



## 2020 South Dakota Legislature

# House Bill 1048

*Introduced by: The Committee on Commerce and Energy at the request of the Office of the Governor*

1 **An Act to revise certain requirements for certain advisory committees under the**  
 2 **Board of Medical and Osteopathic Examiners, Board of Nursing, and Board of**  
 3 **Social Work Examiners.**

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

5 **Section 1.** That § 36-4A-3.1 be AMENDED:

6 **36-4A-3.1. Physician assistant advisory committee--Appointment--Terms--**  
 7 **Duties.**

8 The board shall appoint a physician assistant advisory committee composed of  
 9 three physician assistants. Each committee member shall serve a term of three years.  
 10 ~~However, the terms of initial appointees shall be staggered so that no more than one~~  
 11 ~~member's term expires in any one year.~~ No committee member may be appointed to more  
 12 than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to  
 13 fill the unexpired term. The appointment of a member to an unexpired term is not  
 14 considered a full term. The committee shall meet at least annually or as ~~deemed~~ necessary  
 15 to conduct business. The ~~advisory~~ committee shall assist the board in the regulation of  
 16 physician assistants pursuant to this chapter. The committee shall also make  
 17 recommendations to the board regarding rules promulgated pursuant to this chapter. The  
 18 committee shall meet the requirements of chapter 1-25 regarding open meetings.

19 **Section 2.** That § 36-4B-37 be AMENDED:

20 **36-4B-37. Advanced life support personnel advisory committee--**  
 21 **Appointment--Terms--Duties.**

22 The board shall appoint an advanced life support personnel advisory committee  
 23 composed of four members as follows:

- 24 (1) One emergency medical technician-intermediate/85;  
 25 (2) One emergency medical technician-intermediate/99;

- 1 (3) One emergency medical technician-paramedic; and
- 2 (4) One emergency room physician.

3 Each committee member shall serve a term of three years. ~~However, the terms of~~  
4 ~~initial appointees shall be staggered so that no more than two members' terms expire in~~  
5 ~~one year.~~ No committee member may be appointed to more than three consecutive full  
6 terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term.  
7 The appointment of a person to an unexpired term is not considered a full term. The  
8 committee shall meet at least annually or as ~~deemed~~ necessary to conduct business. The  
9 ~~advisory~~ committee shall assist the board in evaluating standards of care for advanced life  
10 support personnel and the regulation of advanced life support personnel pursuant to this  
11 chapter. The committee shall also make recommendations to the board regarding rules  
12 promulgated pursuant to this chapter. The committee shall meet the requirements of  
13 chapter 1-25 regarding open meetings.

14 **Section 3.** That § 36-4C-4 be AMENDED:

15 **36-4C-4. Respiratory Care Practitioner's Advisory Committee--Appointment-**  
16 **-Terms--Duties.**

17 The board shall appoint a Respiratory Care Practitioners' Advisory Committee  
18 composed of five members as follows:

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

22 Each committee member shall serve a term of three years. ~~However, the terms of~~  
23 ~~initial appointees shall be staggered so that no more than two members' terms expire in~~  
24 ~~any one year.~~ No committee member may be appointed to more than three consecutive  
25 full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term.  
26 The appointment of a person to an unexpired term is not considered a full term. The  
27 committee shall meet at least annually or as ~~deemed~~ necessary to conduct business.

28 The ~~advisory~~ committee shall assist the board in evaluating the qualifications of  
29 applicants for licensure and reviewing the examination results of applicants. The  
30 committee shall also make recommendations to the board regarding rules promulgated  
31 pursuant to this chapter. The committee shall meet the requirements of chapter 1-25  
32 regarding open meetings.

