



2024 South Dakota Legislature

Senate Bill 87

Introduced by: **Senator Davis**

1 **An Act to revise provisions related to the State Board of Medical and Osteopathic**
 2 **Examiners and its advisory councils.**

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

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

5 **36-4-1.** The State Board of Medical and Osteopathic Examiners, hereinafter called
 6 the Board of Examiners, consists of ~~nine members to be appointed by the Governor for~~
 7 ~~terms of three years;~~

8 (1) Eight physicians licensed in accordance with this chapter;

9 (2) One physician assistant licensed in accordance with chapter 36-4A;

10 (3) One emergency medical services personnel licensed in accordance with chapter 36-
 11 4B;

12 (4) One respiratory care practitioner licensed in accordance with chapter 36-4C;

13 (5) One nutritionist or dietician licensed in accordance with chapter 36-10B;

14 (6) One athletic trainer licensed in accordance with chapter 36-29;

15 (7) One occupational therapist or occupational therapy assistant licensed in accordance
 16 with chapter 36-31;

17 (8) One genetic counselor licensed in accordance with chapter 36-36; and

18 (9) Two individuals who are representatives of the public.

19 The Governor shall appoint each member of the board. The term of office for each
 20 member is three years. A member's term begins on October thirty-first of the calendar
 21 year in which the Governor appoints the member, unless otherwise designated by the
 22 Governor. The member's term expires on October thirtieth in the third year of
 23 appointment.

24 No member may serve more than three consecutive, full terms. ~~However,~~
 25 appointment ~~An appointment~~ An appointment to an unexpired term is not considered a full term ~~for this~~
 26 purpose. Each member shall hold office until a successor is appointed and qualified. ~~Any~~

1 The Governor shall appoint a new member to fill any vacancy on the board ~~shall be filled~~
 2 ~~by appointment by the Governor. The board shall at all times include six doctors of~~
 3 ~~medicine and one doctor of osteopathy.~~ The Governor may stagger terms to enable the
 4 board to have different terms expire each year.

5 ~~The terms of members begin on October thirty first of the calendar year in which~~
 6 ~~the Governor appoints the member, unless otherwise designated by the Governor. The~~
 7 ~~appointee's term expires on October thirtieth in the third year of appointment.~~

8 ~~Any member's term ending June 30, 2013, or thereafter is extended to October~~
 9 ~~thirtieth in the year the term is to expire.~~

10 **Section 2. That a NEW SECTION be added to chapter 36-4:**

11 Notwithstanding any other provision of this chapter, while each member of the
 12 Board of Examiners may be present for discussion on all matters under the authority of
 13 the board, only the eight physician members and the two members of the public
 14 referenced in § 36-4-1 may act on matters related to the licensure, practice, education,
 15 continuing education, investigation, and discipline of physicians.

16 **Section 3. That § 36-4A-3.1 be AMENDED:**

17 **36-4A-3.1.** The board shall appoint a physician assistant ~~advisory committee~~
 18 council composed of three physician assistants. ~~Each committee~~ The term of office for
 19 each member ~~shall serve a term of~~ is three years. No ~~committee~~ member may be
 20 appointed to more than three consecutive, full terms. If a vacancy occurs, the board ~~shall~~
 21 must appoint a ~~person~~ new member to fill the unexpired term. The appointment of a
 22 member to an unexpired term is not considered a full term.

23 ~~The committee council~~ shall meet at least ~~annually or twice each year, at a time~~
 24 and place set by the council, and may hold additional meetings as necessary to conduct
 25 business. The council shall meet the requirements of chapter 1-25 regarding open
 26 meetings.

- 27 ~~The committee council~~ shall assist:
- 28 (1) Assist the board in ~~the regulation~~ all matters related to the licensure, practice,
 29 education, continuing education, investigation, and discipline of physician
 30 assistants pursuant to this chapter. ~~The committee shall also make;~~
 - 31 (2) Make recommendations to the board regarding rules promulgated pursuant to this
 32 chapter; and

1 (3) Submit meeting minutes and any recommendations to the board following each
 2 council meeting. ~~The committee shall meet the requirements of chapter 1-25~~
 3 ~~regarding open meetings.~~

4 The board shall communicate activity on all matters relating to physician assistants
 5 with the council.

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

7 **36-4B-37.** ~~The board shall appoint an advanced life support emergency medical~~
 8 services personnel advisory committee council ~~composed of four~~ five ~~members as follows:~~

9 (1) ~~One emergency medical technician-intermediate/85 technician;~~

10 (2) One emergency medical technician-intermediate/85, emergency medical
 11 technician-intermediate/99, or advanced emergency medical technician;

12 (3) ~~One emergency medical technician-paramedic~~ Two paramedics; and

13 (4) ~~One emergency room physician licensed in accordance with chapter 36-4 and~~
 14 trained in emergency medicine.

