

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, clinical nurse specialists, certified nurse midwives, or certified nurse practitioners;

(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," persons 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;

(16) "Registrant," any person who meets the definition of unlicensed assistive personnel and who is registered by the board.

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; 41 SDR 12, effective July 31, 2014; 44 SDR 81, effective November 6, 2017.

General Authority: SDCL 36-9-21, 36-9A-41.

Law Implemented: SDCL 36-9-21, 36-9A-21.1.

CHAPTER 20:48:06

FEES REQUIRED OF LICENSEES

Section

20:48:06:01 Fees required of registered nurses.

20:48:06:01. Fees required of registered nurses. The fees to be collected in advance from registered nurses are as follows:

- (1) \$100 for licensure by examination plus the current fee for a nationally administered examination;
- (2) \$100 for reexamination plus the current fee for a nationally administered examination;
- (3) \$100 for licensure by endorsement;
- (4) \$25 for endorsement of a license to another state, territory, or country;
- (5) \$100 for certification of a registered nurse anesthetist;
- (6) \$25 for each temporary permit as an R.N. App., a C.R.N.A. App., or a C.N.S. App.;
- (7) ~~\$70~~ \$95 for biennial renewal of a license plus \$10 which is designated to fund the nurses' education assistance loan program, and \$10, which is designated to fund the nursing workforce center];
- (8) ~~\$70~~ \$95 for biennial renewal of certification as a registered nurse anesthetist;
- (9) \$50 for reinstatement of lapsed license plus the current renewal fee;
- (10) \$5 for each transcript;
- (11) \$10 for changing a name on the records of the licensee;
- (12) \$20 for issuing a duplicate of the original license, duplicate of the original certification, or duplicate certificate of renewal;
- (13) \$10 for placing a licensee on inactive status;
- (14) \$10 for placing the certification of a registered nurse anesthetist on inactive status;
- (15) \$25 for each limited license issued to a registered nurse enrolled in a reentry program;
- (16) \$100 for initial licensure as a clinical nurse specialist;
- (17) ~~\$70~~ \$95 for biennial renewal of licensure as a clinical nurse specialist; and
- (18) \$10 for placing the license of a clinical nurse specialist on inactive status.

Source: 3 SDR 35, effective November 11, 1976; 4 SDR 26, effective November 1, 1977; 5 SDR 40, effective November 13, 1978; 6 SDR 88, effective March 3, 1980; 7 SDR 41, effective November 3, 1980; 8 SDR 5, effective July 26, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 175, effective May 28, 1987; 15 SDR 33, effective August 30, 1988; 16 SDR 37, effective August 30, 1989; 17 SDR 23, effective August 15, 1990; 22 SDR 61, effective November 7, 1995; 26 SDR 67, effective November 21, 1999; 29 SDR 163, effective June 8, 2003.

General Authority: SDCL 36-9-21(7), 36-9-91.

Law Implemented: SDCL 36-9-29, 36-9-35, 36-9-77, 36-9-91, 36-9-95.

Cross-Reference: Funding for nurses' education assistance loan program, SDCL 36-9-77; Nursing workforce center established - Funding, SDCL 36-9-95.

20:48:06:02. Fees required of licensed practical nurses. The fees to be collected in advance from licensed practical nurses are as follows:

- (1) \$100 for licensure by examination plus the current fee for a nationally administered examination;
- (2) \$100 for reexamination plus the current fee for a nationally administered examination;
- (3) \$100 for licensure by endorsement;
- (4) \$25 for endorsement of a license to another state, territory, or country;
- (5) \$25 for each temporary permit;
- (6) ~~\$70~~ \$95 for biennial renewal of a license plus \$10 which is designated to fund the nurses' education assistance loan program, [and \$10, which is designated to fund the nursing workforce center];
- (7) \$50 for reinstatement of a lapsed license plus the current renewal fee;
- (8) \$5 for each transcript;
- (9) \$10 for changing a name on the records of a licensee;
- (10) \$20 for issuing a duplicate original license or duplicate certificate of renewal;
- (11) \$10 for placing a licensee on inactive status; and

(12) \$25 for each limited license issued to a licensed practical nurse enrolled in a reentry program.

