

ARTICLE 20:48

NURSES

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CHAPTER 20:48:01

DEFINITIONS

Section

20:48:01:01 Definitions.

20:48:01:01. Definitions. Terms defined in SDCL chapter 36-9 have the same meaning when used in this article. In addition, terms used in this article mean:

- (1) "Adolescent," a person at least 12 years of age but not yet 18;
- (2) "Applicant," a person applying to the board for any purpose relating to that person's licensure or certification by the board;
- (3) "Client," a consumer of nursing care;

(4) "Clinical enrichment program," any program designed to provide supervised clinical experience based on the nursing process and offered by an employing institution or agency to nursing students outside a formal educational program;

(5) "Complex nursing situation," a situation in which the client's clinical and behavioral state is not predictable and rapid change in that state is reasonably anticipated;

(6) "Controlling institution," an educational institution or general hospital under whose auspices a school is organized and operated;

(7) "Cooperating agency," an institution or agency other than a controlling institution which provides learning resources to a school;

(8) "Delegation," transferring to a trained individual the authority to perform a specific nursing task in a specific situation;

(9) "Direct supervision," supervision given by a registered nurse or licensed physician who is physically present in the immediate area where the client is being provided nursing service;

(10) "Equivalent" or "equivalency," the completion, in a school that is not approved by the board or in a school of another kind, of a program that is substantially equal to the preparation received in an approved school of practical nursing;

(11) "Licensee," a person who holds a license issued by the board as either a registered or licensed practical nurse, certified registered nurse anesthetist, or clinical nurse specialist;

(12) "Minimal supervision," supervision given by a registered nurse, licensed physician, or dentist who is physically on the premises where the client is being cared for or readily available by telephone;

(13) "School," a school that conducts a course of study for the preparation of registered nurses, licensed practical nurses, or certified registered nurse anesthetists;

(14) "Stable nursing situation," a situation in which the client's clinical and behavioral state is known and predictable and no rapid change in that state is reasonably anticipated;

(15) "Unlicensed assistive personnel," individuals not licensed as a nurse under SDCL chapter 36-9 who are trained to assist a licensed nurse in the provision of nursing care to a client as delegated by the nurse and authorized by chapter 20:48:04.01.

Source: SL 1975, ch 16, § 1; 3 SDR 35, effective November 11, 1976; 4 SDR 26, effective November 1, 1977; 6 SDR 88, effective March 3, 1980; 12 SDR 109, effective January 9, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 175, effective May 28, 1987; 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-21.

CHAPTER 20:48:03.01

LICENSURE OF CLINICAL NURSE SPECIALISTS

Section

20:48:03.01:01 Approved education programs.

20:48:03.01:02 Renewal of licensure.

20:48:03.01:03 Other rules affecting licensure.

20:48:03.01:04 Criteria for approval of examinations.

20:48:03.01:01. Approved education programs. An applicant for licensure as a clinical nurse specialist shall file with the board a written application that contains evidence that the applicant has completed a graduate program in nursing that is accredited by a nationally recognized accrediting agency approved by the United States Department of Education. The education program must specifically prepare the nurse to function in the clinical nurse specialist role and include a clinical practicum that provides for integration of the functions of the clinical nurse specialist referred to in SDCL subdivision 36-9-87(1). Each applicant for licensure as a clinical nurse specialist ~~who does not hold a registered nurse license in this state~~ must submit a set of fingerprints on a standard card provided by the board for the purpose of obtaining a state and federal criminal background check through the Division of Criminal Investigation. An authorization and release form must be signed by the applicant authorizing the release of the

criminal history record to the board. The fingerprint card, authorization and release form, and fee for the criminal background check must accompany the application for licensure.

Any person whose education does not meet the requirements of this section before November 1, 1996, must show evidence of a graduate degree in nursing with a clinical component and evidence of clinical practice of at least 520 hours in a 12-month period or an accumulation of at least 1,040 hours during the 3-year period preceding licensure.

Source: 22 SDR 61, effective November 7, 1995; 26 SDR 174, effective July 4, 2000; 33 SDR 43, effective September 12, 2006.

General Authority: SDCL 36-9-21(1), 36-9-86.

Law Implemented: SDCL 36-9-86, 36-9-97.

CHAPTER 20:48:04

THE PRACTICE OF NURSING

Section

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|----------------|---|
| 20:48:04:01 | Scope and standards of nursing practice -- Basic role. |
| 20:48:04:02 | Repealed. |
| 20:48:04:02.01 | Outline of course for preparation of licensed practical nurses for kidney dialysis functions. |

- 20:48:04:02.02 Criteria for approval of course for preparation of licensed practical nurses for kidney dialysis functions.
- 20:48:04:02.03 Authorization to perform kidney dialysis functions.
- 20:48:04:02.04 Training program required for a licensed practical nurse to perform kidney dialysis functions.
- 20:48:04:03 to 20:48:04:05 Repealed.
- 20:48:04:06 Intravenous therapy functions which may be performed by licensed practical nurses.
- 20:48:04:07 Intravenous therapy functions which may not be performed by licensed practical nurses.

20:48:04:01. Scope and standards of nursing practice -- Basic role. The scope of practice of the registered nurse and the licensed practical nurse is dependent upon each nurse's basic education and demonstrated competence in additional skills acquired through in-service, continuing education, or graduate studies. A licensee is personally responsible for the actions that the licensee performs relating to the nursing care furnished to clients and cannot avoid this responsibility by accepting the orders or directions of another person.

