



2024 South Dakota Legislature
Senate Bill 63
ENROLLED

AN ACT

ENTITLED An Act to revise provisions related to the licensure and regulation of ambulance services.

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

Section 1. That § 32-31-4 be AMENDED:

32-31-4. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to any authorized emergency vehicle responding to an emergency call if the driver sounds an audible siren or air horn or both or displays flashing, oscillating, or rotating beams of red light or combinations of red, blue, or white light visible one hundred eighty degrees to the front of the vehicle. The lights must be capable of warning the public of the presence of an emergency vehicle under normal atmospheric conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to authorized emergency vehicles operated by law enforcement officers who are measuring the speed of other vehicles by use of the emergency vehicle speedometer. An ambulance driver who is certified pursuant to chapter 36-4B may operate an ambulance in excess of the speed limit without audible signals while operating outside the city limits of a municipality.

Section 2. That § 34-11-1 be AMENDED:

34-11-1. A county or municipality may:

- (1) Provide or contract for the provision of ambulance services; and
- (2) Contract with another political subdivision or other person for the provision of moneys to support ambulance services.

Section 3. That § 34-11-2 be AMENDED:

34-11-2. Terms used in this chapter mean:

- (1) "Ambulance," a vehicle that has a driver compartment and a patient compartment, and carries the equipment and supplies needed for the provision of emergency

care, by personnel licensed or certified in accordance with chapter 36-4B, at the scene of and enroute from an emergency;

- (2) "Ambulance service," any person or organization that is licensed by the department to provide:
 - (a) Emergency medical services at the scene of and enroute from an emergency;
 - (b) Transportation of a patient from a medical facility to another medical facility;
 - (c) Transportation of a patient from a medical facility to a non-medical facility; and
 - (d) Transportation of a patient from a non-medical facility to a medical facility;
- (3) "Department," the Department of Health;
- (4) "Medical director," a physician licensed pursuant to chapter 36-4 who is responsible for providing medical supervision and direction to an ambulance service; and
- (5) "Program director," a physician assistant licensed pursuant to chapter 36-4B, or a nurse practitioner licensed pursuant to chapter 36-9A, who is authorized by section 6 of this Act and is responsible for providing supervision and direction to an ambulance service in place of a medical director.

Section 4. That § 34-11-3 be AMENDED:

34-11-3. Before an ambulance service may be operated in this state, the service must be licensed by the department. In order to obtain licensure, the ambulance service must:

- (1) Complete and submit an application developed by the department; and
- (2) Submit a licensure fee established by the department, in rule, pursuant to chapter 1-26, but not exceeding twenty-five dollars.

A license issued in accordance with this section may only be renewed on or before June thirtieth in each even-numbered year.

Section 5. That chapter 34-11 be amended with a NEW SECTION:

An ambulance service licensed pursuant to this chapter must have a medical director, unless the ambulance service is granted a hardship exemption pursuant to section 6 of this Act.

Section 6. That a NEW SECTION be added to chapter 34-11:

If no physician licensed pursuant to chapter 36-4 is available and willing to serve as the medical director, the ambulance service may request a hardship exemption from the department that authorizes the ambulance service to have a program director.

To request a hardship exemption, an ambulance service must file an application with the department that documents the efforts made to obtain a medical director. The department shall grant the hardship exemption if the ambulance service demonstrates, to the satisfaction of the department, that no physician is available and willing to serve as the medical director.

A hardship exemption is valid for one year from the date of issuance. An ambulance service may renew a hardship exemption upon application to the department.

The granting or denial of a hardship exemption may be appealed to circuit court as provided by chapter 1-26.

The department shall promulgate rules, pursuant to chapter 1-26, to establish:

- (1) The application form for a hardship exemption; and
- (2) The standards used to evaluate a request for a hardship exemption.

The department shall post on its website a list of ambulance services granted a hardship exemption under this section.

Section 7. That § 34-11-5 be AMENDED:

34-11-5. The department shall promulgate rules, pursuant to chapter 1-26, relating to the licensure and operation of an ambulance service. The rules must include:

- (1) The medical equipment and supplies that must be on board each ambulance;
- (2) The maintenance requirements for medical equipment;
- (3) Sanitary requirements;
- (4) Licensure fees, not to exceed twenty-five dollars; and
- (5) Quality assurance program standards.

Section 8. That § 34-11-5.1 be AMENDED:

34-11-5.1. Any information obtained by the staff of an ambulance service that contains a patient's name, address, diagnosis, treatment, or other personally identifiable information is confidential, except as authorized by law, and may not be published or disclosed without authorization from the patient or the patient's designee.

Section 9. That § 34-11-7 be AMENDED:

34-11-7. Each ambulance service shall provide electronic trip records to the department, at the time and in the manner directed by the department. The department shall set forth the required content for these records in rules promulgated in accordance with chapter 1-26. The content must be statistical in nature and may not include any information that is confidential, as referenced in § 34-11-5.1.

Section 10. That § 34-11-8 be AMENDED:

34-11-8. The department may inspect an ambulance service for compliance with this chapter.

Section 11. That chapter 34-11 be amended with a NEW SECTION:

The department may deny the issuance or renewal of a license issued under this chapter, and may suspend, revoke, or impose probation on a license issued under this chapter, for a violation of any provision of this chapter or any rule adopted thereunder.

Section 12. That chapter 34-11 be amended with a NEW SECTION:

Any party aggrieved by any act, ruling, or decision of the department acting pursuant to section 11 of this Act may appeal the act, ruling, or decision under the provisions of chapter 1-26.

Section 13. That § 34-11-9 be AMENDED:

34-11-9. The following are exempt from the provisions of §§ 34-11-2 to 34-11-8, inclusive:

- (1) The occasional use of a privately owned vehicle or aircraft, not ordinarily used in the business of providing ambulance service or operating under the provisions of § 32-34-3;
- (2) A vehicle that provides ambulance services following a disaster or emergency, if ambulances based in the area are unable to provide the necessary services;
- (3) An ambulance service based outside of this state, unless the service is receiving a patient in this state and providing medical transportation to another location in this state;
- (4) A vehicle owned and operated by a rescue squad, provided the vehicle is not regularly used as an ambulance outside of rescue operations;
- (5) An ambulance owned and operated by the federal government; and

- (6) A vehicle used to provide coach service, by prior appointment, for persons who require non-emergency medical transportation.

Section 14. That § 34-11-11 be AMENDED:

34-11-11. Any ambulance service that provides advanced life support, as defined in § 36-4B-1, shall implement a quality assurance program that provides for chart review of all patient care provided by the ambulance service.

Section 15. That § 34-11-12 be AMENDED:

34-11-12. Each ambulance run must include:

- (1) One emergency medical technician or one advanced life support personnel, licensed pursuant to chapter 36-4B; and
- (2) One driver certified in accordance with chapter 36-4B.

Section 16. That § 34-11-4 be REPEALED.

Section 17. That § 34-11-5.2 be REPEALED.

Section 18. That § 34-11-6 be REPEALED.

Section 19. That § 34-11-6.1 be REPEALED.

Section 20. That § 34-11-6.2 be REPEALED.

Section 21. That § 34-11-6.3 be REPEALED.

Section 22. That § 34-11-6.4 be REPEALED.

Section 23. That § 34-11-6.5 be REPEALED.

Section 24. That § 34-11-10 be REPEALED.

Section 25. That § 34-11-13 be REPEALED.

Section 26. That § 34-11-14 be REPEALED.

An Act to revise provisions related to the licensure and regulation of ambulance services.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 63

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 63
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State