Source: 3 SDR 35, effective November 11, 1976; 4 SDR 26, effective November 1, 1977; 5 SDR 40, effective November 13, 1978; 6 SDR 88, effective March 3, 1980; 7 SDR 41, effective November 3, 1980; 8 SDR 5, effective July 26, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 175, effective May 28, 1987; 15 SDR 33, effective August 30, 1988; 16 SDR 37, effective August 30, 1989, 17 SDR 23, effective August 15, 1990; 26 SDR 67, effective November 21, 1999; 29 SDR 163, effective June 8, 2003.

General Authority: SDCL 36-9-21(7).

Law Implemented: SDCL 36-9-29, 36-9-43, 36-9-77, 36-9-95.

Cross-Reference: Funding for nurses' education assistance loan program, SDCL 36-9-77; Nursing workforce center established - Funding, SDCL 36-9-95.

CHAPTER 20:48:07

APPROVAL OF NURSING EDUCATION PROGRAMS

Section

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20:48:07:19. Definitions. Terms as used in this chapter mean:

(1) "Adjunct clinical faculty," those faculty members who are primarily employed by a health care institution and are contracted by the nursing program for the purpose of clinical instruction;

(2) "Approved program," a nursing education program that meets the regulatory requirements in the state or jurisdiction of legal domicile;

(3) "Board standards for nursing education," the criteria for approval of programs in §§ 20:48:07:20 to 20:48:07:34, inclusive;

(4) "Debriefing" means an activity that follows a simulation experience led by a facilitator that encourages the participant's reflective thinking and provides feedback regarding the participant's performance;

~~(3)~~(5) "Distance education," is the design and delivery of nursing education courses where the students and instructor are separated by distance or time, or both;

~~(4)~~(6) "Faculty," all individuals employed by the program for theory and clinical instruction, including those individuals contracted by the program who are primarily employed elsewhere;

~~(5)~~(7) "Needs assessment," an assessment of the need for a nursing education program that includes demographic data on overall employment opportunities for graduates and geographic data on program location relevant to other programs and vacancies in health care agencies;

~~(6)~~(8) "New program," a department, school, division, or other specific unit within the administrative structure of the governing institution that is either developing a course of study in nursing that has not previously been implemented or instituting a change in objectives that would affect the license for which the graduate will be prepared;

~~(7)~~(9) "Preceptor," a practicing nurse, or other authorized individual, utilized selectively by a program to work closely with a student in the clinical area considering the specific learning objectives;

~~(8)~~(10) "Program," a department, school, division, or other specific unit within the administrative structure of the governing institution offering a course of study in nursing which leads to eligibility for licensure;

~~(9)~~(11) "Reorganized program," an educational unit in nursing with plans to institute extensions, expansions, consortia, or other cooperative institutional systems;

~~(10)~~(12) "Survey team," two or more persons including members of the board, board staff, or hired consultant who conduct site visits to nursing education programs;

(13) "Simulation experience," a technique to replace or amplify real experiences with guided experiences that replicate substantial aspects of the real world in a fully interactive manner.

Source: 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL 36-9-21(9 8).

Law Implemented: SDCL 36-9-21(9 8).

20:48:07:20. Criteria for approval of nursing education programs. The criteria to be used by the board to approve a new program or to continue approval of an existing program are set forth in §§ 20:48:07:21 to 20:48:07:34, inclusive, and include the following:

- (1) Administration and organization of the nursing program;
- (2) Faculty qualifications and organization;
- (3) Curriculum construction and evaluation;
- (4) Educational facilities and resources;
- (5) Clinical and practicum facilities;
- (6) Student affairs and services; ~~and~~
- (7) The use of preceptors; and
- (8) Simulation

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:03, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL 36-9-21(9 8).

Law Implemented: SDCL 36-9-58.

20:48:07:21. Administration and organization. The institution and the program administration must demonstrate evidence to the satisfaction of the board of compliance with the following requirements for administration and organization:

(1) The nursing education program is an integral part of an accredited institution that meets the ~~published requirements~~ criteria for accreditation of the Higher Learning Commission, North Central Association of Colleges and Schools in ~~A Handbook of Accreditation, 2003 edition,~~ and that is authorized and lawfully empowered to confer a certificate or degree in nursing;
<http://policy.hlcommission.org/Policies/criteria-for-accreditation.html>

(2) The nursing program has statements of purpose, philosophy, and outcomes which are consistent with those of the governing institution and with SDCL chapter 36-9 or 36-9A and other relevant state statutes, and this article;

