



2024 South Dakota Legislature

Senate Bill 64

ENROLLED

AN ACT

ENTITLED An Act to revise provisions related to the regulation of emergency medical services and associated personnel.

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

Section 1. That § 36-4B-1 be AMENDED:

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

- (1) "Advanced life support," a level of emergency care consisting of basic life support procedures and definitive therapy;
- (2) "Advanced life support personnel," a person licensed by the board as:
 - (a) An emergency medical technician-intermediate/85;
 - (b) An emergency medical technician-intermediate/99;
 - (c) An advanced emergency medical technician; or
 - (d) A paramedic;
- (3) "Basic life support personnel," a person:
 - (a) Certified by the board as an ambulance driver;
 - (b) Licensed by the board as an emergency medical responder; or
 - (c) Licensed by the board as an emergency medical technician;
- (4) "Board," the State Board of Medical and Osteopathic Examiners;
- (5) "Direct control," real-time communications during an ambulance run between emergency medical services personnel and a physician, physician assistant, or nurse practitioner, licensed in this state;
- (6) "Emergency medical services," health care provided to a patient by emergency medical services personnel;
- (7) "Emergency medical services personnel," a person licensed by the board as:
 - (a) An emergency medical responder;
 - (b) An emergency medical technician;
 - (c) An emergency medical technician-intermediate/85;

- (d) An emergency medical technician-intermediate/99;
 - (e) An advanced emergency medical technician; or
 - (f) A paramedic; and
- (8) "Indirect control," the establishment and implementation of guidelines, policies, and protocols approved by a physician, physician assistant, or nurse practitioner, licensed in this state.

Section 2. That § 36-4B-2 be AMENDED:

36-4B-2. The board shall administer a program for emergency medical services personnel, in accordance with this chapter.

Section 3. That § 36-4B-3 be AMENDED:

36-4B-3. It is a Class 2 misdemeanor for any person not licensed in accordance with this chapter to purport to be, or practice as, an emergency medical services personnel. Each violation is a separate offense.

Section 4. That § 36-4B-7 be AMENDED:

36-4B-7. The board shall approve educational programs for the instruction of emergency medical services personnel provided the programs meet or exceed the standards established for certification by the National Registry of Emergency Medical Technicians, as of January 1, 2024.

A person may not offer a program for the instruction of emergency medical services personnel without first receiving approval by the board, in accordance with this section.

Section 5. That § 36-4B-12 be AMENDED:

36-4B-12. The board may withdraw or deny approval of any educational program if the program fails to comply with the provisions of § 36-4B-7.

Section 6. That § 36-4B-13 be AMENDED:

36-4B-13. The board shall, by rule promulgated pursuant to chapter 1-26:

- (1) Establish the educational and practical criteria and requirements for licensure as:
 - (a) An emergency medical responder;
 - (b) An emergency medical technician;
 - (c) An emergency medical technician-intermediate/85;

- (d) An emergency medical technician-intermediate/99;
 - (e) An advanced emergency medical technician; and
 - (f) A paramedic; and
- (2) Provide an application form for use in requesting licensure.

Section 7. That § 36-4B-13.1 be AMENDED:

36-4B-13.1. In addition to the requirements referenced in § 36-4B-13, an applicant for licensure as an emergency medical technician or advanced life support personnel shall submit to a state and federal criminal background check. The applicant shall provide a full set of fingerprints to the board in the form and manner prescribed by the board. The board shall submit the fingerprints to the Division of Criminal Investigation for a criminal background check by the division and the Federal Bureau of Investigation. The applicant shall sign a release of information to the board, and pay any fee charged for the fingerprinting or the background check.

Upon completion of the background check, the division must deliver the applicant's criminal history information to the board. The board shall consider this information in determining whether to issue a license to the applicant. The board may not issue a license to an applicant before receiving this information. The board may not disseminate any information obtained under this section to a person not employed by the board.

Section 8. That a NEW SECTION be added:

The board may require a licensee who is the subject of a disciplinary investigation to submit to a fingerprint-based state and federal criminal background check.

The board may suspend or revoke a license for the licensee's failure to submit to or cooperate with the background check.

