# 2020 South Dakota Legislature

# Senate Bill 50

**AMENDMENT 50C FOR THE INTRODUCED BILL**

**An Act to revise certain provisions regarding the practice of a certified registered nurse anesthetist.**

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

**Section 1.** That § 36-9-3.1 be AMENDED:

**36-9-3.1. Practice of certified registered nurse anesthetist--Rulemaking authority.**

~~A certified registered nurse anesthetist, in~~ In addition to ~~performing all those functions within the scope of~~ practice of a registered nurse, as ~~provided in this chapter, may perform the following functions in collaboration with a physician licensed pursuant to chapter 36-4, as a member of a physician-directed health care team~~ defined in § 36-9-3, and within the certified registered nurse anesthetist role, a certified registered nurse anesthetist may:

(1) ~~Develop an anesthesia care plan~~ Conduct an advanced comprehensive nursing assessment;

(2) ~~Induce anesthesia~~ Order and interpret diagnostic procedures;

(3) ~~Maintain~~ Develop and initiate a patient-specific anesthesia ~~at the required levels~~ or pain management plan of care and therapeutic regimen;

(4) ~~Support life functions during the perioperative period~~ Prescribe, procure, administer, and furnish pharmacological agents in connection with anesthesia practice or pain management, including over the counter, legend, and controlled drugs or substances listed on Schedule II in chapter 34-20B;

(5) ~~Recognize and take appropriate action for untoward patient responses during anesthesia~~ Prescribe nonpharmacological interventions;

(6) ~~Provide professional observation and management of the patient's emergence from anesthesia during the immediate postoperative period~~ Refer patients to health care agencies, health care providers, or community resources; and

(7) ~~Conduct postanesthesia visit and assessment when appropriate; and~~

~~(8) Participate in the life support of the patient for whatever cause~~ Complete and sign official documents required by law.

~~For the purposes of this section, the term, collaboration, means the act of communicating pertinent information or consulting~~ The certified registered nurse anesthetist shall collaborate with ~~a physician member of the~~ other health care ~~team, with each provider contributing their respective expertise to optimize the overall care delivered to the patient~~ providers and refer or transfer patients as appropriate.

For purposes of this section, the board shall promulgate rules in accordance with chapters 1-26 and 36-9 for the implementation of prescriptive authority within the role of the certified registered nurse anesthetist, the use of radiography, and the specific procedures for pain management.

**Section 2.** That § 36-9-1 be AMENDED:

**36-9-1. Definitions.**

Terms as used in this chapter, unless the context otherwise requires, mean:

(1) "Advanced comprehensive nursing assessment," collection, analysis, and synthesis of data performed by the certified registered nurse anesthetist used to establish a health status baseline, nursing diagnosis, plan nursing care, and address changes in a patient's condition;

(~~1~~2) "Advanced practice registered nurse" or "APRN," any person licensed by the board in the role of a clinical nurse specialist or a certified registered nurse anesthetist;

(~~2~~3) "Approved program," any educational program of study which meets the requirements established by this chapter and by the board for licensure under this chapter;

(~~3~~4) "Board," the South Dakota Board of Nursing;

(~~4~~5) "Certified registered nurse anesthetist," any person authorized under this chapter to practice the nursing specialty of nurse anesthesia as defined in § 36-9-3.1;

(~~5~~6) "Clinical nurse specialist," any person authorized under this chapter to practice the nursing specialty of a clinical nurse specialist as defined in § 36-9-87;

(~~6~~7) "~~Collaboration~~Collaborate," ~~communication with a physician licensed under chapter 36-4, before care is provided, to set goals and objectives for the client to assure quality and appropriateness of services rendered~~ act of communicating pertinent information or consulting with a licensed physician or other licensed health care provider with each provider contributing the provider's respective expertise to

optimize the overall care delivered to the patient;

(~~7~~8) "Comprehensive nursing assessment," collection, analysis, and synthesis of data performed by the registered nurse used to establish a health status baseline, nursing diagnosis, plan nursing care, and address changes in a patient's condition;

(~~8~~9) "Focused nursing assessment," recognizing patient characteristics by a licensed practical nurse that may affect the patient's health status, gathering and recording assessment data, and demonstrating attentiveness by observing, monitoring, and reporting signs, symptoms, and changes in patient condition in an ongoing manner to the supervising health care provider as defined in § 36-9-4;

(~~9~~10) "Licensed," written authorization by the board to practice as a registered nurse, licensed practical nurse, certified nurse anesthetist, or clinical nurse specialist;

(~~10~~11) "Licensed practical nurse," any person duly authorized under this chapter to practice practical nursing as defined in § 36-9-4;

(~~11~~12) "Patient" or "client," a recipient of care and may be an individual, family, group, or community;

(~~12~~13) "Public member," any person who is not licensed by the board, but is a user of the services regulated by the board;

(~~13~~14) "Registered nurse," any person authorized under this chapter to practice nursing as defined in § 36-9-3.

For the purposes of this chapter, words used in the feminine gender include the masculine.

**Section 3.** That § 36-9-3.2 be REPEALED.

**36-9-3.2. Settings in which anesthetic functions performed.**

**Section 4.** That § 34-20B-1 be AMENDED:

**34-20B-1. Definitions.**

Terms as used in this chapter mean:

(1) "Administer," to deliver a controlled drug or substance to the ultimate user or human research subject by injection, inhalation, or ingestion, or by any other means;

(2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser and includes a common or contract carrier, public warehouseman, or employee thereof;

(3) "Control," to add, remove, or change the placement of a drug, substance, or immediate precursor under §§ 34-20B-27 and 34-20B-28;

(4) "Counterfeit substance," a controlled drug or substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;

(6) "Department," the Department of Health created by chapter 1-43;

(7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery, and a dispenser is one who dispenses;

(8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a person who delivers a controlled drug, substance, or marijuana;

(9) "Hashish," the resin extracted from any part of any plant of the genus cannabis, commonly known as the marijuana plant;

(10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically provides for imprisonment in the county jail;

(11) "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

(12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant,

or the resin when extracted from any part of the plant or cannabidiol, a drug product approved by the United States Food and Drug Administration;

(13) "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b) of this subdivision;

except that the term, narcotic drug, as used in this chapter does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

(14) "Opiate" or "Opioid," any controlled drug or substance having an addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability;

(15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds thereof;

(16) "Person," any corporation, association, limited liability company, partnership or one or more individuals;

(17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

(18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their profession; physician assistants certified to practice their profession; certified nurse practitioners ~~and~~, certified nurse midwives, and certified registered nurse anesthetists to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;

(18A) "Prescribe," an order of a practitioner for a controlled drug or substance.

(19) "Production," the manufacture, planting, cultivation, growing, or harvesting of a controlled drug or substance;

(20) "State," the State of South Dakota;

(21) "Ultimate user," a person who lawfully possesses a controlled drug or substance for personal use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;

(22) "Controlled substance analogue," any of the following:

(a) A substance that differs in its chemical structure to a controlled substance listed in or added to the schedule designated in schedule I or II only by substituting one or more hydrogens with halogens or by substituting one halogen with a different halogen; or

(b) A substance that is an alkyl homolog of a controlled substance listed in or added to schedule I or II; or

(c) A substance intended for human consumption; and

(i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;

(ii) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

(iii) With respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II;

However, the term, controlled substance analogue, does not include a controlled substance or any substance for which there is an approved new drug application.