(3) The purpose and outcomes of the nursing program are consistent with generally accepted standards of nursing practice appropriate for graduates of the type of nursing program being offered and ensure that graduates are prepared for safe and effective nursing practice;

(4) The fiscal, human, physical, ~~and~~ clinical, and technical learning resources are adequate to support program purposes and outcomes;

(5) The organizational relationship of the nursing education program to central administration is clearly defined with authority, responsibility, and channels of communication clearly delineated;

(6) The nursing education program has established its own organization with clearly defined authority, responsibility, and channels of communication, including the following:

(a) Rules, bylaws, or their institutional equivalent which govern the activities of the faculty organization are in writing;

(b) Regular meetings of the faculty organization are scheduled; and

(c) Minutes of faculty organization and committee meetings reflect discussion and decisions and are on file in the nursing education program office or available electronically;

(7) Policies and procedures pertaining to the nursing education program are in writing and are congruent with those of the governing institution, reviewed regularly by the nursing faculty, and revised as needed;

(8) The ultimate responsibility for administering the nursing education program is vested in a registered nurse who is currently licensed or privileged to practice in South Dakota, whose appointment is full-time, who has 10 percent or less of workload designated for teaching, and who meets the qualifications in § 20:48:07:22;

(9) The administrator carries out the responsibilities listed in § 20:48:07:23;

(10) The advanced practice nursing education program has received accreditation by a national accrediting body that is approved by the U.S. Department of Education for advanced practice nursing programs or has made application to become accredited and final action by the accrediting body is pending.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from §§ 20:48:07:04 and 20:48:07:05, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21 (8), 36-9A-41.

Law Implemented: SDCL 36-9-58, 36-9A-21.1.

Reference: ~~A Handbook of Accreditation~~, 2003 edition, North Central Association of Colleges and Schools, Higher Learning Commission. ~~Copies may be obtained from the Higher Learning Commission, North Central Association of Colleges and Schools, 159 North Dearborn Street, 6th Floor, Chicago, IL 60601; \$4.~~

20:48:07:22. Qualifications of administrator of nursing education program. The administrator of a nursing education program must meet the following qualifications, as applicable:

(1) In a program offering the practical nurse certificate or diploma, a minimum of a ~~master's degree, preferably in nursing,~~ graduate degree in nursing or bachelor's degree in nursing with a graduate

degree in another field, and a minimum of two years of experience in clinical nursing, nursing administration, or nursing education, or any combination of such experience, preferably in a practical nursing program. If an administrator does not possess a ~~master's~~ graduate degree, a plan of study (to obtain the degree) must be submitted. A maximum of five years is allowed for completion of the ~~master's~~ graduate degree;

(2) In a program offering an associate degree in nursing, a minimum of a master's degree with a major in nursing and a minimum of seven years of experience in clinical nursing, nursing administration, or nursing education, or any combination of such experience, preferably in an associate degree program;
or

(3) In a program offering a baccalaureate degree in nursing, a minimum of a doctoral degree, with graduate preparation in nursing at either the master's or doctoral level, and a minimum of seven years of experience in clinical nursing, nursing administration, or nursing education, or any combination of such experience, preferably in a baccalaureate degree program; or

(4) In an education program offering an advanced practice nursing program, a minimum of a doctoral degree in a health-related field; active, unencumbered registered nurse and advanced practice nurse licenses; current national advanced practice nurse certification; a minimum of two years of clinical experience as an advanced practice nurse; and a minimum of seven years of experience in clinical nursing, nursing administration, nursing education, or any combination of such experience, preferably in a baccalaureate or graduate degree program. If the administrator does not hold an advanced practice nurse license in the same role and population focus area as the advanced practice nurse tract offered in the education program, the administrator shall appoint a lead faculty member who meets the qualifications. The lead faculty member is responsible for development of the curriculum and coordination of the advanced practice educational component of the program.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:05, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8), 36-9A-41.

Law Implemented: SDCL 36-9-58, 36-9A-21.1.