15 ~~Each committee~~ The term of office for each member shall serve a term of is three
 16 years. ~~No committee member may be appointed to more than three consecutive,~~ full
 17 terms. ~~If a vacancy occurs, the board shall~~ must ~~appoint a person~~ new member to fill the
 18 unexpired term. ~~The appointment of a person member to an unexpired term is not~~
 19 considered a full term.

20 ~~The committee council shall meet at least annually or twice each year, at a time~~
 21 and place set by the council, and may hold additional meetings as necessary to conduct
 22 business. The council shall meet the requirements of chapter 1-25 regarding open
 23 meetings.

24 ~~The committee council shall assist the board in evaluating standards of care for~~
 25 advanced life support personnel and the regulation, all matters related to the licensure,
 26 practice, education, continuing education, investigation, and discipline of advanced life
 27 support emergency medical services personnel pursuant to this chapter. The committee
 28 council shall also ~~make recommendations to the board regarding rules promulgated~~
 29 ~~pursuant to this chapter. The committee shall meet the requirements of chapter 1-25~~
 30 ~~regarding open meetings~~ The council shall submit meeting minutes and any
 31 recommendations to the board following each council meeting.

32 The board shall communicate activity on all matters relating to emergency medical
 33 services personnel with the council.

1 **Section 5. That § 36-4C-1 be AMENDED:**

2 **36-4C-1.** Terms used in this chapter mean:

- 3 (1) "Affiliate," the South Dakota affiliate of the American Association for Respiratory
4 Care;
- 5 (2) "Board," the State Board of Medical and Osteopathic Examiners;
- 6 (3) ~~"Committee," the Respiratory Care Advisory Committee provided for in this~~
7 ~~chapter;~~"Certified respiratory therapist," a respiratory care practitioner who has
8 successfully completed a training program accredited by the Commission on
9 Accreditation of Allied Health Education Programs in collaboration with the
10 Committee on Accreditation for Respiratory Care and who has successfully
11 completed the entry level examination for respiratory therapists administered by
12 the National Board for Respiratory Care, Incorporated;
- 13 (4) "Graduate respiratory care practitioner," a person who has graduated from an
14 education and training program accredited by the Commission on Accreditation of
15 Allied Health Education Programs in collaboration with the Committee on
16 Accreditation for Respiratory Care and who is eligible to take the licensure
17 examination required by § 36-4C-8;
- 18 (5) ~~"Qualified medical director," the a physician licensed pursuant to chapter 36-4 who~~
19 ~~has a special interest and knowledge in the diagnosis and treatment of~~
20 ~~cardiopulmonary problems and is~~ responsible for the medical direction of any
21 inpatient or outpatient respiratory care service, department, or home care agency.
22 ~~The medical director shall be a licensed physician pursuant to chapter 36-4 who~~
23 ~~has special interest and knowledge in the diagnosis and treatment of~~
24 ~~cardiopulmonary problems.~~~~If possible, the medical director shall~~ must be qualified
25 by special training or be experienced in the management of acute and chronic
26 respiratory disorders or both. The medical director is responsible for the quality,
27 safety, and appropriateness of respiratory care services;
- 28 ~~(5)(6)~~ (6) "Respiratory care practitioner," any person with a temporary permit or license to
29 practice respiratory care as defined in this chapter and whose temporary permit or
30 license is in good standing;
- 31 ~~(6)(7)~~ (7) "Registered respiratory therapist," a respiratory care practitioner who has
32 successfully completed a training program accredited by the Commission on
33 Accreditation of Allied Health Education Programs in collaboration with the
34 Committee on Accreditation for Respiratory Care and who has successfully