The following are the standards of nursing practice:

(1) For the registered nurse:

(a) The registered nurse shall utilize the following recurring nursing process:

- (i) Make nursing assessments regarding the health status of the client;
- (ii) Make nursing diagnoses which serve as the basis for the strategy of care;
- (iii) Develop a plan of care based on assessment and nursing diagnosis;
- (iv) Implement nursing care; and
- (v) Evaluate responses to nursing interventions;

(b) The registered nurse shall recognize and understand the legal implications of delegation and supervision. The nurse may delegate to another only those nursing interventions which that person is prepared or qualified to perform and shall provide minimal or direct supervision to others to whom nursing interventions are delegated. The registered nurse may only delegate nursing tasks to unlicensed assistive personnel in accordance with the standards in chapter 20:48:04.01;

(c) When providing preventive, restorative, and supportive care, the registered nurse may determine and place durable medical equipment or therapeutic devices necessary to implement the overall nursing plan of care; and

(d) The board recognizes the **Nursing Scope and Standards of Practice, 2004**, and the **Code of Ethics for Nurses with Interpretive Statements, 2001** **Guide to the Code of Ethics for Nurses: Interpretation and Analysis, 2008**, as published by the American Nurses Association as the criteria for assuring safe and effective practice following licensure;

(2) For the licensed practical nurse:

(a) The licensed practical nurse shall assist the registered nurse or physician in the recurring nursing process as follows:

- (i) Contribute to the nursing assessment;
- (ii) Participate in the development of the nursing diagnoses;
- (iii) Participate in care planning;
- (iv) Participate in the implementation of nursing interventions;
- (v) Contribute to the evaluation of responses to nursing interventions;

(b) The licensed practical nurse may practice as follows in two general settings:

(i) With at least minimal supervision when providing nursing care in a stable nursing situation; and

(ii) With direct supervision when providing nursing care in a complex nursing situation;

(c) The licensed practical nurse may perform the intravenous therapy functions defined in § 20:48:04:06, with demonstrated competence acquired through basic nursing education or in-service training or other forms of continuing education;

(d) The licensed practical nurse shall consult with a registered nurse or other health team members and seek guidance as necessary and shall obtain instruction and supervision as necessary;

(e) The licensed practical nurse may only delegate nursing tasks to unlicensed assistive personnel in accordance with the standards in chapter 20:48:04.01; and

(f) The board recognizes the **NAPNES Standards of Practice and Educational Competencies of Graduates of ~~for Licensed Practical/Vocational Nurses Nursing Programs,~~ 1993 2007, and the ~~Code of Ethics for the Licensed Practical/Vocational Nurse, 1993~~, as published by the National Association for Practical Nurse Education and Service as the criteria for assuring safe and effective practice following licensure.**

Source: SL 1975, ch 16, § 1; 3 SDR 35, effective November 11, 1976; 12 SDR 109, effective January 9, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 23, effective August 29, 1995; 26 SDR 174, effective July 4, 2000; 33 SDR 43, effective September 12, 2006.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3, 36-9-4.

References:

1. **Nursing: Scope and Standards of Practice**, 2004 edition, American Nurses Association. Copies may be obtained from American Nurses Publishing, 8515 Georgia Avenue, Suite 400, Silver Spring, MD 20910-3492. ~~Cost: \$19.95.~~

2. **Guide to the Code of Ethics for Nurses: Interpretation and Application with Interpretive Statements**, ~~2001~~ 2008 edition, American Nurses Association. Copies may be obtained from American Nurses Publishing, 8515 Georgia Avenue, Suite 400, Silver Spring, MD 20910-3492. ~~Cost \$16.95.~~

3. **NAPNES Standards of Practice and Educational Competencies of Graduates of for Licensed Practical/Vocational Nurses**, 1993 2007 edition, National Association for Practical Nurse Education and Service, Inc. Copies may be obtained from the National Association for Practical Nurse Education and Service, Inc., ~~1400 Spring Street, Suite 310, Silver Spring, MD 20910; cost: \$1.~~ www.napnes.org.

~~4. **Code of Ethics for the Licensed Practical/Vocational Nurse**, 1993 edition, National Association for Practical Nurse Education and Service, Inc. Copies may be obtained from the National Association for Practical Nurse Education and Service, Inc., 1400 Spring Street, Suite 310, Silver Spring, MD 20910; cost: \$1.~~

Declaratory Rulings:

Instructing patient on routine measures for taking care of her condition does not constitute the practice of medicine and is not grounds for disciplinary action even if the information and recommendations provided are in excess of, or different from, the information and recommendations given by the patient's physician, so long as the nurse did not, on her own, treat the symptoms or disease. South Dakota Board of Nursing Declaratory Ruling No. 80-1.

A nurse must exercise professional judgment when a physician transmits orders through a third party, who may or may not be unlicensed, via telephone or otherwise. If an order is transmitted through a third party, all persons, including the third party, must be identified by name and title before the order may be implemented. South Dakota Board of Nursing Declaratory Ruling 87-1.

Although registered nurses, under the direction of a physician, may administer narcotics, analgesics, sedatives, and tranquilizing medications to patients, registered nurses may not administer any medication for the purpose of inducing general anesthesia. It is not within the authority of the board to determine how or for what purpose a specific drug with multiple uses is being administered at any given time. Institutional or agency protocol must address this. South Dakota Board of Nursing Declaratory Ruling 89-1.