20:48:07:23. Responsibilities of administrator. The administrator of the nursing education program is responsible for the following:

- (1) The administration of the nursing program;
- (2) Leadership within the faculty for the development, implementation, and evaluation of curriculum;
- (3) Creation and maintenance of an environment conducive to teaching and learning;
- (4) Liaison with the central administration and other units of the governing institution;
- (5) Preparation and administration of the budget;
- (6) Facilitation of faculty development and performance review;
- (7) Recommendation of faculty for appointment, promotion, tenure, and retention;
- (8) Notification to the board of any major changes in the program or its administration; and
- (9) Written notification to the board within 60 days after appointment, termination, or resignation of the program administrator. A resume shall accompany a notification of appointment.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:05, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:24. Faculty qualifications and organization. The institution and the program administration must demonstrate evidence to the satisfaction of the board of compliance with the following requirements for faculty:

(1) The number of qualified faculty is sufficient to fulfill the purposes and outcomes of the nursing program, to comply with the minimum of one instructor for every eight students in clinical or practicum facilities, and to comply with institution's requirement for faculty workload;

(2) Faculty are recruited, appointed, promoted, and retained without discrimination as to age, race, handicaps, religion, gender, sexual preference, national origin, or marital status;

(3) ~~Written faculty~~ Faculty functions and responsibilities are given to each faculty member in the form of position descriptions;

(4) ~~Written faculty~~ Faculty personnel policies are available;

(5) Nursing faculty members ~~have the qualifications required~~ hold an active, unencumbered license or privilege to practice as a registered nurse in South Dakota and shall meet the qualifications required in § 20:48:07:25 or , 20:48:07:26, or 20:48:07:26.1 as applicable;

(6) Fifty percent of all nursing faculty members who teach in a program leading to licensure as a practical nurse or as a registered nurse meet the requirements listed in subdivision 20:48:07:25(2) or 20:48:07:26(2), as applicable;

(7) Nursing faculty members who do not possess the required degree in nursing submit plans of study to obtain the degree to the board documenting the time line for completion. A maximum of five years is allowed for the completion of a required degree;

(8) ~~Faculty members granted tenure by the governing institution prior to July 1992 are exempt from the requirement defined in subdivisions 20:48:07:25(2) and 20:48:07:26(2);~~

——(9) Nursing faculty members comply with all academic and professional qualifications for appointment that are required by the governing institution;

~~(10)~~ (9) All faculty who teach didactic education, clinical education or supervise students in preceptored clinical experiences for students located in South Dakota shall hold an active South Dakota license or privilege to practice;

(10) A nursing faculty member who provides direct clinical supervision of students in a clinical facility located in another state holds a current registered nurse license or privilege to practice in that state; ~~and~~

(11) Nursing faculty fulfill the responsibilities listed in § 20:48:07:27; and

(12) Interprofessional faculty teaching non-clinical courses shall have advanced preparation appropriate for the content being taught.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:06, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-2, 36-9-3(12), 36-9-58, 36-9A-5, 36-9A-21.1.

20:48:07:25. Qualifications of faculty in practical nurse programs. Nursing faculty members who teach in a program leading to licensure as a practical nurse must have the following qualifications:

(1) ~~A current~~ An active, unencumbered license or a privilege to practice as a registered nurse in South Dakota;

(2) A minimum of a baccalaureate degree in nursing; and

(3) For newly appointed faculty, a minimum of one year of clinical experience in the area or areas of teaching responsibility.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:06, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:26. Qualifications of faculty in registered nurse programs. Nursing faculty members who teach in a program leading to licensure as a registered nurse must have the following qualifications:

- (1) ~~A current~~ An active, unencumbered license or a privilege to practice as a registered nurse in South Dakota;
- (2) A minimum of a ~~master's~~ graduate degree in nursing. However, adjunct clinical faculty employed solely to supervise clinical nursing experience are exempt from the ~~master's~~ graduate degree requirement;
- (3) For newly appointed faculty a minimum of one year of clinical experience in the area or areas of teaching responsibility;
- (4) A combination of education and experience relevant to the assigned area of teaching responsibility; and
- (5) For interdisciplinary faculty who teach non-clinical nursing courses, academic preparation appropriate to those areas of content.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:06, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-2, 36-9-3(12), 36-9-58.

20:48:07:26.1. Qualifications of faculty in advanced practice registered nurse programs. Nursing faculty members who teach in a program leading to advanced practice nurse licensure shall have the following qualifications:

- (1) An active, unencumbered license or a privilege to practice as a registered nurse in South Dakota;
- (2) An active, unencumbered license to practice as an advanced practice nurse in South Dakota;

(3) A minimum of a graduate degree in nursing or other health related field in the clinical specialty of the advanced practice nursing education program;

(4) Two years of clinical experience in the advanced practice nursing role and population focus consistent with teaching responsibilities; and

(5) Interdisciplinary faculty who teach non-clinical nursing courses shall have advanced preparation appropriate to the area of content.