- 1 completed the registry examination for advanced respiratory therapists
 2 administered by the National Board for Respiratory Care, Incorporated; and
 3 ~~(7) "Certified respiratory therapist," a respiratory care practitioner who has~~
 4 ~~successfully completed a training program accredited by the Commission on~~
 5 ~~Accreditation of Allied Health Education Programs in collaboration with the~~
 6 ~~Committee on Accreditation for Respiratory Care and who has successfully~~
 7 ~~completed the entry level examination for respiratory therapists administered by~~
 8 ~~the National Board for Respiratory Care, Incorporated;~~
 9 ~~(8) "Graduate respiratory care practitioner," a person who has graduated from an~~
 10 ~~education and training program accredited by the Commission on Accreditation of~~
 11 ~~Allied Health Education Programs in collaboration with the Committee on~~
 12 ~~Accreditation for Respiratory Care and who is eligible to take the licensure~~
 13 ~~examination required by § 36-4C-8;~~
 14 ~~(9)~~(8) "Student respiratory care practitioner," a person who is enrolled in an education
 15 and training program for respiratory care practitioners ~~which~~ that is accredited by
 16 the Commission on Accreditation of Allied Health Education Programs and the
 17 Committee on Accreditation for Respiratory Care and who provides respiratory care
 18 under direct supervision of a licensed respiratory care practitioner who is on the
 19 premises where the respiratory care services are provided and who is available for
 20 immediate consultation.

21 **Section 6. That § 36-4C-4 be AMENDED:**

22 **36-4C-4.** The board shall appoint a ~~Respiratory Care Practitioners' Advisory~~
 23 ~~Committee~~ respiratory care practitioners council composed of five members ~~as follows:~~

- 24 (1) Two registered respiratory therapists;
 25 (2) Two certified respiratory therapists; and
 26 (3) A physician licensed pursuant to chapter 36-4 who practices as a pulmonologist.

27 ~~Each committee~~ The term of office for each member ~~shall serve a term of~~ is three
 28 years. No ~~committee~~ member may be appointed to more than three consecutive, full
 29 terms. If a vacancy occurs, the board shall appoint a ~~person~~ new member to fill the
 30 unexpired term. The appointment of a ~~person~~ member to an unexpired term is not
 31 considered a full term.

32 ~~The committee council~~ shall meet at least ~~annually or twice each year, at a time~~
 33 and place set by the council, and may hold additional meetings as necessary to conduct

1 business. The council shall meet the requirements of chapter 1-25 regarding open
 2 meetings.

3 ~~The committee council~~ shall assist the board in ~~evaluating the qualifications of~~
 4 ~~applicants for licensure and reviewing the examination results of applicants~~ all matters
 5 related to the licensure, practice, education, investigation, and discipline of respiratory
 6 care practitioners. ~~The committee council shall also~~ make recommendations to the board
 7 regarding rules promulgated pursuant to this chapter. ~~The committee shall meet the~~
 8 ~~requirements of chapter 1-25 regarding open meetings~~ The council shall submit meeting
 9 minutes and any recommendations to the board following each council meeting.

10 The board shall communicate activity on all matters relating to respiratory care
 11 practitioners with the council.

12 **Section 7. That § 36-4C-9 be AMENDED:**

13 **36-4C-9.** Any applicant ~~applying~~ for a license as a respiratory care practitioner
 14 shall file a written application, on a form provided by the board, ~~showing~~ containing
 15 evidence satisfactory to the board for showing that the applicant ~~meets the following~~
 16 requirements:

- 17 (1) ~~Character—Applicant shall be~~ Is of good moral character;
- 18 (2) ~~Education—Applicant shall present evidence satisfactory to the board of having~~ Has
 19 successfully completed an education and training program accredited by the
 20 Commission on Accreditation of Allied Health Education Programs in collaboration
 21 with the Committee on Accreditation for Respiratory Care; and
- 22 (3) ~~Examination—An applicant for licensure as a respiratory care practitioner shall~~
 23 ~~pass~~ Will pass an examination recommended by the ~~Respiratory Care Advisory~~
 24 ~~Committee~~ respiratory care practitioners council and approved by the board.