Homemakers employed by the Department of Social Services or its contractors may provide assistance with the self-administration of medications to clients who are mentally capable of self-directing their care and who reside in their own home or reside in adult foster care or an assisted living center if the homemakers are trained as homemakers, are placed by an agency, and are under the supervision of a professional social worker or nurse as appropriate and if the assistance is limited to reminding the client to take a medication at a prescribed time, opening and closing a medication container, and returning a medication container to the proper storage area. Services provided under the conditions described are not dependent upon licensure in nursing. South Dakota Board of Nursing Declaratory Ruling 92-1.

CHAPTER 20:48:04.01

DELEGATION OF NURSING TASKS

Section

20:48:04.01:01	General criteria for delegation.
20:48:04.01:02	Supervision.
20:48:04.01:03 to 20:48:04.01:06	Repealed.
20:48:04.01:07	Nursing tasks that may not be delegated.
20:48:04.01:08	Repealed.
20:48:04.01:09	Training <u>Registration</u> required for delegated medication administration.
20:48:04.01:10	Administration of medications.
20:48:04.01:11	Medication administration tasks that may not be routinely delegated and require written protocol.
20:48:04.01:12	Medication administration tasks that may not be delegated.
20:48:04.01:13	Approval of training program required for delegated medication administration.
20:48:04.01:14	Standards for approval of medication administration training programs.
20:48:04.01:15	Medication administration curriculum.
<u>20:48:04.01:16</u>	<u>Written protocol required for the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel.</u>

Qualifications of the registered nurse for delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel.

20:48:04.01:09. ~~Training~~ Registration required for delegated medication administration. A licensed nurse may delegate the administration of medications authorized under §§ 20:48:04.01:10 and 20:48:04.01:11 only to unlicensed assistive personnel who have a minimum of a high school education or the equivalent and who ~~have completed the training outlined in §§ 20:48:04.01:13 to 20:48:04.01:15, inclusive~~ are registered with the Board. Registry status expire two years from the date of initial registration.

Source: 21 SDR 13, effective August 7, 1994.

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:11. Medication administration tasks that may not be routinely delegated and require written protocol. The following are medication administration tasks that may be delegated to unlicensed assistive personnel only in accordance with § 20:48:04.01:01:

(1) Administration of the initial dose of a medication that has not been previously administered to the client; ~~and~~

(2) Administration of medications on an as-needed basis, including schedule II controlled substances listed in SDCL 34-20B-16 and 34-20B-17 as provided in subdivision 20:48:04.01:10(3);

(3) Administration of insulin by the subcutaneous route in accordance with 20:48:04.01:16 and 20:48:04.01:17.

A registered nurse shall develop written protocol for the instruction and training of unlicensed assistive personnel and maintain the protocol on file.

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000.

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:12. Medication administration tasks that may not be delegated. The licensed nurse may not delegate the following tasks of medication administration:

(1) Administration of schedule II controlled substances listed in SDCL 34-20B-16 and 34-20B-17 from a locked stock supply;

(2) Administration of medications by subcutaneous, intramuscular, intradermal, or intravenous route except as authorized in 20:48:04.01:11;

(3) Administration of medications by way of a tube inserted in a cavity of the body;

(4) Administration of medications via inhalation route in a complex nursing situation as defined in § 20:48:01:01; and

(5) Calculation of any medication dose.

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000; 28 SDR 36, effective September 18, 2001.

General Authority: SDCL 13-33A-2, 36-9-21(4).

Law Implemented: SDCL 13-33A-1, 36-9-3(2), 36-9-4(4), 36-9-4.1(2), 36-9-21(4).

20:48:04.01:13. Approval of training program required for delegated medication administration. Medication administration as outlined in 20:48:04.01:10 may be delegated only to those individuals who have successfully completed a training program approved by the board pursuant to § 20:48:04.01:14 and 20:48:04.01:15, inclusive. Approval of the training program must be renewed every two years.

Source: 21 SDR 13, effective August 7, 1994.

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:14. Standards for approval of medication administration training programs. An institution or individual desiring to offer a training program for delegated medication administration for unlicensed assistive personnel must submit an application for

approval to the board. The board may grant approval to an applicant training program upon proof that the training program meets the following requirements:

(1) The training program is based on the training curriculum outlined in § 20:48:04.01:15 and includes no less than 16 hours of classroom instruction and an additional 4 hours of clinical or laboratory instruction;

(2) The person teaching a training program is a registered nurse who is currently licensed as a registered nurse in South Dakota and has a minimum of two years of clinical nursing experience;

(3) The faculty-to-student ratio does not exceed 1:8 in the clinical setting. A 1:1 ratio is required for skills performance evaluation;

(4) ~~Tests are developed for each unit in the curriculum, including a final test.~~ A skills performance evaluation must be conducted utilizing a Board approved competency checklist;

(5) Successful completion of a Board approved written examination. A passing score of 85 percent is required on each unit test with an opportunity to retake each test one time. If a student fails on retake, additional instruction is required before further testing is allowed;

(6) A completion certificate is awarded to a person who has successfully completed the training program. The certificate must include the name and location of the institution, the length of the program, the date of completion, the full name of the person who completed the program,

the signature of the faculty member in charge of the course, and the date the certificate was awarded; and

(7) Records are maintained which include documentation of the following:

(a) Each person enrolled in the program, including documentation of performance and the date and reason the person withdrew or the date the person failed or completed the program;

(b) Each faculty member teaching the program, including qualifications and nursing experience;

(c) The curriculum plan and revisions;

(d) All tests administered; and

(e) A list of graduates of the program who were awarded certificates and the date of the award.

