



2026 South Dakota Legislature

House Bill 1023

Introduced by: **Representatives** Walburg, Emery, Garcia, Hunt, and Kull and **Senators** Grove, Jensen (Kevin), Reed, and Voight at the request of the Study Committee on Emergency Medical Services

1 **An Act to establish requirements and liability protection for registered nurses and**
 2 **licensed practical nurses serving on ambulance crews.**

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

4 **Section 1. That § 34-11-2 be AMENDED:**

5 **34-11-2.** Terms used in this chapter mean:

- 6 (1) "Ambulance," a vehicle that has a driver compartment and a patient compartment,
 7 and carries the equipment and supplies needed for the provision of emergency
 8 care, by personnel licensed or certified in accordance with chapter 36-4B, or
 9 authorized by section 4 of this Act, at the scene of and enroute from an emergency;
- 10 (2) "Ambulance service," any person or organization that is licensed by the department
 11 to provide:
- 12 (a) Emergency medical services at the scene of and enroute from an
 13 emergency;
- 14 (b) Transportation of a patient from a medical facility to another medical
 15 facility;
- 16 (c) Transportation of a patient from a medical facility to a non-medical facility;
 17 and
- 18 (d) Transportation of a patient from a non-medical facility to a medical facility;
- 19 (3) "Department," the Department of Health;
- 20 (4) "Medical director," a physician licensed pursuant to chapter 36-4 who is responsible
 21 for providing medical supervision and direction to an ambulance service; and
- 22 (5) "Program director," a physician assistant licensed pursuant to chapter 36-4A, or a
 23 nurse practitioner licensed pursuant to chapter 36-9A, who is authorized by § 34-
 24 11-12.2 and is responsible for providing supervision and direction to an ambulance
 25 service in place of a medical director.

1 **Section 2. That § 34-11-12 be AMENDED:**

2 **34-11-12.** ~~Each~~Except as otherwise provided for in section 3 of this Act, each
3 ambulance run must include:

- 4 (1) One emergency medical technician or one advanced life support personnel,
5 licensed pursuant to chapter 36-4B; and
6 (2) One ambulance operator certified in accordance with chapter 36-4B.

7 **Section 3. That a NEW SECTION be added to chapter 34-11:**

8 If an ambulance service has been granted a hardship exemption in accordance with
9 § 34-11-12.2, each ambulance run must include the personnel required in § 34-11-12 or:

- 10 (1) One emergency medical responder, licensed pursuant to chapter 36-4B, and one
11 registered nurse, authorized by section 4 of this Act; and
12 (2) One ambulance operator certified in accordance with chapter 36-4B.

13 **Section 4. That a NEW SECTION be added to chapter 34-11:**

14 A registered nurse or licensed practical nurse, licensed pursuant to chapter 36-9,
15 may be employed by or serve as a volunteer for an ambulance service, provided that the
16 nurse demonstrates competence in the skills, equipment, and medications used in the
17 provision of emergency care, as determined and approved by the medical or program
18 director.

19 Care provided by a registered nurse or a licensed practical nurse, employed by or
20 volunteering for an ambulance service, must be within the scope of the nurse's license
21 and under the direction and supervision of the medical or program director.

22 **Section 5. That a NEW SECTION be added to chapter 34-11:**

23 A registered nurse or licensed practical nurse, authorized by section 4 of this Act,
24 is not liable for civil damages for any act or omission in connection with care provided on
25 an ambulance run, unless the act or omission is inconsistent with the nurse's training, or
26 the act or omission was the result of gross negligence or willful misconduct.