Source:

General Authority: SDCL [36-9A-41](#).

Law Implemented: SDCL 36-9A-5, [36-9A-21.1](#).

20:48:07:27. Responsibilities of nursing faculty. Responsibilities of nursing faculty are as follows:

- (1) Developing, implementing, evaluating, and updating the purpose, philosophy, and outcomes;
- (2) Designing and implementing the curriculum;
- (3) Evaluating the curriculum using a systematic plan based on student learning outcomes, program outcomes, and quality improvement;
- (4) Developing, evaluating, and revising student admission, progression, retention, and graduation policies consistent with the policies of the governing institution;
- (5) Participating in academic advising and guidance of students;
- (6) Providing students theoretical instruction and clinical or practicum experiences;
- (7) Having only nursing education responsibilities during the time assigned with students;
- (8) Monitoring the instruction provided by preceptors;
- (9) Evaluating student achievement of curricular objectives or outcomes related to nursing knowledge and practice. The evaluation process includes criteria for both formative and summative evaluation and provides opportunity for student improvement;
- (10) Providing for student evaluation of teaching effectiveness;-and

(11) Participating in activities which facilitate the faculty members' own nursing competence and professional expertise in the area of teaching responsibility and maintaining clinical competence through clinical practice and education.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:06, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21 (8).

Law Implemented: SDCL 36-9-58.

20:48:07:28. Curriculum construction and evaluation. ~~The nursing program~~ the curriculum of the nursing education program shall enable the student to develop the nursing knowledge, skills, and abilities necessary for the level, scope, and standards of competent nursing practice expected at the level of licensure. Curriculum shall be revised as necessary to maintain a program that reflects advances in health care and its delivery. The curriculum must meet the following requirements:

(1) Reflect the philosophy, purpose, and outcomes of the nursing education program and be consistent with ~~nursing~~ professional nursing standards and scope of practice as regulated by SDCL chapters 36-9 and 36-9A and this article articles 20:48 and 20:62;

(2) Be planned in accordance with the governing institution's calendar and requirements for the degree, certificate, or diploma and have a combination of nursing and non-nursing credits based on a rationale that ensures preparation for the safe and effective practice of nursing and that meets the intent of the program offered;

(3) Use learning experiences and methods of instruction to fulfill curricular objectives which provide similar learning experiences for all students; provide and document alternative learning experiences to address the lack of some essential aspects of clinical experience;

(4) Correlate theoretical instruction and clinical or practicum experiences;

(5) Provide for progression in knowledge, skills, abilities, and attitudes of nursing students;

(6) Be evaluated by the faculty according to a systematic plan that provides for student and alumni participation and incorporates quality improvement;

(7) Use course outlines which are updated annually, available to students and program faculty, and include:

- (a) The course topics or concepts;
- (b) Expectations and assignments to be completed by the student; and
- (c) The evaluation procedures to be used; ~~and~~

(8) Be organized to teach content in separate courses or in combination with other concepts which are integrated into broader-based courses; and

(9) Lead to the achievement of course objectives, expected student learning outcomes, and program outcomes.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:07, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8), 36-9A-41.

Law Implemented: SDCL 36-9-58, 36-9A-5, 36-9A-21.1.

20:48:07:29. Practical nurse education curriculum. The curriculum for programs preparing for practical nurse licensure shall include:

- (1) Concepts in biological and physical sciences:
 - (a) Anatomy and physiology;
 - (b) Microbiology;
 - (c) Nutrition; and ~~diet therapy; and~~
 - (d) Pharmacology;
- (2) Concepts in behavioral science:
 - (a) Interpersonal relations;

- (b) Communication; ~~and~~
- (c) ~~Cultural diversity~~ Patient-centered culturally competent care; and
- (d) Interprofessional communication and collaboration; and

(3) Nursing theory and clinical instruction of basic nursing concepts to enable the student to develop competence at the entry level as a practical nurse in each of the following areas:

- (a) Adult health nursing;
- (b) Maternal child health nursing;
- (c) Geriatric nursing;
- (d) Basic concepts of clinical judgment (the nursing process) and professional responsibilities;
- (e) Scope of practice for LPNs;
- (f) Legal and ethical basis of nursing practice;
- (g) Nursing history; and
- (h) Trends in nursing and healthcare delivery; and

(4) Knowledge of technology used in nursing practice and special health care problems.