25 **Section 8. That § 36-10B-1 be AMENDED:**

26 **36-10B-1.** Terms used in this chapter mean:

- 27 (1) "Accredited college or university," a college or university accredited by the United
 28 States regional accrediting agencies recognized by the Council on Postsecondary
 29 Accreditation and the United States Department of Education;
- 30 (2) "Board," the ~~South Dakota~~ State Board of Medical and Osteopathic Examiners;
- 31 (3) "Commission," the Commission on Dietetic Registration that is a member of the
 32 National Commission for Certifying Agencies;
- 33 (4) "Committee," the ~~Nutrition and Dietetics Advisory Committee to the board;~~

- 1 (5) "Dietitian," a person who engages in nutrition or dietetics practice and uses the
 2 title dietitian pursuant to § 36-10B-2;
- 3 (6)(5) "Licensed nutritionist," a person licensed under this chapter;
- 4 (7)(6) "Nutritionist," a person who engages in nutrition or dietetics practice and uses the
 5 title of nutritionist pursuant to § 36-10B-2;
- 6 (8)(7) "Nutrition care services," any of the following:
- 7 (a) Assessment of the nutritional needs of individuals or groups;
- 8 (b) Establishment of priorities, goals, and objectives to meet nutritional needs;
- 9 (c) Provision of nutrition counseling for both normal and therapeutic needs;
- 10 (d) Development, implementation, and management of nutrition care services;
- 11 or
- 12 (e) Evaluation, adjustment, and maintenance of appropriate standards of
 13 quality in nutrition care;
- 14 (9)(8) "Nutritional assessment," the evaluation of the nutritional needs of individuals or
 15 groups based on appropriate biochemical, anthropometric, physical, and dietary
 16 data to determine nutrient needs and recommend appropriate nutritional intake;
 17 and
- 18 (10)(9) "Nutrition counseling," advising and assisting individuals or groups on
 19 appropriate nutritional intake by integrating information from the nutritional
 20 assessment with information on food and other sources of nutrients and meal
 21 preparation consistent with cultural background and socioeconomic status.

22 **Section 9. That § 36-10B-3 be AMENDED:**

- 23 **36-10B-3.** The board may:
- 24 (1) Examine qualified applicants for a license to practice nutrition and dietetics, issue
 25 licenses to applicants who meet the requirements established by this chapter, and
 26 renew licenses as recommended by the ~~committee~~ nutrition and dietetics council;
 27 and
- 28 (2) Adopt rules pursuant to chapter 1-26, that set professional, practice, and ethical
 29 standards for licensed nutritionists.

30 **Section 10. That § 36-10B-4 be AMENDED:**

- 31 **36-10B-4.** The board shall appoint a nutrition and dietetics ~~advisory committee~~
 32 council composed of five members. ~~The members shall be~~ Each member must be a
 33 registered dietitians dietitian or qualified nutritionists licensed nutritionist. ~~Each committee~~

1 ~~The term of office for each member shall serve a term of~~ is three years. No ~~committee~~
 2 member may be appointed to more than three consecutive, full terms. If a vacancy occurs,
 3 the board ~~shall must~~ appoint a ~~person new member~~ to fill the unexpired term. The
 4 appointment of a ~~person member~~ to an unexpired term is not considered a full term.

5 The council shall meet at least twice each year, at a time and place set by the
 6 council, and may hold additional meetings as necessary to conduct business. The council
 7 shall meet the requirements of chapter 1-25 regarding open meetings.

8 ~~The committee may assist~~ council shall:

- 9 (1) ~~Assist~~ the board in ~~evaluating the qualifications of applicants for licensure. The~~
 10 ~~committee may make~~ all matters related to the licensure, practice, education,
 11 continuing education, investigation, and discipline of dieticians and nutritionists;
 12 (2) Make recommendations to the board regarding rules promulgated pursuant to this
 13 chapter; and
 14 (3) Submit meeting minutes and any recommendations to the board following each
 15 council meeting.

16 The board shall communicate activity on all matters relating to dieticians and
 17 licensed nutritionists with the council. ~~The committee shall meet the requirements of~~
 18 ~~chapter 1-25 regarding open meetings.~~

19 **Section 11. That § 36-29-8 be AMENDED:**

20 **36-29-8.** The board shall appoint an athletic training ~~committee~~ council composed
 21 of three residents of this state who are licensed to practice athletic training ~~in the state in~~
 22 accordance with this chapter. ~~This committee~~ The term of office for each member is three
 23 years. No member may serve more than three consecutive, full terms. If a vacancy occurs,
 24 the board must appoint a new member to fill the unexpired term. The appointment of a
 25 member to an unexpired term is not considered a full term.

26 The council shall meet at least annually or twice each year, at a time and place set
 27 by the council, and may hold additional meetings as necessary to conduct business. The
 28 council shall meet the requirements of chapter 1-25 regarding open meetings.

