



2022 South Dakota Legislature

House Bill 1122

Introduced by: **Representative** Rehfeldt

1 **An Act to require criminal background checks for emergency medical technicians**
2 **and advanced life support personnel.**

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

4 **Section 1. That chapter 36-4B be amended with a NEW SECTION:**

5 In addition to the requirements of § 36-4B-13, each applicant for licensure as an
6 advanced life support personnel must submit to a state and federal criminal background
7 check. The applicant must submit a full set of the applicant's fingerprints to the board in
8 a form and manner prescribed by the board. The board shall submit the applicant's
9 fingerprints to the Division of Criminal Investigation to conduct a criminal background
10 check by the division and the Federal Bureau of Investigation. The applicant must sign a
11 release of information to the board, and pay any fee charged for the cost of fingerprinting
12 or conducting the background check.

13 Upon completion of the background check, the division shall deliver to the board
14 all criminal history record information regarding the applicant, and the board shall consider
15 this information in its determination to issue a license to the applicant. The board may not
16 issue a license to an applicant before receiving this information. The board may only
17 disseminate an applicant's information to a person on or employed by the board.

18 The board may require any licensee who is the subject of a disciplinary
19 investigation to submit to a state and federal background check. The board may deny the
20 issuance of, suspend, or revoke a license for failure to submit to or cooperate with a
21 background check.

22 **Section 2. That chapter 34-11 be amended with a NEW SECTION:**

23 In addition to the requirements of § 34-11-6, each applicant for emergency medical
24 technician certification must submit to a state and federal criminal background check. The
25 applicant must submit a full set of the applicant's fingerprints to the department in a form

1 and manner prescribed by the department. The department shall submit the applicant's
2 fingerprints to the Division of Criminal Investigation to conduct a criminal background
3 check by the division and the Federal Bureau of Investigation. The applicant must sign a
4 release of information to the department, and pay any fee charged for the cost of
5 fingerprinting or conducting the background check.

6 Upon completion of the background check, the division shall deliver to the
7 department all criminal history record information regarding the applicant, and the
8 department shall consider this information in its determination to issue a certification to
9 the applicant. The department may not issue a certification to an applicant before receiving
10 this information. The department may only disseminate an applicant's information to a
11 person employed by the department.

12 The department may require any certified emergency medical technician who is
13 the subject of a disciplinary investigation to submit to a state and federal background
14 check. The department may deny the issuance of, suspend, or revoke a certification for
15 failure to submit to or cooperate with a background check.

16 **Section 3. That § 36-4B-1 be AMENDED:**

17 **36-4B-1.** Terms used in this chapter mean:

- 18 (1) "Advanced life support," a level of prehospital and interhospital emergency care
19 consisting of basic life support procedures and definitive therapy including the use
20 of invasive procedures and may include the use of drugs and manual defibrillation;
21 (2) "Advanced life support personnel," any person other than a physician who has
22 completed a department and board approved program and is licensed or holds a
23 privilege as an emergency medical technician-intermediate/85; emergency
24 medical technician-intermediate/99; emergency medical technician-advanced; or
25 emergency medical technician-paramedic as set forth in this chapter, or its
26 equivalent;
27 (3) "Board," the South Dakota Board of Medical and Osteopathic Examiners;
28 (4) "Department," the South Dakota State Department of Health;
29 (5) "Direct medical control," communications between field personnel and a physician
30 during an emergency run;
31 (6) "Emergency medical services," health care provided to the patient at the scene,
32 during transportation to a medical facility, between medical facilities and upon
33 entry at the medical facility;

- 1 (7) "Emergency medical technician-advanced," any person who has successfully
2 completed a program of study approved by the department and the board in all
3 areas of training and skills set forth in the advanced emergency medical technician
4 instructional guidelines and standards, including placement of esophageal and
5 supraglottic airways, intravenous cannulation, shock management, administration
6 of specific medications, and other advanced skills approved by the board, and who
7 is licensed by the board to perform such advanced skills;
- 8 (8) "Emergency medical technician/EMT," any person trained in emergency medical
9 care in accordance with standards prescribed by rules and regulations promulgated
10 pursuant to § 34-11-6, who provides emergency medical services, including
11 automated external defibrillation under indirect medical control, in accordance with
12 the person's level of training;
- 13 (9) "Emergency medical technician-intermediate/85," any person who has successfully
14 completed a department and board approved program of instruction in basic life
15 support and advanced life support skills in shock and fluid therapy, placement of
16 esophageal airways, and other advanced life support skills approved by board
17 action, and who is licensed by the board to perform such skills, including automated
18 external defibrillation;
- 19 (10) "Emergency medical technician-paramedic," any person who has successfully
20 completed a program of study approved by the department and the board and is
21 licensed as an emergency medical technician-paramedic, which includes all training
22 and skills set forth herein for emergency medical technician-intermediate/85 and
23 emergency medical technician-intermediate/99, and other advanced skills
24 programs approved by board action, and who is licensed by the board to perform
25 such intermediate, special, and advanced skills;
- 26 (11) "Emergency medical technician-intermediate/99," any person who has successfully
27 completed a department and board approved program of instruction in all areas of
28 emergency medical technician-intermediate/85 curriculum plus other specific areas
29 of emergency medical care in the following areas: manual and automated external
30 defibrillation, telemetered electrocardiography, administration of cardiac drugs,
31 administration of specific medications and solutions, use of adjunctive breathing
32 devices, advanced trauma care, tracheotomy suction, esophageal airways and
33 endotracheal intubation, intraosseous infusion, or other special skills programs
34 approved by board action, and who is licensed by the board to perform
35 intermediate skills plus such special skills;

