



2024 South Dakota Legislature

Senate Bill 40

Introduced by: The Committee on Health and Human Services at the request of the Board of Medical and Osteopathic Examiners

1 **An Act to establish a criminal background check requirement for licensure as an**
 2 **occupational therapist or occupational therapy assistant.**

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

4 **Section 1. That chapter 36-31 be amended with a NEW SECTION:**

5 In addition to the requirements in § 36-31-6, an applicant for licensure as an
 6 occupational therapist or an occupational therapy assistant shall submit to the board of
 7 examiners a full set of the applicant's fingerprints in a form and manner prescribed by the
 8 board. The board of examiners shall deliver the fingerprints to the Division of Criminal
 9 Investigation to conduct a state and federal criminal background check by the division and
 10 the Federal Bureau of Investigation. The applicant shall sign a release of information to
 11 the board of examiners and pay any fees for the background check, including
 12 fingerprinting.

13 Upon completion of the background check, the division shall deliver to the board
 14 of examiners the applicant's criminal history record information. The board of examiners
 15 shall consider this information in determining whether to issue a license to the applicant.
 16 The board of examiners may not issue a license to the applicant before receiving this
 17 information.

18 The board of examiners may not disseminate an applicant's criminal history record
 19 information to any person outside the board. The board of examiners may require any
 20 licensee who is the subject of a disciplinary investigation by the board to submit to a state
 21 and federal criminal history record background check.

22 The board of examiners may deny the issuance of a license or suspend or revoke
 23 a license for failure to submit to or cooperate with a criminal background check.