Section 9. That § 36-4B-14 be AMENDED:

36-4B-14. The board may issue a license to an individual who:

- (1) Has passed the National Registry of Emergency Medical Technicians examination;
- (2) Meets all other requirements of this chapter for the license sought; and
- (3) Holds current licensure in another state or current certification by the National Registry of Emergency Medical Technicians for the license sought.

Section 10. That § 36-4B-15 be AMENDED:

36-4B-15. Except as otherwise provided in this section, emergency medical services personnel must, through the use of direct and indirect control, be supervised by a physician licensed in accordance with chapter 36-4.

If emergency medical services personnel are affiliated with an ambulance service that has been granted a hardship exemption in accordance with chapter 36-11, the personnel must, through the use of direct and indirect control, be supervised by a:

- (1) Physician licensed in accordance with chapter 36-4;
- (2) Physician assistant licensed in accordance with chapter 36-4A; or
- (3) Nurse practitioner licensed in accordance with chapter 36-9A.

A physician, or a physician assistant or nurse practitioner if the ambulance service has been granted a hardship exemption, must oversee the practice and review the patient care reports of the emergency medical services personnel.

Section 11. That § 36-4B-16 be AMENDED:

36-4B-16. An emergency medical technician-intermediate/99 may:

- (1) Respond to, assess, and triage non-urgent, urgent, and emergent requests for medical care;
- (2) Apply basic and focused advanced knowledge and skills necessary to provide patient care transportation;
- (3) Perform interventions with the basic and advanced equipment typically found in an ambulance;
- (4) Perform intravenous cannulation for shock management;
- (5) Administer medications approved by the board; and
- (6) Perform other advanced skills approved by the board.

Section 12. That § 36-4B-16.1 be AMENDED:

36-4B-16.1. An emergency medical technician-intermediate/85 may:

- (1) Respond to, assess, and triage non-urgent, urgent, and emergent requests for medical care;
- (2) Apply basic and focused advanced knowledge and skills necessary to provide patient care transportation;
- (3) Perform interventions with the basic equipment typically found in an ambulance;
- (4) Perform intravenous cannulation for shock management; and
- (5) Perform other advanced skills approved by the board.

Section 13. That § 36-4B-16.2 be AMENDED:

36-4B-16.2. An advanced emergency medical technician may:

- (1) Respond to, assess, and triage nonurgent, urgent, and emergent requests for medical care;
- (2) Apply basic and focused advanced knowledge and skills necessary to provide patient care transportation;
- (3) Perform interventions with the basic and advanced equipment typically found in an ambulance;
- (4) Administer medications approved by the board;
- (5) Perform focused advanced skills to mitigate specific life-threatening, medical, and psychological conditions with a targeted set of skills beyond the level of an emergency medical technician; and
- (5) Perform other advanced skills approved by the board.

Section 14. That § 36-4B-17 be AMENDED:

36-4B-17. A paramedic may:

- (1) Respond to, assess, and triage nonurgent, urgent, and emergent requests for medical care;
- (2) Apply basic and focused advanced knowledge and skills necessary to determine patient physiologic, psychological, and psychosocial needs;
- (3) Perform interventions with the basic and advanced equipment typically found in an ambulance, including diagnostic equipment approved by an ambulance service medical director;
- (4) Administer medications approved by the board;
- (5) Provide specialized interfacility care during patient transport; and
- (6) Perform other advanced skills approved by the board.

Section 15. That a NEW SECTION be added to chapter 36-4B:

An emergency medical responder may:

- (1) Provide initial emergency care, consisting of first aid and basic life support to a patient at the scene of an emergency; and
- (2) Assist an emergency medical technician or advanced life support personnel both at the scene of an emergency and during the transport of a patient to a medical facility.

An emergency medical responder may not make decisions independently regarding the appropriate disposition of a patient.

Section 16. That a NEW SECTION be added to chapter 36-4B:

An emergency medical technician may, in addition to any services provided by an emergency medical responder, provide pre-hospital emergency care that includes interventions using basic equipment, typically found in an ambulance, and necessary to stabilize and safety transport patients.

Section 17. That § 36-4B-18.1 be AMENDED:

36-4B-18.1. A critical care endorsement is hereby created. The board shall issue the endorsement to any person who is licensed as a paramedic and:

- (1) Completes the educational requirements and training, in critical care transport, approved by the board and promulgated in accordance with section 36-4B-35; or
- (2) Is certified as a critical care paramedic or a flight paramedic by the International Board of Specialty Certification.

