



2024 South Dakota Legislature

Senate Bill 87

SENATE ENGROSSED

Introduced by: **Senator Davis**

1 **An Act to revise provisions related to the State Board of Medical and Osteopathic**
 2 **Examiners and its appointed professional 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) Nine 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) One individual who is a representative 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 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 § 36-4-4 be AMENDED:**

11 **36-4-4.** The Board of Examiners shall hold two regular meetings each year at a
 12 time to be fixed by the board, ~~but~~. The Board of Examiners may hold special meetings at
 13 such other times as necessary may be held. All meetings ~~shall~~ must be held at ~~such~~ the
 14 place within the state as the board shall determine.

15 The Board of Examiners may act on matters without receiving prior communication
 16 or recommendations from any of its appointed professional councils if the board
 17 determines that action is necessary to protect public health, interest, or safety.

18 **Section 3. That a NEW SECTION be added to chapter 36-4:**

19 Notwithstanding any other provision of this chapter, only the nine physician
 20 members and the representative of the public referenced in § 36-4-1 may:

21 (1) Participate in discussion on matters related to the licensure, practice, education,
 22 continuing education, investigation, and discipline of physicians;

23 (2) Be present for discussion of confidential matters and have access to confidential
 24 materials related to the licensure, practice, education, continuing education,
 25 investigation, and discipline of physicians; and

26 (3) Act on matters related to the licensure, practice, education, continuing education,
 27 investigation, and discipline of physicians.

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

29 **36-4A-3.1.** The board shall appoint a physician assistant ~~advisory committee~~
 30 council composed of three physician assistants. ~~Each committee~~ The term of office for
 31 each member shall serve a term of is three years. No ~~committee~~ member may be

1 appointed to more than three consecutive, full terms. If a vacancy occurs, the board ~~shall~~
2 must appoint a ~~person~~ new member to fill the unexpired term. The appointment of a
3 member to an unexpired term is 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 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 physician
11 assistants pursuant to this chapter. The committee shall also make;

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. The committee shall meet the requirements of chapter 1-25
16 regarding open meetings.

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

19 **Section 5. That § 36-4B-37 be AMENDED:**

20 **36-4B-37.** ~~The board shall appoint an advanced life support emergency medical~~
21 services personnel advisory committee council composed of ~~four~~ five members ~~as follows:~~

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

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

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

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

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

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

Underscores indicate new language.
Overstrikes indicate deleted language.

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 standards of care for~~
 4 ~~advanced life support personnel and the regulation all matters related to the licensure,~~
 5 ~~practice, education, continuing education, investigation, and discipline of advanced life~~
 6 ~~support emergency medical services personnel pursuant to this chapter. The committee~~
 7 ~~council shall also make recommendations to the board regarding rules promulgated~~
 8 ~~pursuant to this chapter. The committee shall meet the requirements of chapter 1-25~~
 9 ~~regarding open meetings~~ The council shall submit meeting minutes and any
 10 recommendations to the board following each council meeting.

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

13 **Section 6. That § 36-4C-1 be AMENDED:**

14 **36-4C-1.** Terms used in this chapter mean:

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

1 ~~has special interest and knowledge in the diagnosis and treatment of~~
2 ~~cardiopulmonary problems.~~ If possible, the medical director ~~shall~~ must be qualified
3 by special training or be experienced in the management of acute and chronic
4 respiratory disorders or both. The medical director is responsible for the quality,
5 safety, and appropriateness of respiratory care services;

6 ~~(5)~~(6) "Respiratory care practitioner," any person with a temporary permit or license to
7 practice respiratory care as defined in this chapter and whose temporary permit or
8 license is in good standing;

9 ~~(6)~~(7) "Registered respiratory therapist," a respiratory care practitioner who has
10 successfully completed a training program accredited by the Commission on
11 Accreditation of Allied Health Education Programs in collaboration with the
12 Committee on Accreditation for Respiratory Care and who has successfully
13 completed the registry examination for advanced respiratory therapists
14 administered by the National Board for Respiratory Care, Incorporated; and