The training program must submit an evaluation of the curriculum and program standards for compliance with this section to the board every two years in order to maintain approval.

Source: 21 SDR 13, effective August 7, 1994.

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:15. Medication administration curriculum. The training curriculum for delegated medication administration must include:

(1) General information relevant to the administration of medications, including:

(a) Governmental regulations related to the practice of nursing, the administration of medication, and the storage, administration, and recording of controlled substances;

(b) Ethical issues;

(c) Terminology, abbreviations, and symbols;

(d) Medication administration systems;

(e) Forms of medication;

(f) Procedures and routes of medication administration;

(g) Medication references available;

(h) The role of unlicensed assistance personnel in administering medications;

(i) The ~~five~~ rights of medication administration: right patient, right medication, right dose, right time, right route, right documentation; and

(j) Infection control policies and procedures;

(2) An overview of the major categories of medications related to the body systems, including:

(a) Cardiovascular;

(b) Endocrine;

(c) Gastrointestinal;

(d) Integumentary;

(e) Musculoskeletal;

(f) Nervous;

- (g) Reproductive;
- (h) Respiratory;
- (i) Sensory;
- (j) Urinary; and
- (k) Immune;

(3) Additional instruction shall include those categories of medications relevant to the health care setting where the unlicensed person will be employed; and

(4) Clinical or laboratory instruction for the purpose of demonstration of medication administration and evaluation of individual competence.

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000.

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:16. Written protocol required for the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel. A written protocol for the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel is required prior to delegation by the registered nurse. The registered nurse must ensure that the following requirements are included in the protocol and are completed by the unlicensed assistive personnel:

(1) Completion of a five hour Board approved training in the following areas:

- _____ (a) Diabetes basics;
- _____ (b) Hypoglycemia;
- _____ (c) Hyperglycemia;
- _____ (d) Blood glucose monitoring;
- _____ (e) Glucagon administration;
- _____ (f) Insulin types and methods of administration;
- _____ (g) Nutrition and physical activity;
- _____ (h) Documentation;
- _____ (i) Universal precautions;

_____ (2) Successful completion of a Board approved written examination. A passing score of 85 percent is required on the test with an opportunity to retake each test one time. If a student fails on retake, additional instruction is required before further testing is allowed;

_____ (3) Completion of a minimum of five hours of clinical or laboratory instruction including the demonstration of individual competence utilizing a Board approved competency checklist in the following areas:

- _____ (a) Blood glucose monitoring;
- _____ (b) Insulin administration;
- _____ (c) Glucagon administration;
- _____ (d) Carbohydrate counting/diet management;
- _____ (e) Universal precautions;

(4) Annual review of individual competence as identified in 20:48:04.01:16 (3); and

(5) Current registration with the Board.

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

20:48:04.01:17. Qualifications of the registered nurse for delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel. A registered nurse must meet the following criteria in order to delegate insulin administration by the subcutaneous route to unlicensed assistive personnel in accordance with 20:48:04.01:11 and 20:48:04.01:16:

(1) Hold an active RN license or privilege to practice in the state of South Dakota;

(2) Have two years of clinical nursing experience;

(3) Have written evidence to support demonstrated competence in the area of diabetes management in the past five years or completion of a diabetes train the trainer program approved by the Board; or

(4) Hold current specialty certification as a Certified Diabetes Educator (CDE).

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000

General Authority: SDCL 13-33A-2, 36-9-21.

Law Implemented: SDCL 13-33A-1, 36-9-3, 36-9-4, 36-9-4.1, 36-9-21.

CHAPTER 20:48:04

THE PRACTICE OF NURSING

Section

- 20:48:04:01 Scope and standards of nursing practice -- Basic role.
- 20:48:04:02 Repealed.
- 20:48:04:02.01 ~~Outline of course for preparation of licensed practical nurses for kidney dialysis functions~~ Repealed.
- 20:48:04:02.02 ~~Criteria for approval of course for preparation of licensed practical nurses for kidney dialysis functions~~ Repealed.
- 20:48:04:02.03 Authorization to perform kidney dialysis functions.
- 20:48:04:02.04 Training program required for a licensed practical nurse to perform kidney dialysis functions.
- 20:48:04:03 to 20:48:04:05 Repealed.

20:48:04:06 Intravenous therapy functions which may be performed by licensed practical nurses.

20:48:04:07 Intravenous therapy functions which may not be performed by licensed practical nurses.

~~20:48:04:02.01. Outline of course for preparation of licensed practical nurses for kidney dialysis functions.~~ An institution or agency planning to offer a course to prepare licensed practical nurses to perform kidney dialysis functions must obtain approval from the board prior to implementation of any part of the course. The institution or agency shall send a letter requesting approval of the course to the board. The letter must be accompanied by a written factual report which describes the course according to the following outline:

~~I. Philosophy and objectives:~~

~~A. Philosophy — an expression of the belief of the institution or agency about the education of the licensed practical nurse to perform kidney dialysis functions.~~

~~B. Objectives — the identification of the skills, knowledge, understandings, attitudes, and values necessary for the licensed practical nurse to perform kidney dialysis functions.~~

~~II Licensure or approval status of the cooperating institution or agency with appropriate local and state agencies or governing bodies.~~

~~III Instructional staff.~~

———— A. Director of the course.

