



2025 South Dakota Legislature

Senate Bill 102

Introduced by: **Senator Reed**

1 **An Act to revise provisions related to the practice of physician assistants.**

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

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

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

- 5 (1) "Board," the State Board of Medical and Osteopathic Examiners;
- 6 (2) "Collaborating physician," a physician licensed in accordance with chapter 36-4,
 7 who has signed a collaborative agreement with a physician assistant;
- 8 (3) "Collaboration," the act of overseeing the activities of, interacting with, consulting
 9 with, and accepting responsibility for the medical services rendered by, a physician
 10 assistant as a member of the health care team; and
- 11 (4) "Physician assistant," a health-professional care provider who meets the
 12 qualifications defined set forth in this chapter and is licensed by the board;
- 13 ~~(3) "Supervising physician," a doctor of medicine or doctor of osteopathy licensed by~~
 14 ~~the board who supervises a physician assistant;~~
- 15 ~~(4) "Supervision," the act of overseeing the activities of, and accepting responsibility~~
 16 ~~for, the medical services rendered by a physician assistant.~~

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

18 **36-4A-1.1.** The term, ~~practice~~ "collaborative agreement," as used in this chapter,
 19 means a ~~written agreement authored~~ contract that:

- 20 (1) Is jointly agreed to and signed by the a physician assistant and the supervising a
 21 physician. The practice agreement shall prescribe, licensed in accordance with
 22 chapter 36-4;
- 23 (2) Prescribes the delegated activities which that the physician assistant may perform,
 24 consistent with § 36-4A-26.1; and contain such

1 (3) Contains other information as required by the board to describe the physician
 2 assistant's level of competence and the ~~supervision~~ collaboration provided by the
 3 physician.

4 To enter or maintain a collaborative agreement, a physician must be free from any
 5 disciplinary action or other restriction that would restrict the physician's ability to
 6 collaborate.

7 A signed copy of the ~~practice collaborative~~ agreement ~~shall~~ must be kept on file at
 8 the physician assistant's primary practice site and be filed with and approved by the board
 9 prior to the physician assistant beginning practice. No physician assistant may practice
 10 without ~~an approved practice~~ a board-approved collaborative agreement.

11 **Section 3. That § 36-4A-4 be AMENDED:**

12 **36-4A-4.** Except as provided in §§ 36-4A-5 and 36-4A-6, any ~~person~~ individual
 13 who practices as a physician assistant in this state without a license issued by the board
 14 and a ~~practice collaborative~~ agreement approved by the board is guilty of a Class 1
 15 misdemeanor. Each violation ~~shall be considered~~ is a separate offense.

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

17 **36-4A-20.1.** ~~The board may not approve any practice agreement that includes~~
 18 ~~abortion as a permitted procedure~~ Nothing in this chapter authorizes a physician assistant
 19 to effectuate an abortion.

20 **Section 5. That § 36-4A-26.1 be AMENDED:**

21 **36-4A-26.1.** A physician assistant ~~shall be considered~~ is an agent of the
 22 ~~supervising~~ collaborating physician in the performance of all practice-related activities
 23 delegated to the physician assistant in the collaborative agreement. A physician assistant
 24 may provide ~~those~~ medical services that are delegated by the ~~supervising~~ collaborating
 25 physician pursuant to § 36-4A-1.1 if the service is within the physician assistant's skills,
 26 forms a component of the physician's scope of practice, and is provided with ~~supervision~~
 27 collaboration, including:

- 28 (1) Initial medical diagnosis and institution of a plan of therapy or referral;
- 29 (2) Prescribing and provision of drug samples or a limited supply of labeled
- 30 medications, including controlled substances listed on Schedule II in chapter 34-
- 31 20B for one period of not more than thirty days, for treatment of causative factors

1 and symptoms. Medications or sample drugs provided to patients shall be
 2 accompanied with written administration instructions and appropriate
 3 documentation shall be entered in the patient's record. Physician assistants may
 4 request, receive, and sign for professional samples of drugs provided by the
 5 manufacturer;