29 ~~The committee~~ council shall assist:

- 30 (1) ~~Assist~~ the board in ~~conducting exams and shall assist the board in all matters~~
 31 ~~pertaining to the licensure, practice and discipline of those licensed to practice~~
 32 ~~athletic training in this state and the establishment of rules pertaining to athletic~~
 33 ~~training~~ all matters related to the licensure, practice, education, continuing
 34 education, investigation, and discipline of athletic trainers;

1 ~~(2)~~ Make recommendations to the board regarding rules promulgated pursuant to this
2 chapter; and

3 ~~(3)~~ Submit meeting minutes and any recommendations to the board following each
4 council meeting. ~~Each committee member shall serve a term of three years. No~~
5 ~~committee member may be appointed to more than three consecutive full terms.~~
6 ~~If a vacancy arises due to death, retirement, or removal from the state, the~~
7 ~~vacancy shall be filled in the same manner as an original appointment. The member~~
8 ~~shall serve the remainder of the unexpired term. The appointment to an unexpired~~
9 ~~term is not considered a full term. The committee shall meet the requirements of~~
10 ~~chapter 1-25 regarding open meetings~~

11 The board shall communicate activity on all matters relating to athletic trainers
12 with the council.

13 **Section 12. That § 36-31-1 be AMENDED:**

14 **36-31-1.** Terms used in this chapter mean:

- 15 (1) ~~"Association," the South Dakota Occupational Therapy Association;~~
- 16 ~~(2)~~ "Board of examiners," the South Dakota State Board of Medical and Osteopathic
17 Examiners;
- 18 ~~(3)~~(2) "Occupational ~~therapists~~ therapist," any person licensed to practice occupational
19 therapy as defined in this chapter and whose license is in good standing;
- 20 ~~(4)~~(3) "Occupational therapy," the evaluation, planning and implementation of a program
21 of purposeful activities to develop or maintain adaptive skills necessary to achieve
22 the maximal physical and mental functioning of the individual in his or her daily
23 pursuits. The practice of occupational therapy includes consultation, evaluation,
24 and treatment of individuals whose abilities to cope with the tasks of living are
25 threatened or impaired by developmental deficits, the aging process, learning
26 disabilities, poverty and cultural differences, physical injury or disease,
27 psychological and social disabilities, or anticipated dysfunction. Occupational
28 therapy services include such treatment techniques as task-oriented activities to
29 prevent or correct physical or emotional deficits or to minimize the disabling effect
30 of these deficits in the life of the individual; such evaluation techniques as
31 assessment of sensory integration and motor abilities, assessment of development
32 of self-care and feeding, activities and capacity for independence, assessment of
33 the physical capacity for prevocational and work tasks, assessment of play and
34 leisure performance, and appraisal of living areas for the handicapped; physical

agent modalities limited to the upper extremities to enhance physical functional performance, if certified in accordance with § 36-31-6; and specific occupational therapy techniques such as activities of daily living skills, designing, fabricating, or applying selected orthotic devices or selecting adaptive equipment, sensory integration and motor activities, the use of specifically designed manual and creative activities, specific exercises to enhance functional performance, and treatment techniques for physical capabilities for work activities. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems;

~~(5)~~(4) "Occupational therapy aide," any person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant;

~~(6)~~(5) "Occupational therapy assistant," any person licensed to assist in the practice of occupational therapy, under the supervision of or with the consultation of a licensed occupational therapist and whose license is in good standing; and

~~(7)~~—"Occupational therapy committee," the committee provided for in this chapter;

~~(8)~~(6) "Physical agent modalities," modalities that produce a biophysiological response through the use of light, water, temperature, sound, or electricity, or mechanical devices. Physical agent modalities include:

- (a) Superficial thermal agents such as hydrotherapy/whirlpool, cryotherapy (cold packs/ice), fluidotherapy, hot packs, paraffin, water, infrared, and other commercially available superficial heating and cooling technologies;
- (b) Deep thermal agents such as therapeutic ultrasound, phonophoresis, and other commercially available technologies;
- (c) Electrotherapeutic agents such as biofeedback, neuromuscular electrical stimulation, functional electrical stimulation, transcutaneous electrical nerve stimulation, electrical stimulation for tissue repair, high-voltage galvanic stimulation, and iontophoresis and other commercially available technologies; and
- (d) Mechanical devices such as vasopneumatic devices and CPM (continuous passive motion).

