



## 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.