section 36. That § 34-11-6.2 be REPEALED:**

12 ~~Any party feeling aggrieved by any act, ruling, or decision of the Department of~~
13 ~~Health acting pursuant to § 34-11-6.1 may appeal such act, ruling, or decision under the~~
14 ~~provisions of chapter 1-26.~~

15 **Section 37. That § 34-11-6.3 be REPEALED:**

16 ~~If a person holding a certification pursuant to § 34-11-6 is adjudged to be mentally~~
17 ~~incompetent by final order or adjudication of a court of competent jurisdiction, the~~
18 ~~Department of Health shall suspend such person's certification pursuant to chapter 1-26.~~
19 ~~The suspension shall continue until the person holding the certification is found or~~
20 ~~adjudged by such court to be restored to reason. The Department of Health may establish,~~
21 ~~by rules promulgated pursuant to chapter 1-26, probationary conditions that it deems~~
22 ~~necessary for the best interest of the person holding the certification.~~

23 **Section 38. That § 34-11-6.4 be REPEALED:**

24 ~~Upon application, the Department of Health may reissue a certification issued~~
25 ~~pursuant to § 34-11-6 that has been cancelled, suspended, or revoked. A reissuance of a~~
26 ~~certification that has been cancelled, suspended, or revoked may not be made prior to~~
27 ~~one year after the cancellation, suspension, or revocation. The Department of Health may,~~
28 ~~by rules promulgated pursuant to chapter 1-26, provide for the manner, form, and~~
29 ~~condition for the reissuance of any certification pursuant to this section.~~

1 **Section 39. That § 34-11-6.5 be REPEALED:**

2 ~~In addition to the requirements of § 34-11-6, each applicant for emergency medical~~
3 ~~technician certification must submit to a state and federal criminal background check. The~~
4 ~~applicant must submit a full set of the applicant's fingerprints to the department in a form~~
5 ~~and manner prescribed by the department. The department shall submit the applicant's~~
6 ~~fingerprints to the Division of Criminal Investigation to conduct a criminal background~~
7 ~~check by the division and the Federal Bureau of Investigation. The applicant must sign a~~
8 ~~release of information to the department, and pay any fee charged for the cost of~~
9 ~~fingerprinting or conducting the background check.~~

10 ~~Upon completion of the background check, the division shall deliver to the~~
11 ~~department all criminal history record information regarding the applicant, and the~~
12 ~~department shall consider this information in its determination to issue a certification to~~
13 ~~the applicant. The department may not issue a certification to an applicant before receiving~~
14 ~~this information. The department may only disseminate an applicant's information to a~~
15 ~~person employed by the department.~~

16 ~~The department may require any certified emergency medical technician who is~~
17 ~~the subject of a disciplinary investigation to submit to a state and federal background~~
18 ~~check. The department may deny the issuance of, suspend, or revoke a certification for~~
19 ~~failure to submit to or cooperate with a background check.~~

20 **Section 40. That § 34-11-11 be REPEALED:**

21 ~~Any ambulance service that provides advanced life support shall conduct a quality~~
22 ~~assurance program. The quality assurance program shall include, at a minimum, a review~~
23 ~~of the appropriate use of oxygen therapy, the appropriate use of intravenous therapy,~~
24 ~~medication administration, and the appropriate use of cardiac monitors. The Department~~
25 ~~of Health shall develop a quality assurance program that meets the requirements of this~~
26 ~~section. The ambulance service may use the program developed by the department or the~~
27 ~~ambulance service may develop its own quality assurance program. The ambulance~~
28 ~~service shall compile the quality assurance reviews into an annual report, which shall be~~
29 ~~kept on file for at least three years and made available to the Department of Health upon~~
30 ~~request.~~

31 **Section 41. That § 34-11-12 be REPEALED:**

32 ~~The minimum personnel required on each ambulance run includes:~~

- 1 ~~(1) One emergency medical technician certified by the Department of Health or an~~
- 2 ~~advanced life support personnel licensed pursuant to chapter 36-4B; and~~
- 3 ~~(2) One driver who meets the requirements established by the Department of Health~~
- 4 ~~pursuant to rules promulgated pursuant to § 34-11-5.~~