6 (3) Responding to emergencies and the institution of emergency treatment
 7 measures; ~~including the writing of~~

8 (4) Writing a chemical or physical restraint order when the patient may do personal
 9 harm or harm others;

10 ~~(4)(5) Completing and signing of official documents such as birth and death certificates~~
 11 ~~and similar other official documents required by law;~~

12 ~~(5)(6) Taking X-rays~~ x-rays and performing radiologic procedures; and

13 ~~(6)(7) Performing physical examinations for participation in athletics and certifying that~~
 14 ~~the patient is healthy and able to participate in athletics.~~

15 If a physician assistant provides medications or sample drugs to a patient, the
 16 physician assistant must ensure that the medications or sample drugs are accompanied
 17 by written administration instructions, and that appropriate documentation is entered in
 18 the patient's record. A physician assistant may request, receive, and sign for professional
 19 samples of drugs provided by the manufacturer.

20 **Section 6. That § 36-4A-26.2 be AMENDED:**

21 **36-4A-26.2.** A ~~If a~~ physician assistant, licensed in this state ~~or~~, licensed or
 22 authorized to practice in any other United States jurisdiction, ~~or who is~~ or who is credentialed as a
 23 physician assistant by a federal employer ~~who~~, is responding to a need for medical care
 24 created by an emergency or a state or local disaster ~~(, not to be defined as including an~~
 25 ~~emergency situation which that~~ occurs in the physician assistant's place of one's
 26 ~~employment), that physician assistant~~ may render such the care that he or she the
 27 physician assistant is able to provide, ~~without supervision as it is defined in this chapter~~
 28 collaboration, or with ~~such supervision as is available~~ collaboration.

29 ~~No A~~ physician who supervises collaborating with a physician assistant providing
 30 medical care in response to ~~such~~ an emergency or state or local disaster is not required
 31 to meet the requirements set forth in this chapter for a ~~supervising~~ collaborating physician.

32 **Section 7. That § 36-4A-26.3 be AMENDED:**

1 **36-4A-26.3.** ~~No~~ A physician assistant licensed in this state, or licensed or
 2 authorized to practice in ~~other states~~ another state or territory of the United States, who
 3 voluntarily and gratuitously, ~~and other than in the ordinary course of employment or~~
 4 ~~practice,~~ renders emergency medical assistance, is not liable for civil damages for any
 5 personal injuries ~~which that~~ result from the physician assistant's acts or omissions by
 6 ~~those persons in rendering emergency care which constitute ordinary negligence. This~~
 7 section does not apply to any acts or omissions that occur in the ordinary course of
 8 employment or practice.

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

13 ~~No~~ A physician who supervises collaborating with a physician assistant who
 14 voluntarily and gratuitously ~~providing~~ renders emergency care, as described in this
 15 section, is not liable for civil damages for any personal injuries ~~which that~~ result from acts
 16 or omissions by the physician assistant rendering the emergency care.

17 **Section 8. That § 36-4A-29 be AMENDED:**

18 **36-4A-29.** ~~The physician, by supervision, continuous monitoring, and evaluation~~
 19 collaborating physician accepts initial and continuing responsibility for the physician
 20 assistant ~~or assistants responsible to the physician for all practice-related activities~~
 21 delegated to the physician assistant, until such relationship the collaborative agreement
 22 is terminated. ~~Supervision may be by direct personal contact, or by a combination of direct~~
 23 ~~personal contact and contact via telecommunication, as may be required by the board. If~~
 24 ~~the office of a physician assistant is separate from the main office of the supervising~~
 25 ~~physician, the supervision shall include on-site personal supervision by a supervising~~
 26 ~~physician as required by the board. A physician assistant who is issued a temporary license~~
 27 ~~pursuant to § 36-4A-8.1 shall initially receive thirty days of on-site, direct supervision by~~
 28 ~~a supervising physician. Thereafter, and until expiration of the temporary license, the~~
 29 ~~supervision shall include at least two one-half business days per week of on-site personal~~
 30 ~~supervision by a supervising physician~~

