



# 2022 South Dakota Legislature

## House Bill 1122

### ENROLLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) "Air ambulance," an aircraft, fixed wing, or helicopter, that is designated or can be quickly modified to provide transportation of wounded, injured, sick, invalid, or incapacitated human beings or expectant mothers;
- (2) "Ambulance," a vehicle for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility;

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

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

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

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

I certify that the attached Act originated in the:

House as Bill No. 1122

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,

2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2022  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1122  
File No. \_\_\_\_  
Chapter No. \_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State