

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0219

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 45** - 01/18/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on State Affairs at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to authorize the practice of nonresident physicians in the
2 state by electronic means facilitated through reciprocal licensure.

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

4 Section 1. That § 36-4-19 be amended to read as follows:

5 36-4-19. The Board of Medical and Osteopathic Examiners may, without examination, issue
6 a license to any applicant holding a currently valid license or certificate issued to the applicant
7 by the examining board of the District of Columbia, any state or territory of the United States,
8 the National Board of Medical Examiners, the National Board of Osteopathic Physicians and
9 Surgeons, or any province of Canada, ~~from which the license was obtained by a written~~
10 ~~examination given by the board~~, if the legal requirements of the examining board at the time it
11 issued the license or certificate were not less than those of this state at the time the license is
12 presented for registration.

13 However, the board may require the applicant to ~~take~~ successfully pass either an oral or
14 written examination and personally appear before the board, a member of the board, or its staff.



1 Each applicant applying under the provisions of this chapter shall pay to the secretary of the
2 board a license fee not to exceed two hundred dollars.

3 Section 2. That § 36-4-41 be amended to read as follows:

4 36-4-41. Any nonresident physician or osteopath who, while located outside this state,
5 provides diagnostic or treatment services through electronic means to a ~~person~~ patient located
6 in this state under a contract with a health care provider licensed under Title 36, a clinic located
7 in this state that provides health services, a health maintenance organization, a preferred provider
8 organization, or a health care facility licensed under chapter 34-12, is engaged in the practice of
9 medicine or osteopathy in this state. ~~No nonresident physician or osteopath who, while located~~
10 ~~outside this state, consults on an irregular basis with a licensee under this chapter who is located~~
11 ~~in this state, is engaged in the practice of medicine or osteopathy in this state. Consultation~~
12 ~~between a nonresident physician or osteopath and a licensee under this chapter is governed by~~
13 § 36-2-9.