Source: 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:30. Registered nurse education curriculum. The curriculum for programs preparing for registered nurse licensure and granting an associate degree or a baccalaureate degree shall include:

- (1) Concepts in biological and physical sciences:
 - (a) Anatomy;
 - (b) Physiology;
 - (c) Pathophysiology;
 - (d) Chemistry;
 - (e) Microbiology;

- (f) Mathematics;
 - (g) Nutrition ~~and diet therapy~~; and
 - (h) Pharmacology;
- (2) Concepts in behavioral science, arts, and humanities:
- (a) Sociology;
 - (b) Psychology;
 - (c) ~~Interdisciplinary relationships~~ Interprofessional communication and collaboration;
 - (d) Interpersonal relations;
 - (e) Communications;
 - (f) ~~Cultural diversity~~ Patient-centered, culturally competent care; and
 - (g) Human growth and development;
- (3) ~~Nursing theory and clinical instruction to enable the student to develop entry-level competence as a registered nurse in each of the following areas~~ Didactic content and supervised clinical experience in the prevention of illness and the promotion, restoration, and maintenance of health in patients across the lifespan and from diverse cultural, ethnic, social, and economic backgrounds, with integration of patient safety principles and evidence-based practice, including:
- (a) Adult health nursing;
 - (b) Maternal child health nursing;
 - (c) Geriatric nursing;
 - (d) Mental health nursing;
 - (e) Clinical judgment (nursing process);
 - (f) Legal and ethical basis of nursing practice;
 - (g) Nursing history;
 - (h) Trends in nursing and the delivery of healthcare;
 - (i) Management and care of groups of clients;
 - (j) Delegation and supervision of other health care professionals;

- (k) Introduction to the application of research findings to nursing practice;
- (l) Client education; and
- (m) For baccalaureate degree programs only:
 - (i) Introduction to the research process and evidenced-based practice;
 - (ii) Leadership and management;
 - (iii) Teaching and learning theory; ~~and~~
 - (iv) Community, systems, ~~and~~ public health theory and clinical experience; and
 - (v) Coordinating and managing patient care across settings; and
- (4) Knowledge of technology used in nursing practice.

Source: 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:30.1. Advanced practice registered nurse education curriculum. The curriculum for programs preparing individuals for advanced practice nursing licensure and granting a graduate degree or certificate shall prepare the graduate to practice in the role of a nurse midwife, nurse practitioner, nurse anesthetist, or clinical nurse specialist. The curriculum shall include evidence-based learning experiences and methods of instruction consistent with the written curriculum plan including:

- (1) Three separate advanced practice registered nurse graduate level courses in:
 - (a) Advanced physiology and pathophysiology, including general principles that apply across the lifespan;
 - (b) Advanced health assessment, including assessment of all human systems, advanced assessment techniques, concepts, and approaches; and
 - (c) Advanced pharmacology, including pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of all broad categories of agents;
- (2) Diagnosis and management of diseases across practice settings including diseases representative of all systems;

(3) Preparation that provides a basic understanding of the principles for decision making in the identified advanced practice nursing role;

(4) Preparation in the core competencies for the identified advanced practice nursing role;

(5) Preparation in specific competencies for the identified advanced practice nursing role and in one of the six population foci of practice: family/individual across the lifespan, adult-gerontology, neonatal, pediatrics, women's health/gender-related, or psychiatric/mental health;

(6) A program preparing a student for two population foci areas or combined advanced practice nursing roles shall include content and clinical experience in both roles and each of the population foci;

(7) A minimum of 500 supervised clinical hours including pharmacotherapeutics management of patients; and

(8) Provisions for the recognition of prior learning and advanced placements in the curriculum for students who hold a graduate degree in nursing and are seeking preparation in a different role and population focus. Students shall meet outcome competencies for the desired role and population focus.

Source:

General Authority: SDCL [36-9A-41](#).

Law Implemented: SDCL 36-9A-5, [36-9A-21.1](#).