15 ~~(7)~~ "Certified respiratory therapist," a respiratory care practitioner who has
16 successfully completed a training program accredited by the Commission on
17 Accreditation of Allied Health Education Programs in collaboration with the
18 Committee on Accreditation for Respiratory Care and who has successfully
19 completed the entry level examination for respiratory therapists administered by
20 the National Board for Respiratory Care, Incorporated;

21 ~~(8)~~ "Graduate respiratory care practitioner," a person who has graduated from an
22 education and training program accredited by the Commission on Accreditation of
23 Allied Health Education Programs in collaboration with the Committee on
24 Accreditation for Respiratory Care and who is eligible to take the licensure
25 examination required by ~~§ 36-4C-8~~;

26 ~~(9)~~(8) "Student respiratory care practitioner," a person who is enrolled in an education
27 and training program for respiratory care practitioners ~~which~~ that is accredited by
28 the Commission on Accreditation of Allied Health Education Programs and the
29 Committee on Accreditation for Respiratory Care and who provides respiratory care
30 under direct supervision of a licensed respiratory care practitioner who is on the
31 premises where the respiratory care services are provided and who is available for
32 immediate consultation.

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

1 **36-4C-4.** The board shall appoint a ~~Respiratory Care Practitioners' Advisory~~
2 ~~Committee~~ respiratory care practitioners council composed of five members ~~as follows:~~

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

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

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

15 ~~The committee~~ council shall assist the board in ~~evaluating the qualifications of~~
16 ~~applicants for licensure and reviewing the examination results of applicants~~ all matters
17 related to the licensure, practice, education, investigation, and discipline of respiratory
18 care practitioners. ~~The committee~~ council shall ~~also~~ make recommendations to the board
19 regarding rules promulgated pursuant to this chapter. ~~The committee shall meet the~~
20 ~~requirements of chapter 1-25 regarding open meetings~~ The council shall submit meeting
21 minutes and any recommendations to the board following each council meeting.

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

24 **Section 8. That § 36-4C-9 be AMENDED:**

25 **36-4C-9.** Any applicant ~~applying~~ for a license as a respiratory care practitioner
26 shall file a written application, on a form provided by the board, ~~showing~~ containing
27 evidence satisfactory to the board for showing that the applicant ~~meets the following~~
28 ~~requirements:~~

- 29 (1) ~~Character~~ Applicant shall be is of good moral character;
30 (2) ~~Education~~ Applicant shall present evidence satisfactory to the board of having Has
31 successfully completed an education and training program accredited by the
32 Commission on Accreditation of Allied Health Education Programs in collaboration
33 with the Committee on Accreditation for Respiratory Care; and

- 1 (3) ~~Examination—An applicant for licensure as a respiratory care practitioner shall~~
 2 ~~pass~~Will pass an examination recommended by the ~~Respiratory Care Advisory~~
 3 ~~Committee~~ respiratory care practitioners council and approved by the board.

4 **Section 9. That § 36-10B-1 be AMENDED:**

5 **36-10B-1.** Terms used in this chapter mean:

- 6 (1) "Accredited college or university," a college or university accredited by the United
 7 States regional accrediting agencies recognized by the Council on Postsecondary
 8 Accreditation and the United States Department of Education;
- 9 (2) "Board," the ~~South Dakota~~ State Board of Medical and Osteopathic Examiners;
- 10 (3) "Commission," the Commission on Dietetic Registration that is a member of the
 11 National Commission for Certifying Agencies;
- 12 (4) ~~"Committee," the Nutrition and Dietetics Advisory Committee to the board;~~
- 13 ~~(5)~~ "Dietitian," a person who engages in nutrition or dietetics practice and uses the
 14 title dietitian pursuant to § 36-10B-2;
- 15 ~~(6)~~(5) "Licensed nutritionist," a person licensed under this chapter;
- 16 ~~(7)~~(6) "Nutritionist," a person who engages in nutrition or dietetics practice and uses the
 17 title of nutritionist pursuant to § 36-10B-2;
- 18 ~~(8)~~(7) "Nutrition care services," any of the following:
- 19 (a) Assessment of the nutritional needs of individuals or groups;
- 20 (b) Establishment of priorities, goals, and objectives to meet nutritional needs;
- 21 (c) Provision of nutrition counseling for both normal and therapeutic needs;
- 22 (d) Development, implementation, and management of nutrition care services;
- 23 or
- 24 (e) Evaluation, adjustment, and maintenance of appropriate standards of
 25 quality in nutrition care;
- 26 ~~(9)~~(8) "Nutritional assessment," the evaluation of the nutritional needs of individuals or
 27 groups based on appropriate biochemical, anthropometric, physical, and dietary
 28 data to determine nutrient needs and recommend appropriate nutritional intake;
 29 and
- 30 ~~(10)~~(9) "Nutrition counseling," advising and assisting individuals or groups on
 31 appropriate nutritional intake by integrating information from the nutritional
 32 assessment with information on food and other sources of nutrients and meal
 33 preparation consistent with cultural background and socioeconomic status.