Section 18. That § 36-4B-18.2 be AMENDED:

36-4B-18.2. A community paramedic endorsement is hereby created. The board may issue a community paramedic endorsement to a person who:

- (1) Is licensed as a paramedic;
- (2) Completes the education requirements and training approved by the board and promulgated in accordance with § 36-4B-35; and
- (3) Applies on a form prescribed by the board.

Section 19. That § 36-4B-20 be AMENDED:

36-4B-20. If emergency medical services personnel render services in a hospital or other healthcare facility licensed pursuant to chapter 34-12, they are subject to the policies and protocols of that hospital or facility.

Section 20. That § 36-4B-22 be AMENDED:

36-4B-22. No agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances or supervises the functions of emergency medical service personnel is liable for any civil damages for any act or

omission in connection with the personnel, where the act or omission occurs in connection with the personnel's training or with services rendered outside a hospital and where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the personnel or the act or omission was the result of gross negligence or willful misconduct.

Section 21. That § 36-4B-23 be AMENDED:

36-4B-23. No principal, agent, contractor, employee or representative of an agency, organization, institution, corporation, or entity of state or local government that sponsors, authorizes, supports, finances or supervises the functions of emergency medical services personnel is liable for any civil damages for any act or omission in connection with the sponsorship, authorization, support, finance or supervision of the personnel, where the act or omission occurs in connection with the personnel's training, or occurs outside a hospital where the life of a patient is in immediate danger, unless the act or omission is inconsistent with the training of the personnel or the act or omission was the result of gross negligence or willful misconduct.

Section 22. That § 36-4B-24 be AMENDED:

36-4B-24. A physician, nurse practitioner, or physician assistant who supervises emergency medical services personnel is not liable for any civil damages for any act or omission of the emergency medical services personnel, where the life of a patient is in immediate danger, unless the act or omission was the result of gross negligence or willful misconduct.

Section 23. That § 36-4B-26 be AMENDED:

36-4B-26. An initial license issued to emergency medical services personnel in accordance with this chapter expires on April thirtieth in the second calendar year after issuance and every two years thereafter.

In order to renew a license, emergency medical services personnel must submit to the board, prior to the expiration date:

- (1) An application for renewal, as prescribed by the board;
- (2) The renewal fee in the amount set forth in § 36-4B-29; and
- (3) Verification of having met the continuing education requirements, as set forth in rules authorized under § 36-4B-35.

Section 24. That § 36-4B-28 be AMENDED:

36-4B-28. The board shall suspend any license not renewed within the time required, as set forth in § 36-4B-26.

The board may reinstate a license, during the twelve-month period following the date of expiration, upon receiving proof that the person who held the license:

- (1) Complied with the requirements set forth in § 36-4B-26; and
- (2) Paid the reinstatement fee established by the board pursuant to § 36-4B-29.

Section 25. That § 36-4B-29 be AMENDED:

36-4B-29. The board shall promulgate rules pursuant to chapter 1-26 to establish fees for emergency medical services personnel as follows:

- (1) Initial licensure, not more than fifty dollars;
- (2) Licensure by reciprocity, not more than seventy-five dollars;
- (3) Licensure renewal, not more than fifty dollars; and
- (4) Reissuance of a lost or destroyed license, not more than ten dollars.

Section 26. That § 36-4B-31 be AMENDED:

36-4B-31. The board may deny the issuance or renewal of a license or certification, and may suspend or revoke a license or certification issued under this chapter, if the individual:

- (1) Procures or attempts to procure a license or certification through fraud, deceit, misrepresentation, or in violation of the provisions of this chapter and rules promulgated thereunder;
- (2) Is unable to perform the skills for which the individual is licensed;
- (3) Has engaged in unprofessional or dishonorable conduct, as defined in § 36-4-30;
- (4) Has been convicted of a felony that:
 - (a) Has a direct bearing upon the individual's ability to serve the public in a capacity certified or licensed by this chapter; or
 - (b) Has been convicted of a crime that requires the individual to register as a sex offender in any state;
- (5) Has had the individual's National Registry of Emergency Technicians or other health care certification or license encumbered for any reason;
- (6) Provides emergency medical services without authorization from a physician, physician assistant, or nurse practitioner; or

- (7) Fails to respond to an emergency while on call through willful disregard and not by a good-faith error or circumstances beyond the individual's control.