33 **Section 4.** That § 36-9A-5.1 be AMENDED:

1           **36-9A-5.1. Advanced practice nurse advisory committee--Appointment--**  
 2           **Terms--Duties.**

3           The Board of Nursing shall appoint an advanced practice nurse advisory committee  
 4           composed of two certified nurse midwives and four certified nurse practitioners.  
 5           Committee members shall be selected from a list of nominees by the Board of Nursing.  
 6           Each committee member shall serve a term of three years. ~~However, the terms of initial~~  
 7           ~~appointees shall be staggered so that no more than two members' terms expire in one~~  
 8           ~~year.~~ No committee member may be appointed to more than three consecutive terms. If  
 9           a vacancy occurs, the board shall appoint a person to fill the unexpired term. The  
 10          appointment of a person to an unexpired term is not considered a full term. The committee  
 11          shall meet at least annually, ~~or as deemed~~ necessary, to conduct business. ~~The advisory~~  
 12          committee shall assist the board in evaluating standards of advanced practice nursing care  
 13          and the regulation of certified nurse practitioners and certified nurse midwives pursuant  
 14          to this chapter. The committee shall also make recommendations to the board regarding  
 15          rules promulgated pursuant to this chapter. The committee shall meet the requirements  
 16          of chapter 1-25 regarding open meetings.

17       **Section 5.** That § 36-10-19 be AMENDED:

18           **36-10-19. Physical therapy advisory committee--Appointment--Terms--**  
 19           **Duties.**

20          The Board of Examiners shall appoint a physical therapy advisory committee,  
 21          composed of three physical therapists, ~~which shall~~ to assist the board on all matters  
 22          pertaining to the licensure, practice, and discipline of each person licensed to practice  
 23          physical therapy in the ~~State of South Dakota, or promulgating~~ state. The committee shall  
 24          also make recommendations to the board on the promulgation of rules pertaining to  
 25          physical therapy. Each committee member shall serve a term of three years. No member  
 26          may serve more than three consecutive full terms. If a vacancy occurs, the board shall  
 27          appoint a person to fill the unexpired term. The appointment of a person to an unexpired  
 28          term is not considered a full term. The committee shall meet at least annually or as  
 29          ~~deemed~~ necessary to conduct business. The committee shall meet the requirements of  
 30          chapter 1-25 regarding open meetings.

31       **Section 6.** That § 36-10B-4 be AMENDED:

1           **36-10B-4. Nutrition and dietetics advisory committee--Appointment--Terms--**  
2           **-Duties.**

3           The board shall appoint a nutrition and dietetics advisory committee composed of  
4           five members. The members shall be registered dietitians or qualified nutritionists. Each  
5           committee member shall serve a term of three years. ~~However, the terms of initial~~  
6           ~~appointees shall be staggered so that no more than two members' terms expire in any~~  
7           ~~one year.~~ No committee member may be appointed to more than three consecutive full  
8           terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term.  
9           The appointment of a person to an unexpired term is not considered a full term.

10          The committee may assist the board in evaluating the qualifications of applicants for  
11          licensure. The committee may make recommendations to the board regarding rules  
12          promulgated pursuant to this chapter. The committee shall meet the requirements of  
13          chapter 1-25 regarding open meetings.

14        **Section 7.** That § 36-29-8 be AMENDED:

15                **36-29-8. Athletic training committee--Appointment--Terms--Duties.**

16           The board shall appoint an athletic training committee composed of three residents  
17           of this state who are licensed to practice athletic training in the state. This committee shall  
18           meet at least annually or ~~as deemed~~ necessary to conduct business. The committee shall  
19           assist the ~~Board of Medical and Osteopathic Examiners~~ board in conducting exams and  
20           shall assist the board in all matters pertaining to the licensure, practice and discipline of  
21           those licensed to practice athletic training in this state and the establishment of rules  
22           pertaining to athletic training. ~~Each person appointed to the committee after the initial~~  
23           ~~members shall serve for a period~~ committee member shall serve a term of three years.  
24           No committee member may be appointed to more than three consecutive full terms. If a  
25           vacancy arises due to death, retirement, or removal from the state, the vacancy shall be  
26           filled in the same manner as an original appointment. The member shall serve the  
27           remainder of the unexpired term. The appointment to an unexpired term is not considered  
28           a full term. The committee shall meet the requirements of chapter 1-25 regarding open  
29           meetings.