———— 1. Qualifications.

———— a) Education.

———— b) Experience.

———— 2. Licensure status.

———— B. Financial support given to the director.

———— C. Instructors.

———— 1. Number.

———— 2. Qualifications.

———— 3. Licensure status.

———— D. Instructor/student ratio for the clinical setting.

———— IV. Student policies.

———— A. Eligibility.

~~————— 1. Licensure requirement.~~

~~————— 2. Recommendations.~~

~~————— B. Retention in and completion of the course.~~

~~————— 1. Evaluation of student progress.~~

~~————— 2. Standards for awarding a certificate of achievement.~~

~~————— C. Dismissal.~~

~~————— 1. Policy.~~

~~————— 2. Procedures.~~

~~————— D. Availability of written policies to students.~~

~~————— E. Provisions for filing copies of certificates with board.~~

~~————— V. Curriculum.~~

~~————— A. Complete course content.~~

~~————— B. Provisions for classroom instruction.~~

~~————— C. Provisions for clinical experience.~~

~~————— D. Evaluation instruments.~~

~~— The board shall review the report according to criteria in § 20:48:04:02.02 and shall notify the sponsoring institution or agency of its approval or disapproval. If the course is not approved, the board shall state the reasons for disapproval and make recommendations.~~

~~— **Source:** 13 SDR 49, effective October 27, 1986; 26 SDR 174, effective July 4, 2000.~~

~~— **General Authority:** SDCL 36-9-4.1, 36-9-21.~~

~~— **Law Implemented:** SDCL 36-9-4.1, 36-9-58.~~

~~— **20:48:04:02.02. Criteria for approval of course for preparation of licensed practical nurses for kidney dialysis functions.** Using information supplied in the written factual report required by § 20:48:04:02.01, the board shall base its decision to grant approval of a course for preparation of licensed practical nurses for kidney dialysis functions on the following criteria:~~

~~— (1) Cooperating institutions or agencies must be licensed or approved by local or state agencies or governing bodies;~~

~~— (2) The director and instructional staff of the program must meet the qualifications of faculty in a practical nurse program as defined in § 20:48:07:25 or a registered nurse program as defined in § 20:48:07:26;~~

~~— (3) The director must have adequate financial support to provide for the full achievement of the stated objectives;~~

~~—— (4) The number and qualifications of the instructional staff must be such as to ensure the effective performance of their functions and the achievement of the objectives of the course. Instructors must be registered nurses currently licensed to practice as a registered nurse in South Dakota;~~

~~—— (5) The instructor/student ratio in the clinical setting must not exceed 1:8;~~

~~—— (6) Student eligibility policies must require that each student be currently licensed as a practical nurse in South Dakota;~~

~~—— (7) Criteria for determining student progress must be developed and used by the instructional staff in the evaluation of the students at intervals throughout the course;~~

~~—— (8) Written policies and procedures on dismissal and student progress shall safeguard the rights of both the students and the institution or agency conducting the course and must be available to the students;~~

~~—— (9) Before issuing a certificate of achievement, the institution or agency conducting the course must require a student to complete the course with a score of at least 85 percent on a written examination and with a satisfactory practical demonstration of skills as recorded on a performance check list;~~

~~—— (10) The director of the course must forward copies of certificates of achievement to the board;~~

~~—— (11) The course must be offered for academic credit or continuing education units at the discretion of the cooperating agency or institution providing the course;~~

~~—— (12) Competency evaluations must be completed for all students. The course must be followed by supervised clinical practice to demonstrate clinical competence. Verification of clinical competence must be provided by a signed affidavit from a licensed registered nurse;~~

~~—— (13) The report on curriculum must include a description of all course content, instructional activities, and clinical experiences which are planned and guided by the instructional staff. The curriculum must be based on current nursing practice and must reflect the philosophy and objectives of the course;~~

~~—— (14) The course content for the topic of kidney dialysis must be organized as follows:~~

- ~~—— (a) Anatomy and physiology;~~
- ~~—— (b) Assessment;~~
- ~~—— (c) Problem identification;~~
- ~~—— (d) Goals of care;~~
- ~~—— (e) Purposes and procedures;~~
- ~~—— (f) Complications;~~
- ~~—— (g) Evaluation and documentation;~~

~~_____ (15) Evaluation procedures for the course must include a final written examination and a demonstration of clinical skills. The evaluation of the demonstration of skills must be recorded on a performance check list. Copies of the evaluation instruments must be included with the report.~~

~~_____ **Source:** 13 SDR 49, effective October 27, 1986; 20 SDR 159, effective April 5, 1994; 22 SDR 23, effective August 29, 1995; 26 SDR 174, effective July 4, 2000.~~

~~_____ **General Authority:** SDCL 36-9-4.1, 36-9-21.~~

~~_____ **Law Implemented:** SDCL 36-9-4.1, 36-9-58.~~

20:48:04:02.03. Authorization to perform kidney dialysis functions. ~~If the certificate of achievement for the course of preparation of the licensed practical nurse for kidney dialysis functions is on file in the board office, the licensed practical nurse may perform kidney dialysis functions. At the time of license renewal, the board shall identify the licensee, on the renewal, as authorized to perform kidney dialysis functions. The licensed practical nurse may perform kidney dialysis functions if the licensed practical nurse has completed a course on kidney dialysis that includes the following content:~~

~~_____ (1) Anatomy and physiology;~~

~~_____ (2) Assessment;~~

~~_____ (3) Problem identification;~~

~~_____ (4) Goals of care;~~

(5) Purposes and procedures;

(6) Complications;

(7) Evaluation and documentation.

