**20:78:04:04.01.  Disciplinary action in another state.** Any physician who has had any public disciplinary action imposed by another state shall have the original documentation posted on the South Dakota Board of Medical and Osteopathic Examiners website, subject to the following conditions:

 (1)  If a physician has disciplinary action imposed by another state, the board may review and consider the timeframe and underlying facts and circumstances of the out-of-state discipline to determine if the refusal to grant any license or certification in South Dakota is appropriate under SDCL chapter 36-4, or whether disciplinary action in South Dakota is appropriate under SDCL chapter 36-4;

 (2)  If any physician has disciplinary action imposed by another state and that action does not impose any conditions on the physician's license from the state, the documents regarding the out-of-state action may be posted to the board's website in lieu of the board taking formal disciplinary action. This is not a reportable event by the board; and

 (3)  Any disciplinary action imposed by another state that imposes any conditions upon the physician's license from that state may be considered unprofessional conduct pursuant to SDCL subdivision 36-4-30(24) and subjects the physician to disciplinary action in South Dakota.

 **Source:** 44 SDR 95, effective December 7, 2017.

 **General Authority:** SDCL 36-4-35.

 **Law Implemented:** SDCL 36-4-30(24).