

25.137.18 100th Legislative Session 1071



2025 South Dakota Legislature
House Bill 1071
ENROLLED

AN ACT

ENTITLED An Act to modify practice criteria for physician assistants.

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

Section 1. That § 36-4A-1 be AMENDED:

36-4A-1. Terms as used in this chapter mean:

- (1) "Board," the State Board of Medical and Osteopathic Examiners;
- (2) "Collaboration," the consultation with, or referral to, an appropriate physician or other licensed health care provider by a physician assistant, as indicated by:
 - (a) The patient's condition;
 - (b) The education, competencies, and experience of the physician assistant; and
 - (c) The standard of care; and
- (3) "Physician assistant," a health care provider who meets the qualifications set forth in this chapter and is licensed by the board.

Section 2. That § 36-4A-1.1 be AMENDED:

36-4A-1.1. The term "collaborative agreement," as used in this chapter, means a contract that:

- (1) Is signed by a physician assistant, who has not filed an affidavit with the board attesting to the completion of at least six thousand practice hours, and a physician licensed in accordance with chapter 36-4; and
- (2) Contains the terms and conditions governing the collaboration of the providers.

A physician who is entering into a collaborative agreement must be free from any disciplinary action that would restrict the ability to collaborate.

A physician assistant, for whom a collaborative agreement has been signed, shall keep a copy of the agreement on file at the physician assistant's primary practice site. The physician assistant shall provide a copy of the signed collaborative agreement to the board, upon request.

Section 3. That chapter 36-4A be amended with a NEW SECTION:

A physician assistant may practice without a collaborative agreement if the physician assistant:

- (1) Is certified by the National Commission on Certification of Physician Assistants; and
- (2) Files an affidavit with the board attesting to the completion of at least six thousand practice hours.

The physician assistant shall provide documentation of national certification and the successful completion of the six thousand practice hours to the board, upon request.

Section 4. That § 36-4A-4 be AMENDED:

36-4A-4. Except as provided in §§ 36-4A-5 and 36-4A-6, any individual who practices as a physician assistant in this state, without a license issued by the board, is guilty of a Class 1 misdemeanor. Each violation is a separate offense.

Section 5. That chapter 36-4A be amended with a NEW SECTION:

Except as provided in § 36-4A-6, an individual who is not licensed under this chapter, but meets the qualifications for licensure under this chapter, may use the title of physician assistant, but may not practice as a physician assistant.

Section 6. That § 36-4A-5 be AMENDED:

36-4A-5. Nothing in this chapter limits the activities and services of a student enrolled in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant.

Section 7. That § 36-4A-8 be AMENDED:

36-4A-8. The board may grant a license to an applicant who:

- (1) Is of good moral character;

- (2) Has completed an educational program for physician assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor agency, or, prior to 2001, either by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;
- (3) Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants;
- (4) Has submitted verification that the applicant is not subject to any disciplinary proceeding or pending complaint before any medical or other licensing board, or has notified the board of a disciplinary proceeding or pending complaint and the board, after consideration, agrees to licensure; and
- (5) Has:
 - (a) Filed an affidavit with the board attesting to the completion of at least six thousand practice hours; or
 - (b) Entered into a collaborative agreement, as provided for in this chapter.

Section 8. That § 36-4A-8.1 be AMENDED:

36-4A-8.1. The board may issue a temporary license to an applicant who has completed an accredited program, as referenced in § 36-4A-8, and has submitted evidence to the board that the applicant is a candidate accepted to write the examination required by § 36-4A-8 or is awaiting the results of the first examination for which the applicant is eligible after graduation from an accredited program.

A temporary license may be issued only once and, except as otherwise provided in this section, is effective for a period no longer than one hundred twenty days. A temporary license otherwise expires upon:

- (1) Issuance of a regular license to the applicant; or
- (2) Failure of the applicant to pass the licensing examination.

The period of effectiveness set forth in this section for a temporary license does not apply to an applicant who has passed the licensing examination, has a collaborative agreement, and has an application for licensure pending before the board.

The period of effectiveness set forth in this section for a temporary license and the requirement for evidence of acceptance to write the examination required by § 36-4A-8, upon graduation from an accredited program, do not apply to an otherwise eligible applicant, if the examination is delayed or cancelled due to a natural disaster or gubernatorially declared emergency.

Section 9. That chapter 36-4A be amended with a NEW SECTION:

Upon application and payment of the fee established by the board in accordance with § 36-4A-34, the board may issue a license to practice, as a physician assistant, to an individual licensed under the laws of another state or territory, if the requirements for licensure of that other state or territory meet the requirements of this state and if the individual is not otherwise disqualified under § 36-4A-8.

Upon application and payment of the fee established by the board in accordance with § 36-4A-34, the board may issue a temporary license to an individual awaiting licensure under this section. A temporary license issued under this section must state the period during which the license is effective. The period may not exceed one hundred twenty days, except in the case of a natural disaster or gubernatorially declared emergency.

Section 10. That § 36-4A-20.1 be AMENDED:

36-4A-20.1. Nothing in this chapter authorizes a physician assistant to effectuate an abortion.