The course must be taught by a licensed registered nurse with a minimum of two years kidney dialysis experience. Evaluation procedures for the course must include a final written examination and a demonstration of clinical skills. Supervised clinical practice and verification of clinical competence by a licensed registered nurse must follow the course content.

Source: 13 SDR 49, effective October 27, 1986; 26 SDR 174, effective July 4, 2000.

General Authority: SDCL 36-9-4.1, 36-9-21.

Law Implemented: SDCL 36-9-4.1, 36-9-21.

CHAPTER 20:48:04.02

DELEGATION OF NURSING TASKS TO DIALYSIS TECHNICIANS

Section

20:48:04.02:01 Definition of dialysis technician.

- 20:48:04.02:02 Definition of end stage renal disease.
- 20:48:04.02:03 Additional functions performed by licensed practical nurse in kidney dialysis.
- 20:48:04.02:04 Training and registration required for dialysis technician.
- 20:48:04.02:05 Nursing tasks that may be delegated to dialysis technician.
- 20:48:04.02:06 Nursing tasks that may not be delegated to dialysis technician.
- 20:48:04.02:07 Approval of training program required for delegated nursing dialysis tasks.
- 20:48:04.02:08 Standards for approval of training programs for dialysis technicians.
- 20:48:04.02:09 Dialysis technician training curriculum.

20:48:04.02:04. Training and registration required for dialysis technician. A licensed nurse may delegate selected tasks of hemodialysis authorized under this chapter to a dialysis technician who has a minimum of a high school education or the equivalent and who has completed the training outlined in § 20:48:04.02:09, and who is registered as a dialysis technician with the Board.

CHAPTER 20:48:05

CERTIFICATION LICENSURE OF NURSE ANESTHETISTS

Section

20:48:05:01 ~~Certification~~ Licensure of registered nurse anesthetist.

20:48:05:02 to 20:48:05:04 Repealed.

20:48:05:05 Temporary permit prior to ~~certification~~ licensure as nurse anesthetist.

20:48:05:06 Renewal of ~~certification~~ licensure.

20:48:05:07 Other rules affecting certification licensure.

20:48:05:08 Repealed.

20:48:05:01. ~~Certification~~ Licensure of registered nurse anesthetist. An applicant for ~~certification~~ licensure as a certified registered nurse anesthetist shall apply on the form provided by the board. The applicant shall provide written evidence that the applicant has completed an approved program of nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs. The applicant shall provide written evidence that the applicant has passed a board-approved examination that has been validated and scored in accordance with generally accepted testing procedures. Applicants who have taken the qualifying examinations from January 1, 1983, to November 30, 1987, inclusive, shall provide written evidence that the applicant has passed, with a score of at least 175, a board-approved examination that has been validated in accordance with generally accepted testing procedures. Those applicants who have taken the qualifying examinations prior to 1983 must show proof of passing the examination and evidence of meeting recertification requirements. The examination shall cover the areas of anatomy, physiology, chemistry, pharmacology, and methods. The application shall be accompanied by the fee required in chapter 20:48:06. Each applicant for licensure as a certified registered nurse anesthetist ~~who does not hold a registered nurse license in this state~~ must submit a

set of fingerprints on a standard card provided by the board for the purpose of obtaining a state and federal criminal background check through the Division of Criminal Investigation. An authorization and release form must be signed by the applicant authorizing the release of the criminal history record to the board. The fingerprint card, authorization and release form, and fee for the criminal background check must accompany the application for certification.

Source: 3 SDR 35, effective November 11, 1976; 6 SDR 88, effective March 3, 1980; 9 SDR 151, effective May 30, 1983; 12 SDR 109, effective January 9, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 118, effective March 22, 1988; 33 SDR 43, effective September 12, 2006.

General Authority: SDCL 36-9-21(1).

Law Implemented: SDCL 36-9-29, 36-9-30.1, 36-9-35, 36-9-97.

References:

Accredited Nurse Anesthesia Programs, Council on Accreditation of Nurse Anesthesia Educational Programs, May 2006. Copies may be obtained from the Council on Accreditation of Nurse Anesthesia Educational Programs, 222 S. Prospect Ave., #Suite 304, Park Ridge, Illinois 60068. No cost. Program accreditation status may be retrieved from Website, http://www.aana.com/Accredited_Programs/accreditedprograms.asp?State=all.

[American Educational Research Association, American Psychological Association, and the National Council on Measurement in Education.] **Standards for Educational and Psychological Testing**, 1999 edition. Copies may be obtained from Test Standards, P.O. Box 465, Hanover, PA 17331. Cost: \$31.95.