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

2 **36-10B-3.** The board may:

- 3 (1) Examine qualified applicants for a license to practice nutrition and dietetics, issue
4 licenses to applicants who meet the requirements established by this chapter, and
5 renew licenses as recommended by the ~~committee~~ nutrition and dietetics council;
6 and
7 (2) Adopt rules pursuant to chapter 1-26, that set professional, practice, and ethical
8 standards for licensed nutritionists.

9 **Section 11. That § 36-10B-4 be AMENDED:**

10 **36-10B-4.** The board shall appoint a nutrition and dietetics ~~advisory committee~~
11 council composed of five members. ~~The members shall be~~ Each member must be a
12 registered dietitian or qualified nutritionist licensed nutritionist. ~~Each committee~~
13 The term of office for each member ~~shall serve a term of~~ is three years. No ~~committee~~
14 member may be appointed to more than three consecutive, full terms. If a vacancy occurs,
15 the board ~~shall~~ must appoint a ~~person~~ new member to fill the unexpired term. The
16 appointment of a ~~person~~ member to 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 council
19 shall meet the requirements of chapter 1-25 regarding open meetings.

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

- 21 ~~(1) Assist~~ the board in ~~evaluating the qualifications of applicants for licensure. The~~
22 ~~committee may make~~ all matters related to the licensure, practice, education,
23 continuing education, investigation, and discipline of dietitians and nutritionists;
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 dietitians and
29 licensed nutritionists with the council. ~~The committee shall meet the requirements of~~
30 ~~chapter 1-25 regarding open meetings.~~

31 **Section 12. That § 36-29-8 be AMENDED:**

1 **36-29-8.** The board shall appoint an athletic training ~~committee~~ council composed
 2 of three residents of this state who are licensed to practice athletic training ~~in the state in~~
 3 accordance with this chapter. ~~This committee~~ The term of office for each member is three
 4 years. No member may serve more than three consecutive, full terms. If a vacancy occurs,
 5 the board must appoint a new member to fill the unexpired term. The appointment of a
 6 member to an unexpired term is not considered a full term.

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

10 The ~~committee~~ council shall assist:

11 (1) Assist the board in ~~conducting exams and shall assist the board in all matters~~
 12 pertaining to the licensure, practice and discipline of those licensed to practice
 13 athletic training in this state and the establishment of rules pertaining to athletic
 14 training all matters related to the licensure, practice, education, continuing
 15 education, investigation, and discipline of athletic trainers;

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

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

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

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

29 **36-31-1.** Terms used in this chapter mean:

30 (1) ~~"Association," the South Dakota Occupational Therapy Association;~~

31 (2) ~~"Board of examiners," the South Dakota State Board of Medical and Osteopathic~~
 32 ~~Examiners;~~

33 (3)(2) ~~"Occupational therapists therapist," any person licensed to practice occupational~~
 34 ~~therapy as defined in this chapter and whose license is in good standing;~~