Section 13. That § 36-31-2 be AMENDED:

36-31-2. The board shall appoint an occupational therapy ~~committee~~ council composed of ~~three registered occupational therapists or two registered occupational~~

1 therapists and one certified occupational therapy assistant. ~~The committee shall assist the~~
 2 ~~Board of Examiners in approving qualifications of persons applying for a license to practice~~
 3 ~~occupational therapy in the state and the promulgation of rules pertaining to occupational~~
 4 ~~therapy, including guidelines for continuing competency. The committee shall meet at~~
 5 ~~least annually or as necessary to conduct business. Each committee~~ The term of office for
 6 each member shall serve a term of is three years. No member may serve more than three
 7 consecutive, full terms. Each person nominated to serve on the committee shall have the
 8 following qualifications:

9 (1) ~~The person shall be a resident of the state;~~

10 (2) ~~The person shall be licensed to practice occupational therapy in the state; and~~

11 (3) ~~The person shall have practiced occupational therapy a minimum of three~~
 12 ~~years.~~

13 ~~If any a vacancy arises on the committee, the vacancy shall be filled in the same manner~~
 14 ~~as an original appointment. The member shall serve the remainder of occurs, the board~~
 15 ~~must appoint a new member to fill the unexpired term. The appointment of a member to~~
 16 ~~an unexpired term is not considered a full term.~~

17 The council shall meet at least twice each year, at a time and place set by the
 18 council, and may hold additional meetings as necessary to conduct business. The
 19 committee council shall meet the requirements of chapter 1-25 regarding open meetings.

20 The council shall:

21 (1) Assist the board in all matters related to the licensure, practice, education,
 22 continuing education, investigation, and discipline of occupational therapists and
 23 occupational therapy assistants;

24 (2) Make recommendations to the board regarding rules promulgated pursuant to this
 25 chapter; and

26 (3) Submit meeting minutes and any recommendations to the board following each
 27 council meeting.

28 The board shall communicate activity on all matters relating to occupational
 29 therapists or occupational therapy assistants with the council.

30 **Section 14. That § 36-36-15 be AMENDED:**

31 **36-36-15.** The board shall appoint a genetic counselor ~~advisory committee~~ council
 32 ~~composed of a minimum of one genetic counselor and three physicians licensed pursuant~~
 33 ~~to chapter 36-4. Each committee~~ The term of office for each member shall serve a term
 34 ~~of is~~ three years. No ~~committee~~ member may be appointed to more than three

1 consecutive, full terms. If a vacancy occurs, the board ~~shall~~ must appoint a ~~person~~ new
2 member to fill the unexpired term. The appointment of a member to an unexpired term is
3 not considered a full term.

4 ~~The committee~~ council shall meet at least ~~annually or~~ twice each year, at a time
5 and place set by the council, and may hold additional meetings as necessary to conduct
6 business. The council shall meet the requirements of chapter 1-25 regarding open
7 meetings.

8 ~~The advisory committee~~ council shall ~~assist:~~

9 (1) Assist the board in the regulation all matters related to the licensure, practice,
10 education, continuing education, investigation, and discipline of genetic counselors
11 pursuant to this chapter. ~~The committee shall also make;~~

12 (2) Make recommendations to the board regarding rules promulgated pursuant to this
13 chapter. ~~The committee shall meet the requirements of chapter 1-25 regarding~~
14 ~~open meetings; and~~

15 (3) Submit meeting minutes and any recommendations to the board following each
16 council meeting.

17 The board shall communicate activity on all matters relating to genetic counselors
18 with the council.

19 **Section 15. That § 36-4-2 be REPEALED:**

20 ~~The Board of Examiners shall include six doctors of medicine holding a degree of~~
21 ~~M.D., and one doctor of osteopathy holding the degree of D.O. The members of the board~~
22 ~~shall be licensed in the State of South Dakota, and shall be skilled and capable physicians~~
23 ~~in good standing.~~

24 **Section 16. That § 36-4-2.1 be REPEALED:**

25 ~~The membership of the Board of Examiners shall include two lay members who are~~
26 ~~users of the services regulated by the board. One lay member may be a nonphysician~~
27 ~~health care professional licensed by the board. The Governor shall appoint the lay~~
28 ~~members. The lay members shall have the same term of office as other members of the~~
29 ~~board.~~