

2026 South Dakota Legislature

House Bill 1023**AMENDMENT 1023A
FOR THE INTRODUCED BILL**

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

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

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

(1) One ~~emergency:~~

(a) Emergency medical technician ~~or one advanced, licensed pursuant to chapter 36-4B;~~

(b) Advanced life support personnel, licensed pursuant to chapter 36-4B; or

(c) Licensed practical nurse or registered nurse, authorized by section 3 of this Act; and

(2) One ambulance operator certified in accordance with chapter 36-4B.

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

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

~~(1) One emergency medical responder, licensed pursuant to chapter 36-4B, and one registered nurse, authorized by section 4 of this Act; and~~

~~(2) One ambulance operator certified in accordance with chapter 36-4B.~~

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

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

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

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

A registered nurse or licensed practical nurse, authorized by section ~~4~~ 3 of this Act, is not liable for civil damages for any act or omission in connection with care provided on

- 1 an ambulance run, unless the act or omission is inconsistent with the nurse's training, or
- 2 the act or omission was the result of gross negligence or willful misconduct.

AMENDED