- 1 ~~(4)~~(3) "Occupational therapy," the evaluation, planning and implementation of a program
2 of purposeful activities to develop or maintain adaptive skills necessary to achieve
3 the maximal physical and mental functioning of the individual in his or her daily
4 pursuits. The practice of occupational therapy includes consultation, evaluation,
5 and treatment of individuals whose abilities to cope with the tasks of living are
6 threatened or impaired by developmental deficits, the aging process, learning
7 disabilities, poverty and cultural differences, physical injury or disease,
8 psychological and social disabilities, or anticipated dysfunction. Occupational
9 therapy services include such treatment techniques as task-oriented activities to
10 prevent or correct physical or emotional deficits or to minimize the disabling effect
11 of these deficits in the life of the individual; such evaluation techniques as
12 assessment of sensory integration and motor abilities, assessment of development
13 of self-care and feeding, activities and capacity for independence, assessment of
14 the physical capacity for prevocational and work tasks, assessment of play and
15 leisure performance, and appraisal of living areas for the handicapped; physical
16 agent modalities limited to the upper extremities to enhance physical functional
17 performance, if certified in accordance with § 36-31-6; and specific occupational
18 therapy techniques such as activities of daily living skills, designing, fabricating, or
19 applying selected orthotic devices or selecting adaptive equipment, sensory
20 integration and motor activities, the use of specifically designed manual and
21 creative activities, specific exercises to enhance functional performance, and
22 treatment techniques for physical capabilities for work activities. Such techniques
23 are applied in the treatment of individual patients or clients, in groups, or through
24 social systems;
- 25 ~~(5)~~(4) "Occupational therapy aide," any person who assists in the practice of occupational
26 therapy under the direct supervision of an occupational therapist or occupational
27 therapy assistant;
- 28 ~~(6)~~(5) "Occupational therapy assistant," any person licensed to assist in the practice of
29 occupational therapy, under the supervision of or with the consultation of a licensed
30 occupational therapist and whose license is in good standing; and
- 31 ~~(7)~~ — "Occupational therapy committee," the committee provided for in this chapter;
- 32 ~~(8)~~(6) "Physical agent modalities," modalities that produce a biophysiological response
33 through the use of light, water, temperature, sound, or electricity, or mechanical
34 devices. Physical agent modalities include:

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

13 **Section 14. That § 36-31-2 be AMENDED:**

14 **36-31-2.** The board shall appoint an occupational therapy ~~committee~~ council
 15 composed of ~~three registered occupational therapists or two registered occupational~~
 16 ~~therapists and one certified occupational therapy assistant. The committee shall assist the~~
 17 ~~Board of Examiners in approving qualifications of persons applying for a license to practice~~
 18 ~~occupational therapy in the state and the promulgation of rules pertaining to occupational~~
 19 ~~therapy, including guidelines for continuing competency. The committee shall meet at~~
 20 ~~least annually or as necessary to conduct business. Each committee~~ The term of office for
 21 each member shall serve a term of is three years. No member may serve more than three
 22 consecutive, full terms. Each ~~person nominated to serve on the committee shall have the~~
 23 ~~following qualifications:~~

- 24 (1) ~~The person shall be a resident of the state;~~
 25 (2) ~~The person shall be licensed to practice occupational therapy in the state; and~~
 26 (3) ~~The person shall have practiced occupational therapy a minimum of three~~
 27 ~~years.~~

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

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

1 The council shall:

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

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

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

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

11 **Section 15. That § 36-36-15 be AMENDED:**

12 **36-36-15.** The board shall appoint a genetic counselor-advisory committee council
 13 composed of a minimum of one genetic counselor and three physicians licensed pursuant
 14 to chapter 36-4. Each committee The term of office for each member shall serve a term
 15 of is three years. No committee member may be appointed to more than three
 16 consecutive, full terms. If a vacancy occurs, the board shall must appoint a person new
 17 member to fill the unexpired term. The appointment of a member to an unexpired term is
 18 not considered a full term.

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

23 The advisory committee council shall assist:

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

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

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

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

1 **Section 16. That § 36-4-2 be REPEALED:**

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

6 **Section 17. That § 36-4-2.1 be REPEALED:**

7 ~~The membership of the Board of Examiners shall include two lay members who are~~
8 ~~users of the services regulated by the board. One lay member may be a nonphysician~~
9 ~~health care professional licensed by the board. The Governor shall appoint the lay~~
10 ~~members. The lay members shall have the same term of office as other members of the~~
11 ~~board.~~