5 **Section 42. That § 36-4B-3 be REPEALED:**

6 ~~It is a Class 2 misdemeanor for any person not licensed under this chapter to hold~~

7 ~~herself or himself out or practice as an emergency medical technician intermediate/85,~~

8 ~~emergency medical technician intermediate/99, or an emergency medical~~

9 ~~technician-paramedic. Each violation is a separate offense.~~

10 **Section 43. That § 36-4B-5 be REPEALED:**

11 ~~Nothing in this chapter shall limit the activities of employees of the United States~~

12 ~~Army, Air Force, Navy, or Marine Hospitals or of the United States Veterans'~~

13 ~~Administration, or the United States Public Health Service Hospitals or military medical~~

14 ~~personnel in the performance of their duties, nor to the religious groups as such who do~~

15 ~~not practice medicine, surgery, or obstetrics by the use of any material remedies or~~

16 ~~agencies.~~

17 **Section 44. That § 36-4B-10 be REPEALED:**

18 ~~Educational programs for instruction of advanced life support personnel shall be~~

19 ~~implemented by the Department of Health and approved by the board. Schools or~~

20 ~~institutions offering such programs shall submit applications for approval on forms~~

21 ~~provided by the board.~~

22 **Section 45. That § 36-4B-11 be REPEALED:**

23 ~~The medical director of an educational program approved by the board shall notify~~

24 ~~the board if a change occurs in the directorship of the educational program or if major~~

25 ~~modifications in the curriculum are anticipated.~~

26 **Section 46. That § 36-4B-12 be REPEALED:**

27 ~~Failure of an educational program to comply with the general and specific~~

28 ~~curriculum requirements of this chapter shall result in withdrawal of the board's approval.~~

1 **Section 47. That § 36-4B-14 be REPEALED:**

2 ~~The board may license advanced life support personnel in this state, without~~
3 ~~examination, if the person has passed the national registry written and practical~~
4 ~~examination and meets all other requirements of this chapter. Applicants shall hold current~~
5 ~~licensure in another state or current certification by the national registry for the license~~
6 ~~sought.~~

7 **Section 48. That § 36-4B-16 be REPEALED:**

8 ~~An emergency medical technician intermediate/99 may perform basic life support~~
9 ~~techniques and while under proper medical supervision intermediate skills, special skills~~
10 ~~techniques, and other advanced life support skills for which they are licensed by the board.~~

11 **Section 49. That § 36-4B-16.1 be REPEALED:**

12 ~~An emergency medical technician intermediate/85 may perform basic life support~~
13 ~~techniques as set forth in chapter 34-11 and while under proper medical supervision~~
14 ~~advanced life support techniques listed in § 36-4B-1 and other advanced life support skills~~
15 ~~for which they are licensed by the board.~~

16 **Section 50. That § 36-4B-16.2 be REPEALED:**

17 ~~An emergency medical technician advanced may perform placement of esophageal~~
18 ~~and supraglottic airways, intravenous cannulations, shock management, administration of~~
19 ~~specific medications, and other advanced skills approved by the board.~~

20 **Section 51. That § 36-4B-17 be REPEALED:**

21 ~~An emergency medical technician paramedic may perform basic life support~~
22 ~~techniques as set forth in chapter 34-11 and while under proper medical supervision all~~
23 ~~intermediate and special skills. A paramedic may also perform other advanced life support~~
24 ~~skills for which he is licensed by the board.~~

25 **Section 52. That § 36-4B-18 be REPEALED:**

26 ~~In addition to tasks listed in §§ 36-4B-16 and 36-4B-17, an emergency medical~~
27 ~~technician intermediate/85, emergency medical technician intermediate/99, or an~~
28 ~~emergency medical technician paramedic may be permitted to perform, under direct or~~

