



2020 South Dakota Legislature  
**House Bill 1048**  
**ENROLLED**

AN ACT

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

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

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

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

The board shall appoint a physician assistant advisory committee composed of three physician assistants. Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The appointment of a member to an unexpired term is not considered a full term. The committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in the regulation of physician assistants pursuant to this chapter. The committee shall also make recommendations to the board regarding rules promulgated pursuant to this chapter. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

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

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

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

- (1) One emergency medical technician-intermediate/85;
- (2) One emergency medical technician-intermediate/99;
- (3) One emergency medical technician-paramedic; and

(4) One emergency room physician.

Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The appointment of a person to an unexpired term is not considered a full term. The committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in evaluating standards of care for advanced life support personnel and the regulation of advanced life support personnel pursuant to this chapter. The committee shall also make recommendations to the board regarding rules promulgated pursuant to this chapter. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

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

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

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

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

Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The appointment of a person to an unexpired term is not considered a full term. The committee shall meet at least annually or as necessary to conduct business.

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

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

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

The Board of Nursing shall appoint an advanced practice nurse advisory committee composed of two certified nurse midwives and four certified nurse practitioners.

Committee members shall be selected from a list of nominees by the Board of Nursing. Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The appointment of a person to an unexpired term is not considered a full term. The committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in evaluating standards of advanced practice nursing care and the regulation of certified nurse practitioners and certified nurse midwives pursuant to this chapter. The committee shall also make recommendations to the board regarding rules promulgated pursuant to this chapter. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

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

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

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

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

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

The board shall appoint a nutrition and dietetics advisory committee composed of five members. The members shall be registered dietitians or qualified nutritionists. Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The appointment of a person to an unexpired term is not considered a full term.

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

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

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

The board shall appoint an athletic training committee composed of three residents of this state who are licensed to practice athletic training in the state. This committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in conducting exams and shall assist the board in all matters pertaining to the licensure, practice and discipline of those licensed to practice athletic training in this state and the establishment of rules pertaining to athletic training. Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy arises due to death, retirement, or removal from the state, the vacancy shall be filled in the same manner as an original appointment. The member shall serve the remainder of the unexpired term. The appointment to an unexpired term is not considered a full term. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

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

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

The board shall appoint an occupational therapy committee composed of three registered occupational therapists or two registered occupational therapists and one certified occupational therapy assistant. The committee shall assist the Board of Examiners in approving qualifications of persons applying for a license to practice occupational therapy in the state and the promulgation of rules pertaining to occupational therapy, including guidelines for continuing competency. The committee shall meet at least annually or as necessary to conduct business. Each committee member shall serve a term of three years. No member may serve more than three consecutive full terms. Each person nominated to serve on the committee shall have the following qualifications:

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

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

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

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

The board shall appoint a genetic counselor advisory committee composed of a minimum of one genetic counselor and three physicians licensed pursuant to chapter 36-4. Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the unexpired term. The committee shall meet at least annually or as necessary to conduct business. The advisory committee shall assist the board in the regulation of genetic counselors pursuant to this chapter. The committee shall also make recommendations to the board regarding rules promulgated pursuant to this chapter. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

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

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

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

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

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

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

I certify that the attached Act originated in the:  
House as Bill No. 1048

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1048  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2020 at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State