

AN ACT

ENTITLED, An Act to allow certain nurses and physician's assistants to form limited liability partnerships and limited liability companies.

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

Section 1. That § 48-7-111 be amended to read as follows:

48-7-111. Any person registered, certified, or licensed pursuant to chapter 16-16, 36-4, 36-4A, 36-5, 36-6A, 36-7, 36-8, 36-9, 36-9A, 36-10, 36-12, or 36-20A may practice in a limited liability partnership.

Section 2. That § 47-11E-1 be amended to read as follows:

47-11E-1. One or more registered nurses, licensed practical nurses, certified registered nurse anesthetists, or clinical nurse specialists licensed pursuant to chapter 36-9 or nurse practitioners or nurse midwives licensed pursuant to chapter 36-9A may form a professional service corporation for the practice of nursing under the South Dakota Business Corporation Act. The articles of incorporation of the corporation shall contain provisions complying with the requirements of §§ 47-11E-1 to 47-11E-19, inclusive.

Registered nurses, licensed practical nurses, certified registered nurse anesthetists, or clinical nurse specialists licensed pursuant to chapter 36-9 or nurse practitioners or nurse midwives licensed pursuant to chapter 36-9A may form a professional limited liability company under the South Dakota Limited Liability Company Act if the limited liability company is organized and operated in accordance with the provisions of this chapter. The articles of organization of the limited liability company shall contain provisions complying with the requirements of §§ 47-11E-1 to 47-11E-19, inclusive.

Section 3. That chapter 47-11E be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this chapter shall also include the following terms:

- (1) "Articles of incorporation," the articles of organization of a limited liability company;
- (2) "Corporation," both corporations under the South Dakota Business Corporations Act and limited liability companies under the South Dakota Limited Liability Company Act;
- (3) "Director" or "officer," any manager of a limited liability company or the members of a limited liability company that does not have managers;
- (4) "Incorporation," the members of a limited liability company;
- (5) "Shareholders," the members of a limited liability company;
- (6) "Shares" or "stock," membership interests in a limited liability company.

Section 4. That § 47-11E-4 be amended to read as follows:

47-11E-4. The name of a corporation formed pursuant to § 47-11E-1 shall contain the words, professional company or professional corporation or abbreviations thereof, such as Prof. Co., or Prof. Corp. or P.C. The name of a limited liability company formed under § 47-11E-1 shall contain the words, professional limited liability company, or the abbreviation, Prof. L.L.C. The name of the corporation or limited liability company shall always meet the ethical standards established for the names of nursing firms by the canons of professional ethics of the South Dakota Board of Nursing as if all of the stockholders of the corporation were partners.

Section 5. That § 47-11D-1 be amended to read as follows:

47-11D-1. One or more physician assistants may form a professional corporation for practicing as physician's assistants under the South Dakota Business Corporation Act, if such corporations are organized and operated in accordance with the provisions of this chapter.

Physician's assistants may form a professional limited liability company under the South Dakota Limited Liability Company Act if the limited liability company is organized and operated in accordance with the provisions of this chapter. The articles of organization of the limited liability company shall contain provisions complying with the requirements of this chapter.

Section 6. That chapter 47-11D be amended by adding thereto a NEW SECTION to read as

follows:

Terms used in this chapter shall also include the following terms:

- (1) "Articles of incorporation," the articles of organization of a limited liability company;
- (2) "Corporation," both corporations under the South Dakota Business Corporations Act and limited liability companies under the South Dakota Limited Liability Company Act;
- (3) "Director" or "officer," any manager of a limited liability company or the members of a limited liability company that does not have managers;
- (4) "Incorporation," the members of a limited liability company;
- (5) "Shareholders," the members of a limited liability company;
- (6) "Shares" or "stock," membership interests in a limited liability company.

Section 7. That § 47-11D-2 be amended to read as follows:

47-11D-2. The name of a corporation shall contain the words, professional company or professional corporation, or abbreviations thereof, such as Prof. Co., Prof. Corp., P.C., or Prof. Ltd. The name of a limited liability company formed under § 47-11D-1 shall contain the words, professional limited liability company, or the abbreviation, Prof. L.L.C.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1100

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1100
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State