30        **Section 8.** That § 36-31-2 be AMENDED:

1           **36-31-2. Occupational therapy committee--Appointment--Terms--Duties--**  
 2           **Qualifications.**

3           The board shall appoint an occupational therapy committee composed of three  
 4 registered occupational therapists or two registered occupational therapists and one  
 5 certified occupational therapy assistant. The committee shall assist the Board of  
 6 Examiners in approving qualifications of persons applying for a license to practice  
 7 occupational therapy in ~~South Dakota, or the state~~ and the promulgation of rules  
 8 pertaining to occupational therapy, including guidelines for continuing competency. The  
 9 committee shall meet ~~a minimum of two times per year. All persons appointed to the~~  
 10 ~~board after the first members shall serve for a period of three years~~ at least annually or  
 11 as necessary to conduct business. Each committee member shall serve a term of three  
 12 years. No member may serve more than three consecutive full terms. Each person  
 13 nominated to serve on ~~such the~~ committee shall have the following qualifications:

- 14           (1) The person shall be a resident of ~~South Dakota~~ the state;
- 15           (2) The person shall be licensed to practice occupational therapy in ~~South Dakota~~ the  
 16           state; and
- 17           (3) The person shall have practiced occupational therapy a minimum of three years.

18           If any vacancy arises on the committee, the vacancy shall be filled in the same manner  
 19 as an original ~~appointments~~ appointment. The member shall serve the remainder of the  
 20 unexpired term. The appointment to an unexpired term is not considered a full term. The  
 21 committee shall meet the requirements of chapter 1-25 regarding open meetings.

22           **Section 9.** That § 36-36-15 be AMENDED:

23           **36-36-15. Genetic counselor advisory committee--Appointment--Terms--**  
 24           **Duties.**

25           The board shall appoint a genetic counselor advisory committee composed of a  
 26 minimum of one genetic counselor and three physicians licensed pursuant to chapter 36-  
 27 4. Each committee member shall serve a term of three years. ~~However, the terms of initial~~  
 28 ~~appointees shall be staggered so that no more than one member's term expires in any~~  
 29 ~~one year.~~ No committee member may be appointed to more than three consecutive full  
 30 terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term.  
 31 The committee shall meet at least annually or as ~~deemed~~ necessary to conduct business.  
 32 The advisory committee shall assist the board in the regulation of genetic counselors  
 33 pursuant to this chapter. The committee shall also make recommendations to the board

1 regarding rules promulgated pursuant to this chapter. The committee shall meet the  
2 requirements of chapter 1-25 regarding open meetings.

3 **Section 10.** That § 36-38-4 be AMENDED:

4 **36-38-4. Applied behavior analyst advisory committee--Appointment--**  
5 **Terms--Duties.**

6 The Governor shall appoint an applied behavior analyst advisory committee  
7 composed of three members. Two of the members shall be behavior analysts licensed  
8 under this chapter and the other member shall represent the public and be unaffiliated  
9 with the profession.

10 Each committee member shall serve a term of three years. ~~However, the~~ The terms of  
11 the initial appointees shall be staggered so that no more than one member's term expires  
12 in any one year. No committee member may be appointed to more than three consecutive  
13 full terms. If a vacancy occurs, the Governor shall appoint a person to fill the unexpired  
14 term. The appointment of a member to an unexpired term is not considered a full term.  
15 The committee shall meet at least annually or as necessary to conduct business. The  
16 ~~advisory~~ committee shall assist the board in the regulation of behavior analysts pursuant  
17 to this chapter. The committee shall also make recommendations to the board regarding  
18 rules promulgated pursuant to this chapter.

19 The ~~terms-term~~ term of a member begins on October thirty-first of the calendar year in  
20 which the Governor appoints the member, unless otherwise designated by the Governor.  
21 The term of a member expires on October thirtieth in the third year of appointment. The  
22 committee shall meet the requirements of chapter 1-25 regarding open meetings.