31 The collaborating physician must ensure that the collaborating physician, or a
 32 physician approved by the collaborating physician, is:

33 (1) Physically present at the location at which services are rendered or tasks are
 34 performed by the physician assistant; or

1 (2) Immediately available through the use of telecommunications or other electronic
 2 means to ensure the proper care of the patient, if the collaborating physician, or a
 3 physician approved by the collaborating physician, is not physically present at the
 4 location at which services are rendered or tasks are performed by the physician
 5 assistant.

6 **Section 9. That § 36-4A-29.1 be AMENDED:**

7 **36-4A-29.1.** ~~The board may authorize modifications in to the method and~~
 8 ~~frequency of supervision of a physician assistant~~ methods of collaboration required by
 9 § 36-4A-29 ~~that it considers appropriate,~~ based upon its finding of adequate ~~supervision~~
 10 collaboration, training, and proficiency.

11 ~~A supervising physician may apply to the board for permission to supervise sign a~~
 12 ~~collaborative agreement with~~ more than one physician assistant. A physician assistant
 13 may sign a collaborative agreement with more than one physician. The board shall
 14 establish the number of physician assistants, ~~up to four FTE, to be supervised by with~~
 15 whom a supervising physician based upon its finding may sign a collaborative agreement,
 16 to ensure that adequate supervision collaboration will exist under the arrangement
 17 proposed by the ~~supervising~~ physician.

18 The board may consider a joint application for both the modification of ~~supervision~~
 19 collaboration and the number of physician assistants ~~supervised as provided in this section~~
 20 with whom a physician may sign a collaborative agreement.

21 **Section 10. That § 36-4A-37 be AMENDED:**

22 **36-4A-37.** ~~The board may deny the issuance or renewal of a license. The board~~
 23 may deny the issuance or renewal of a physician assistant license, or suspend, or revoke
 24 a license, or impose other disciplinary ~~actions upon the license of any physician assistant~~
 25 ~~issued under this chapter~~ action on a licensee, upon satisfactory proof, in compliance with
 26 chapter 1-26, of the applicant's or licensee's:

- 27 (1) Professional incompetence or unprofessional or dishonorable conduct, as defined
- 28 in §§ 36-4-29 and 36-4-30;
- 29 (2) Violation of this chapter ~~in any respect;~~
- 30 (3) Failure to maintain on file with the board a copy of each ~~practice collaborative~~
 31 agreement containing ~~the~~ current information regarding the ~~licensee's~~ physician
 32 assistant's practice status as required by the board;

- 1 (4) Rendering of medical services beyond those delegated to the physician assistant in
- 2 the ~~practice collaborative~~ agreement; or
- 3 (5) Rendering of medical services without ~~supervision of~~ collaboration with a physician
- 4 as required by law and the rules of the board.

5 **Section 11. That § 36-4A-42 be AMENDED:**

6 **36-4A-42.** The board shall promulgate rules pursuant to chapter 1-26 pertaining
7 to ~~fees, licensure;~~

- 8 (1) Fees;
- 9 (2) The licensure of physician assistants; and ~~supervision requirements~~
- 10 (3) Requirements pertaining to collaboration and collaborative agreements.

11 **Section 12. That § 36-4A-29.2 be REPEALED.**

- 12 ~~In order to supervise a physician assistant, a physician shall:~~
- 13 (1) ~~Be licensed as a physician by the board pursuant to chapter 36-4;~~
- 14 (2) ~~Be free from any restriction on his or her ability to supervise a physician assistant~~
- 15 ~~that has been imposed by board disciplinary action; and~~
- 16 (3) ~~Maintain a written practice agreement with the physician assistant as described in~~
- 17 ~~§ 36-4A-1.1.~~