20:48:05:05. Temporary permit prior to ~~certification~~ licensure as nurse anesthetist. An applicant for a temporary permit prior to ~~certification~~ licensure as a nurse anesthetist shall apply on the form prescribed by the board and shall submit written evidence that the applicant is a registered nurse currently licensed in South Dakota and is a bona fide candidate to write the required examination or is awaiting the results of the first examination for which the applicant is eligible after graduation from an approved program of nurse anesthesia or that the applicant is a ~~certified~~ licensed registered nurse anesthetist from another state or territory of the United States awaiting license by endorsement and holds a temporary permit as a registered nurse applicant. The application shall be accompanied by the fee provided in chapter 20:48:06. If the applicant is certified in another state or territory, the temporary permit shall be issued for not more than 90 days. If the applicant is awaiting the results of the first examination for which the applicant is eligible, the temporary permit is valid until receipt of notification from the board concerning the status of the application for ~~certification~~ licensure. If the holder of a temporary permit is notified by the board that ~~certification~~ licensure has been denied, the temporary permit becomes invalid on the date the notice is received by the holder. The holder shall immediately return the permit to the board.

Each applicant for a temporary permit ~~who does not hold a registered nurse license in this state~~ must submit a set of fingerprints on a standard card provided by the board for the purpose of obtaining a state and federal criminal background check through the Division of Criminal Investigation. An authorization and release form must be signed by the applicant authorizing the release of the criminal history record to the board. The fingerprint card, authorization and release

form, and fee for the criminal background check must accompany the application for a temporary permit. A permanent license may not be issued until the criminal background check is complete.

Source: 3 SDR 35, effective November 11, 1976; 6 SDR 88, effective March 3, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 33 SDR 43, effective September 12, 2006.

General Authority: SDCL 36-9-21(1).

Law Implemented: SDCL 36-9-29, 36-9-31.2, 36-9-32.2, 36-9-35, 36-9-97.

20:48:05:06. Renewal of ~~certification~~ licensure. ~~Certification~~ Licensure as a nurse anesthetist shall be renewed at the same time as the renewal of the registered nurse license as provided by §§ 20:48:03:09 and 20:48:03:10. The applicant for renewal of ~~certification~~ licensure shall show evidence of meeting the recertification requirements of the ~~Council on Recertification of Nurse Anesthetists which were in effect on January 1, 1982~~ National Board of Certification and Recertification for Nurse Anesthetists. ~~The letters CRNA with the board's seal on the left of the renewal certificate is evidence of current certification.~~

Source: 3 SDR 35, effective November 11, 1976; 6 SDR 88, effective March 3, 1980; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-29, 36-9-35, 36-9-36.

Reference: **Policies and Procedures**, 1981 edition, pages 3 and 4, Council on Recertification of Nurse Anesthetists. Copies may be obtained from the Council on Recertification of Nurse Anesthetists, 216 Higgins Road, Park Ridge, Illinois 60068. No charge.

20:48:05:07. Other rules affecting ~~certification~~ licensure. The provisions of §§ 20:48:03:11 to 20:48:03:14, inclusive, relating to inactive status, lapse and reinstatement, replacement of license, and change of name, also apply to a ~~certificate~~ license issued pursuant to this chapter.

Source: 3 SDR 35, effective November 11, 1976; 6 SDR 88, effective March 3, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-29, 36-9-35, 36-9-43, 36-9-46 to 36-9-47.1.

20:48:05:08. Settings permitted for practice. Repealed.

Source: 3 SDR 35, effective November 11, 1976; repealed, 6 SDR 88, effective March 3, 1980.

CHAPTER 20:48:13

NURSE EDUCATION ASSISTANCE ~~LOAN~~ SCHOLARSHIP PROGRAM

Section

20:48:13:01 Separation of funds -- Disbursement.

20:48:13:02 Additional qualification criteria.

- 20:48:13:03 Disbursements.
- 20:48:13:04 ~~Consolidation of awards~~ Repealed.
- 20:48:13:05 ~~Additional criteria for repayment of loans by employment~~ Repealed.
- 20:48:13:06 ~~Extension of loan repayment period~~ Repealed.
- 20:48:13:07 ~~Minimum loan payment~~ Repealed.
- 20:48:13:08 ~~Demand for payment~~ Repealed.
- 20:48:13:09 ~~Cancellation of promissory note~~ Repealed.
- 20:48:13:10 Administrative costs.

20:48:13:01. Separation of funds -- Disbursement. The funds collected for the nurse education assistance ~~loan~~ scholarship program from fees paid by each licensed practical nurse and registered nurse at the time of licensure renewal shall be set aside in separate accounts.

Nurse education assistance ~~loan~~ scholarship funds generated by licensed practical nurse renewal fees shall be disbursed only to recipients enrolled in a nursing education program leading to initial practical nurse licensure.

Nurse education assistance ~~loan~~ scholarship funds generated by registered nurse renewal fees shall be disbursed to recipients enrolled in a nursing education program leading either to initial registered nurse licensure or to registered nurse degree enhancement.

Source: 16 SDR 37, effective August 30, 1989.

General Authority: SDCL 36-9-76.

Law Implemented: SDCL 36-9-35, 36-9-43, 36-9-76, 36-9-77, 36-9-79.

Cross-References: Fees required of registered nurses, § 20:48:06:01; Fees required of licensed practical nurses, § 20:48:06:02.

20:48:13:02. Additional qualification criteria. In addition to the criteria for qualifying for the nurse education assistance ~~loan~~ scholarship program listed in SDCL 36-9-78, the applicant must:

(1) Be accepted into a nursing education program located in South Dakota that leads to initial licensure or be accepted into a nursing education program leading to registered nurse degree enhancement that is acceptable to the board;

(2) Demonstrate financial need as determined by:

(a) Personal financial information submitted by the applicant;

(b) Evaluation by the financial aid officer at school in which applicant is enrolled;

(c) The amount of financial aid for which the applicant is eligible from other sources in relation to the total direct educational expenses as submitted by the school;

(3) Complete all application forms provided by the board.