- 1 (12) "Epinephrine auto-injector," a spring-loaded needle and syringe with a single dose
2 of epinephrine that will automatically release and inject the medicine, any similar
3 automatic pre-filled cartridge injector, or any similar automatic injectable
4 equipment;
- 5 (13) "Good faith," honesty, in fact, in the conduct, or transaction concerned;
- 6 (14) "Gross negligence," the intentional failure to perform a manifest duty in reckless
7 disregard of the consequences as affecting the life or health of another;
- 8 (15) "Hour of advanced life support studies," fifty minutes of training;
- 9 (16) "Indirect medical control," the establishment and implementation of system policies
10 and procedures, such as medical treatment protocols, quality assurance programs
11 and case reviews by a physician licensed in South Dakota;
- 12 (17) "Local government," any county, municipality, township, or village in this state;
- 13 (18) "Medical community," the physicians and medical resources located and available
14 within a geographic area;
- 15 (19) "Medical emergency," an event affecting an individual in such a manner that a need
16 for immediate medical care is created;
- 17 (20) "Patient," an individual who, as a result of illness or injury needs immediate medical
18 attention, whose physical or mental condition is such that the individual is in
19 imminent danger of loss of life or significant health impairment, or who may be
20 otherwise incapacitated or helpless as a result of a physical or mental condition;
21 and
- 22 (21) "Prehospital care," those emergency medical services rendered to emergency
23 patients in an out-of-hospital setting, administered for analytic, stabilizing, or
24 preventive purposes, precedent to and during transportation of such patients to
25 emergency treatment facilities.

26 **Section 4. That § 34-11-2 be AMENDED:**

- 27 **34-11-2.** Terms used in ~~§§ 34-11-2 to 34-11-10, inclusive,~~ this chapter mean:
- 28 (1) "Air ambulance," an aircraft, fixed wing, or helicopter, that is designated or can be
29 quickly modified to provide transportation of wounded, injured, sick, invalid, or
30 incapacitated human beings or expectant mothers;
- 31 (2) "Ambulance," a vehicle for emergency care with a driver compartment and a patient
32 compartment, carrying all equipment and supplies needed to provide emergency
33 medical technician-basic level emergency care at the scene and enroute to an
34 appropriate medical facility;

- 1 (3) "Ambulance service," any person or organization licensed to provide emergency
2 medical services and patient transport;
- 3 (4) "Emergency medical responder," any person certified by the Department of Health
4 trained to provide simple, noninvasive care focused on lifesaving interventions for
5 critical patients. The emergency medical responder renders on site emergency care
6 while awaiting additional emergency medical services response from an emergency
7 medical technician or higher level personnel. An emergency medical responder may
8 not make decisions independently regarding the appropriate disposition of a
9 patient;
- 10 (5) "Emergency medical technician" any person trained in emergency medical care in
11 accordance with standards prescribed by rules promulgated pursuant to this
12 chapter, who provides emergency medical services, including automated external
13 defibrillation under indirect medical control, in accordance with the person's level
14 of training;
- 15 (6) "License," the permit to provide ambulance service;
- 16 ~~(6)~~(7) "Licensing agency," the Department of Health;
- 17 ~~(7)~~(8) "Operator," any person or entity who has a license from the licensing agency to
18 provide ambulance service.

19 **Section 5. That § 34-11-5.2 be AMENDED:**

20 **34-11-5.2.** No person may practice as an emergency medical responder or
21 represent ~~himself or herself~~ oneself as an emergency medical responder unless the person
22 possesses a certification from the department or holds a privilege to practice. The
23 department shall promulgate rules, pursuant to chapter 1-26, for the application,
24 qualifications, issuance, and renewal of a certification of an emergency medical responder.
25 A certification issued under this section shall be renewed every two years.