Section 27. That § 36-4B-35 be AMENDED:

36-4B-35. The board shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Provide for an application form and process for the licensure of emergency medical services personnel and the certification of ambulance drivers;
- (2) Set forth criteria for educational and training program approval, including instructor qualifications, student acceptance, and clinical requirements;
- (3) Establish the educational and training requirements, and the National Registry of Emergency Medical Technicians requirements, for applicants seeking licensure as emergency medical services personnel;
- (4) Provide for the renewal of ambulance driver certification and continuing education requirements;
- (5) Establish procedures for the administration of the emergency medical services personnel program;
- (6) Regulate the professional conduct of emergency medical services personnel and ambulance drivers;
- (7) Establish the educational and training requirements, and conditions for issuance of a critical care endorsement, as provided for in § 36-4B-18.1;
- (8) Establish the:
 - (a) Educational and training requirements and conditions for issuance of a community paramedic endorsement; and
 - (b) Practice protocols and supervisory requirements for a person with a community paramedic endorsement; and
- (9) Establish the allowable skills and techniques performed by emergency medical services personnel under direct and indirect control.

Section 28. That § 36-4B-37 be AMENDED:

36-4B-37. The board shall appoint an emergency medical services personnel council composed of five members:

- (1) One emergency medical technician;
- (2) One emergency medical technician-intermediate/85, emergency medical technician-intermediate/99, or advanced emergency medical technician;
- (3) Two paramedics; and

- (4) One physician licensed in accordance with chapter 36-4 and trained in emergency medicine.

The term of office for each member is three years. No member may serve more than three consecutive, full terms. If a vacancy occurs, the board must appoint a new member to fill the unexpired term. The appointment of a member to an unexpired term is not considered a full term.

The council shall meet at least twice each year, at a time and place set by the council, and may hold additional meetings as necessary to conduct business. The council shall meet the requirements of chapter 1-25 regarding open meetings.

The council shall assist the board in all matters related to the licensure, practice, education, continuing education, investigation, and discipline of emergency medical services personnel pursuant to this chapter. The council shall make recommendations to the board regarding rules promulgated pursuant to this chapter. The council shall submit meeting minutes and recommendations to the board following each meeting.

The board shall communicate activity on all matters relating to emergency medical services personnel with the council.

Section 29. That chapter 36-4B be amended with a NEW SECTION:

Any individual licensed or certified in accordance with this chapter must report any of the following occurrences to the board, within thirty days of the date of the occurrence:

- (1) Conviction or discipline for unprofessional conduct or dishonorable conduct, as defined in § 36-4-30;
- (2) Any encumbrance of the individual's National Registry of Emergency Medical Technicians or other health care certification or licensure;
- (3) Hospital disciplinary action implicating the individual;
- (4) Action affecting the individual's privilege to practice;
- (5) Judgment or settlement related to the individual's alleged malpractice; and
- (6) Change in the individual's:
 - (a) Home address;
 - (b) Business address;
 - (c) Home phone number;
 - (d) Work phone number;
 - (e) Email address; or
 - (f) Other information that is used for communicating with the board.

Failure to report may constitute a basis for disciplinary action against the individual.

Section 30. That chapter 36-4B be amended with a NEW SECTION:

The board may issue a certification as an ambulance driver to a person who:

- (1) Completes an emergency care course approved by the board; and
- (2) Applies on a form prescribed by the board.

Section 31. That § 36-4B-10 be REPEALED.**Section 32. That § 36-4B-11 be REPEALED.****Section 33. That § 36-4B-18 be REPEALED.****Section 34. That § 36-4B-27 be REPEALED.****Section 35. That § 36-4B-33 be REPEALED.****Section 36. That § 36-4B-34 be REPEALED.****Section 37. That § 36-4B-36 be REPEALED.**

An Act to revise provisions related to the regulation of emergency medical services and associated personnel.

 I certify that the attached Act originated in
 the:
 Senate as Bill No. 64

Received at this Executive Office
 this ____ day of _____,
 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. 64
 File No. _____
 Chapter No. _____

By _____
 Asst. Secretary of State