

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

400X0200

SENATE BILL NO. 27

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain personnel requirements for ambulance
2 services and to repeal the hardship exemption.

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

4 Section 1. That chapter 34-11 be amended by adding a NEW SECTION to read:

5 The minimum personnel required on each ambulance run includes:

- 6 (1) One emergency medical technician certified by the Department of Health or an
7 advanced life support personnel licensed pursuant to chapter 36-4B; and
8 (2) One driver who meets the requirements established by the Department of Health
9 pursuant to rules promulgated pursuant to § 34-11-5.

10 Section 2. That § 34-11-5 be amended to read:

11 34-11-5. The Department of Health may adopt rules, pursuant to chapter 1-26, relating to
12 the operation of ambulance services including patient care, personnel, medical and maintenance
13 equipment, sanitary conditions, and necessary supplies. ~~Each operator shall comply with all~~
14 ~~rules established pursuant to this section by the licensing agency unless exempted due to~~
15 ~~extreme hardship as determined by departmental rule.~~



1 Section 3. That ARSD 44:05:02:03 be repealed.

2 ~~44:05:02:03. Application for ground ambulance hardship exemption. Ground ambulance~~
3 ~~licensees applying for a hardship exemption must use an application provided by the department~~
4 ~~and include, in writing:~~

5 ~~— (1) The statute and rule to which the exemption is requested;~~

6 ~~— (2) The reason why the exemption is needed;~~

7 ~~— (3) The medical support for the exemption;~~

8 ~~— (4) The name of any person to be used as a part of the exemption; and~~

9 ~~— (5) A plan to prevent the need for future exemptions.~~

10 Section 4. That ARSD 44:05:02:03.01 be repealed.

11 ~~44:05:02:03.01. Public hearing for ground ambulance hardship exemption -- Issuance of~~
12 ~~temporary exemption without hearing. The department shall conduct a public hearing for each~~
13 ~~licensee who applies for a hardship exemption. The department shall give 10 days notice of the~~
14 ~~date, time, and location of the public hearing by publishing notice of the hearing in a newspaper~~
15 ~~located in or as near as possible to the ordinary place of business of the licensee requesting the~~
16 ~~exemption. Within 10 days after the public hearing, the department shall either grant or deny~~
17 ~~the application for the ground ambulance hardship exemption, stating the reasons for its~~
18 ~~decisions in writing and mailing the applicant a copy of those reasons.~~

19 ~~— Upon a showing of exceptional circumstances, the department may grant a nonrenewable~~
20 ~~temporary hardship exemption for not more than 90 days without a public hearing. The~~
21 ~~department may revoke a temporary hardship exemption before the expiration of 90 days by~~
22 ~~mailing to the person or entity that was granted the temporary hardship exemption written notice~~
23 ~~of revocation, a statement of the reasons for the revocation, and a notice of opportunity for~~
24 ~~hearing.~~

1 Section 5. That ARSD 44:05:02:03.02 be repealed.

2 ~~44:05:02:03.02. Expiration of hardship exemption. Hardship exemptions expire one year~~
3 ~~after being issued unless revoked earlier by the department for good cause shown and after an~~
4 ~~opportunity for a hearing.~~

5 Section 6. That ARSD 44:05:03:04 be repealed.

6 ~~44:05:03:04. Minimum ambulance personnel required. On every call a licensee must~~
7 ~~provide a minimum of two EMTs as described in §§ 44:05:03:06.02 and 44:05:03:06.03.~~