Section 11. That § 36-4A-26.1 be AMENDED:

36-4A-26.1. A physician assistant may provide the following medical and surgical services, for which the physician assistant has been prepared by education, training, and experience, and for which the physician assistant is competent to perform:

- (1) Evaluate, diagnose, manage, and provide medical treatment;
- (2) Obtain and perform comprehensive health histories and physical examinations;
- (3) Order, perform, and interpret diagnostic procedures;
- (4) Order and perform therapeutic procedures;
- (5) Plan and initiate therapeutic regimens that involve ordering and prescribing non-pharmacological interventions;
- (6) Order, prescribe, dispense, and administer medical devices, legend drugs, and prescription drugs not listed in § 34-20B-12;
- (7) Respond to emergencies and institute emergency treatment measures;
- (8) Write a chemical or physical restraint order if the patient may do personal harm or harm others;
- (9) Complete and sign birth and death certificates and other official documents required by law;
- (10) Take x-rays and perform radiologic procedures;

- (11) Perform physical examinations for participation in athletics and certify that the patient is healthy and able to participate in athletics;
- (12) Certify the health or disability of a patient, as required by any local, state, or federal program;
- (13) Educate patients on health promotion and disease prevention;
- (14) Write medical orders;
- (15) Obtain informed consent;
- (16) Assist in surgery;
- (17) Perform routine clinical office surgical procedures;
- (18) Supervise, delegate, and assign therapeutic and diagnostic measures to assistive personnel; and
- (19) Provide consultation upon request.

Whenever a physician assistant orders, prescribes, dispenses, or administers drugs and medical devices, as permitted by subdivision (6), the physician assistant shall ensure that medications or sample drugs provided to a patient are accompanied by written administration instructions, and the physician assistant shall enter appropriate documentation in the patient's record. A physician assistant may request, receive, and sign for professional samples of drugs provided by the manufacturer.

A physician assistant shall collaborate with other health care providers and refer or transfer patients, as necessary and appropriate. Collaboration does not require the physical presence of the appropriate health care provider at the time or place the physician assistant provides services.

The degree of collaboration between a physician assistant and the appropriate health care provider is determined by the policies of the facility at which or practice setting in which the physician assistant is employed.

Section 12. That § 36-4A-26.2 be AMENDED:

36-4A-26.2. If any physician assistant, licensed in this state, licensed or authorized to practice in any other state or territory of the United States, or credentialed as a physician assistant by a federal employer, is responding to a need for medical care created by a natural disaster or other gubernatorially declared emergency, that physician assistant may render the care that the physician assistant is able to provide.

Section 13. That § 36-4A-26.3 be AMENDED:

36-4A-26.3. A physician assistant licensed in this state, or licensed or authorized to practice in another state or territory of the United States, is not

liable for civil damages for any personal injuries that result from the physician assistant's acts or omissions in rendering emergency care.

The immunity granted by this section does not apply to acts or omissions constituting willful or wanton negligence, and does not apply if the medical assistance is rendered at any hospital, physician's office, or other health care delivery entity, where those services are normally rendered.

A physician collaborating with a physician assistant who renders emergency care, as described in this section, is not liable for civil damages for any personal injuries that result from acts or omissions by the physician assistant rendering the emergency care.

Section 14. That a NEW SECTION be added to chapter 36-4A:

A physician assistant may authenticate any document with the physician assistant's signature, certification, stamp, verification, affidavit, or endorsement, if the document may be authenticated by the signature, certification, stamp, verification, affidavit, or endorsement of a physician.

Section 15. That § 36-4A-30 be AMENDED:

36-4A-30. A physician assistant is professionally and legally responsible for the care that the physician assistant provides.

Section 16. That § 36-4A-31 be AMENDED:

36-4A-31. A physician assistant license issued by the board must be renewed annually on a date set by the board. To renew a license, a physician assistant shall:

- (1) Apply on a form prescribed by the board;
- (2) Submit the renewal fee established in accordance with § [36-4A-34](#); and
- (3) Submit evidence satisfactory to the board of the completion, during the preceding twelve months, of at least thirty hours of post-graduate studies approved by the board.

A physician assistant may document compliance with subdivision (3) by providing proof of current certification from the National Commission on Certification of Physician Assistants.

Section 17. That § 36-4A-37 be AMENDED:

36-4A-37. The board may deny the issuance or renewal of a physician assistant license, or suspend or revoke a license, or impose other disciplinary

action on a licensee, upon satisfactory proof, in compliance with chapter 1-26, of the applicant's or licensee's:

- (1) Professional incompetence or unprofessional or dishonorable conduct, as defined in §§ 36-4-29 and 36-4-30;
- (2) Violation of this chapter;
- (3) Failure to:
 - (a) Maintain a collaborative agreement, as required by this chapter; or
 - (b) Provide the agreement to the board, upon request; or
- (4) Rendering of medical services beyond those permitted by this chapter.

Section 18. That § 36-4A-42 be AMENDED:

36-4A-42. The board shall promulgate rules pursuant to chapter 1-26 pertaining to the licensure of physician assistants.

Section 19. That chapter 36-4A be amended with a NEW SECTION:

A physician assistant may bill for and receive direct payment for any medically necessary service delivered.

Section 20. That § 36-4A-29 be REPEALED.

Section 21. That § 36-4A-29.1 be REPEALED.

Section 22. That § 36-4A-29.2 be REPEALED.

Section 23. That § 36-4A-32 be REPEALED.

Section 24. That § 36-4A-38 be REPEALED.

An Act to modify practice criteria for physician assistants.

I certify that the _____ Received at the
attached Act originated in the: Executive Office
House as Bill No. 1071 this _____ day of _____,
Chief Clerk 2025 at _____ M.

_____ Speaker of the By
House for the Governor

Attest: _____ The attached Act
Chief Clerk hereby
President of the Senate approved this _____ day of
Attest: _____, A.D., 2025

Secretary of the Senate
House Bill No. 1071
File No. _____
Chapter No. _____

Governor
_____ **STATE OF SOUT
DAKOTA,**

ss.
Office of the Secretary of State
Filed _____, 2025
at _____ o'clock __ M.
Secretary of State
By
Asst. Secretary of State