1 ~~indirect medical control, such other tasks approved by the board, and for which adequate~~
2 ~~training and proficiency can be demonstrated.~~

3 **Section 53. That § 36-4B-19 be REPEALED:**

4 ~~Nothing in this chapter shall authorize advanced life support personnel to perform~~
5 ~~those specific functions and duties delegated by law to those persons licensed as~~
6 ~~chiropractors under chapter 36-5, optometrists under chapter 36-7, podiatrists under~~
7 ~~chapter 36-8 or pharmacists under chapter 36-11.~~

8 **Section 54. That § 36-4B-27 be REPEALED:**

9 ~~A request for emergency medical technician paramedic or emergency medical~~
10 ~~technician intermediate/99 license renewal shall be accompanied annually by the~~
11 ~~prescribed fee and accompanied in odd numbered years by satisfactory evidence of sixty~~
12 ~~hours of advanced life support studies during the preceding two years. A request for~~
13 ~~emergency medical technician intermediate/85 license renewal shall be accompanied~~
14 ~~annually by the prescribed fee and accompanied in odd numbered years by satisfactory~~
15 ~~evidence of forty hours of advanced life support studies during the preceding two years.~~
16 ~~The request shall also be accompanied by a letter from the supervising physician and the~~
17 ~~employer of the advanced life support personnel. If the advanced life support personnel~~
18 ~~is terminated the reasons shall be submitted to the board, in writing, by both the~~
19 ~~ambulance service and supervising physician, within seventy two hours of termination of~~
20 ~~any such working contract.~~

21 **Section 55. That § 36-4B-32 be REPEALED:**

22 ~~Any party feeling aggrieved by any act, ruling or decision of the board acting~~
23 ~~pursuant to § 36-4B-31 may appeal the same under the provisions of chapter 1-26.~~

24 **Section 56. That § 36-4B-33 be REPEALED:**

25 ~~If a person holding a license to practice advanced life support shall by final order~~
26 ~~or adjudication of a court of competent jurisdiction be adjudged to be mentally~~
27 ~~incompetent or insane, that person's license shall be suspended by the board after~~
28 ~~proceedings in compliance with chapter 1-26. Such suspension shall continue until the~~
29 ~~licensee is found or adjudged by such court to be restored to reason. The board may~~

1 ~~establish probationary conditions which it deems necessary for the best interest of the~~
2 ~~licensee.~~

3 **Section 57. That § 36-4B-34 be REPEALED:**

4 ~~Upon application, the board may reissue a license to practice advanced life support~~
5 ~~to a person whose license has been canceled, suspended, or revoked. A reissuance of a~~
6 ~~license which has been canceled or revoked may not be made prior to one year after the~~
7 ~~cancellation or revocation and the reissuance of any license may be made in such manner,~~
8 ~~form, and conditions as the board may require.~~

9 **Section 58. That § 36-4B-36 be REPEALED:**

- 10 The board may not pass any rules which:
- 11 ~~(1) Are not authorized by § 36-4B-35 or are not designated to meet the intent of this~~
 - 12 ~~chapter;~~
 - 13 ~~(2) Discriminate between licensees of the same class;~~
 - 14 ~~(3) Attempt to regulate persons, schools, or other institutions not licensed under this~~
 - 15 ~~chapter;~~
 - 16 ~~(4) Have as their primary purpose the promotion or protection of the economic~~
 - 17 ~~interests of licensees;~~
 - 18 ~~(5) Restrict the number of licensees for reasons other than their qualifications;~~
 - 19 ~~(6) Discriminate between programs approved under this chapter which train~~
 - 20 ~~prospective licensees, whether in or out of the state.~~

21 **Section 59. TRANSFER. The state treasurer shall, on the effective date of this Act,**
22 **transfer to the advanced life support fund, created in accordance with § 36-4B-30, from the**
23 **South Dakota Board of Medical and Osteopathic Examiners fund, all monies deposited in**
24 **accordance with chapters 34-11 and 36-4B or otherwise attributable to the conduct and**
25 **administration of the stated chapters.**

26