The applicant must submit the application to the board office by June 1 of the year in which the application is to be considered.

Source: 16 SDR 37, effective August 30, 1989; 16 SDR 138, effective March 1, 1990.

General Authority: SDCL 36-9-76.

Law Implemented: SDCL 36-9-76, 36-9-78, 36-9-81.

20:48:13:03. Disbursements. Funds from the nurse education assistance ~~loan~~ scholarship program shall be disbursed directly to the educational institution at the beginning of each academic term.

Source: 16 SDR 37, effective August 30, 1989.

General Authority: SDCL 36-9-76.

Law Implemented: SDCL 36-9-80.

~~—— **20:48:13:04. Consolidation of awards.** If multiple awards are granted to an individual, all of those awards shall be consolidated into one total amount for purposes of establishing terms of repayment.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-82, 36-9-83.~~

~~—— **20:48:13:05. Additional criteria for repayment of loans by employment.** In addition to the criteria listed in SDCL 36-9-82 by which loans may be repaid by nursing employment, the recipient:~~

~~—— (1) Shall submit employment affidavits at the time employment is terminated. Notarized employment affidavits must include the following information:~~

~~—— (a) Current legal name and address of loan recipient;~~

~~—— (b) Name and address of employer;~~

~~—— (c) Employment status (registered or practical nurse);~~

~~—— (d) Dates of employment;~~

~~—— (e) Total hours employed;~~

~~—— (f) Signature of employer representative with title and date signed; and~~

~~—— (g) Signature of loan recipient;~~

~~—— (2) Shall repay the loan at the established conversion rate within a five year period.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-82.~~

~~—— **20:48:13:06. Extension of loan repayment period.** The board may extend the loan repayment period if the recipient is unemployed for any of the following reasons:~~

~~—— (1) The recipient is under treatment for physical or mental illness;~~

~~—— (2) The recipient's spouse, children, or parents are under treatment for an illness lasting longer than two months;~~

~~—— (3) The recipient fails to pass the first licensure examination for which the recipient is eligible.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-83.~~

~~—— **20:48:13:07. Minimum loan payment.** Minimum monthly loan payments are \$50 or one-sixtieth of the deferred principal amount of the loan plus accrued interest, whichever is greater.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-83.~~

~~—— **20:48:13:08. Demand for payment.** The board shall demand payment on delinquent accounts. If the account is delinquent 120 days following the last payment, the board shall refer the account to a collection agency.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-83.~~

~~—— **20:48:13:09. Cancellation of promissory note.** If the loan recipient is totally disabled as defined for social security benefits in "Social Security Regulations: Rules for Determining~~

~~Disability and Blindness" (April 1986) or dies, the board shall cancel the promissory note and accrued interest.~~

~~—— **Source:** 16 SDR 37, effective August 30, 1989.~~

~~—— **General Authority:** SDCL 36-9-76.~~

~~—— **Law Implemented:** SDCL 36-9-81.~~

~~—— **Reference:** "Social Security Regulations: Rules for Determining Disability and Blindness including Regulations No. 4, Subpart P (Title II) and Regulations No. 16, Subpart I (Title XVI)," published by the U. S. Department of Health and Human Services, Social Security Administration, Office of Disability, April 1986. Copies may be obtained from the Social Security Administration, DPRM, Supply Management Branch, 6301 Security Boulevard, Baltimore, MD 21235. No cost.~~

20:48:13:10. Administrative costs. The costs for administration of the nurse education assistance loan ~~loan~~ scholarship program shall be deducted from the loan fund.

Source: 16 SDR 37, effective August 30, 1989.

General Authority: SDCL 36-9-76.

Law Implemented: SDCL 36-9-76.

CHAPTER 20:48:15

NURSE LICENSURE COMPACT

Section

- 20:48:15:01 Definitions.
- 20:48:15:02 Issuance of license by compact party state.
- 20:48:15:03 Limitations on multistate licensure privilege.
- 20:48:15:04 Information system.

20:48:15:02. Issuance of license by compact party state. For the purpose of the nurse licensure compact:

(1) As of July 1, 2005, no applicant for initial licensure may be issued a compact license granting a multistate privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure;

(2) A nurse applying for a license in a home state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a sworn declaration signed by the licensee attesting to the licensee's primary state of residence. In addition, further evidence may be requested by the home state, including:

- (a) Driver's license with a home address;
- (b) Voter registration card displaying a home address;
- (c) Federal income tax return declaring the primary state of residence;

(d) Military certificate certifying the state of legal residence; or

(e) W2 from the U.S. Government or any bureau, division, or agency thereof indicating the declared state of residence;

(3) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license shall be issued by the party state;

(4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license;

(5) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e., a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance;

(6) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ~~30~~ 90 days;

(7) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance. The 30-day period allowed in subdivision (6) shall be stayed until resolution of the pending investigation;

(8) The former home state license is invalid upon the issuance of a new home state license;

(9) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten business days and the former home state may take action in accordance with that state's laws and rules.

Source: 27 SDR 54, effective December 6, 2000; 35 SDR 166, effective December 26, 2008.

General Authority: SDCL 36-9-92.

Law Implemented: SDCL 36-9-92.