20:48:07:31. Educational facilities and resources. The nursing program shall provide the following educational facilities and resources:

(1) Classrooms, conference rooms, laboratories, and offices available in the number and size required to meet the purpose of the nursing program and the needs of the students, faculty, administration, and staff;

(2) Library resources applicable to the type and size of the nursing program and accessible to students and faculty;

(3) Learning resource materials which are reviewed and evaluated and provide support for the level and size of the program;

(4) A system that safeguards records for students, graduates, and faculty against theft, fire, and disaster;

(5) Secretarial and other support services available to meet the needs of the faculty, students, and administration.

The nursing education program administration, faculty, and students shall conduct annual evaluations of resources, facilities, and services.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:08, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:32. Clinical facilities and resources. The nursing education program and faculty must meet the following requirements for clinical facilities and resources:

(1) Develop written criteria for clinical or practicum facility selection and utilization with consultation from the clinical agency;

(2) Maintain and annually review all written agreements with clinical or practicum facilities;

(3) Conduct an annual evaluation with the clinical agency for each clinical or practicum unit utilized to determine the appropriateness of its continued use for clinical experiences;

(4) Utilize clinical or practicum facilities which:

(a) Are approved by the applicable accreditation, evaluation, or licensing bodies;

(b) Meet the nursing education program's criteria for facility selection and utilization as developed under subdivision (1) of this section; and

(c) Have a utilization occupancy rate or census on the areas utilized by the program to assure student learning experiences are available for all students scheduled in the area of learning;

(5) Supervise students in the clinical facilities; and

(6) Maintain a faculty-to-student ratio in clinical facilities which does not exceed 1:8. The board shall consider the nature of the clinical experience in determining compliance with this requirement.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:09, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

Declaratory Ruling: All nursing programs must comply with the faculty-to-student ratio in clinical facilities specified in subdivision 20:48:07:32(6). South Dakota Board of Nursing Declaratory Ruling No. 94-3.

20:48:07:33. Student affairs and services. The institution and program administration must demonstrate compliance with the following requirements for student affairs and services:

(1) Accurate information is provided in writing or electronically to prospective and enrolled students regarding the nursing education program's philosophy and objectives, curriculum, fees, facilities, available student services, assistance, student organizations, student health, and the legal limitations for obtaining a South Dakota nursing license;

(2) Admission, readmission, progression, retention, dismissal, and graduation requirements are available to students in writing or electronically and are consistent with those of the governing institution. Policies specific to nursing students may be adopted if they are justified by the nature and purpose of the nursing program;

(3) Students are admitted without discrimination as to age, race, handicaps, religion, gender, sexual preference, national origin, or marital status;

(4) Information regarding student rights and responsibilities ~~are~~ is provided to the student in writing or electronically;

(5) In the interest of client and student welfare, the program establishes ~~student health policies related to~~ standards for participating in nursing clinical or practicum experiences; ~~and~~

(6) Students participate in curriculum planning and evaluation, determination of academic policies and procedures, and evaluation of teaching effectiveness; and

(7) Each advanced practice nursing student holds an active, unencumbered license or a privilege to practice as a registered nurse in the state.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:10, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8), 36-9A-41.

Law Implemented: SDCL 36-9-58, 36-9A-5, 36-9A-21.1.

Declaratory Ruling: The Board of Nursing requires that a nursing education program or institution provide written information fulfilling the requirements of subdivisions (1), (2), and (4) of this section to an individual within a reasonable time after the information is requested. A reasonable time is dependent upon the facts and circumstances surrounding the situation. South Dakota Board of Nursing Declaratory Rulings No. 94-1 and 94-2.

20:48:07:34. Preceptors. Clinical preceptors may be used to enhance clinical learning experiences after a student has received clinical and didactic instruction in a specific clinical area as defined in § 20:48:07:30(3) or 20:48:07:30.1. When preceptors are used in the nursing program, the following criteria must be demonstrated:

(1) Preceptors are utilized in a supportive role to the program faculty. The program retains ultimate responsibility for student learning and evaluation;

(2) ~~Written policies~~ Policies are developed by the nursing education program for the selection, evaluation, and reappointment of preceptors;

(3) Preceptors are licensed at or above the level for which the student is preparing. Written qualifications are developed which address licensure, educational preparation, experience, and competence in nursing practice for the level of nursing education being offered;

(4) Preceptors receive information and orientation regarding:

(a) The program's philosophy;

(b) Purpose and outcomes;

(c) Curriculum;

(d) Pertinent policies and procedures;

(e) Learning objectives for the clinical or practicum experience;

(f) The role and responsibilities of the preceptors, students, and the nursing program faculty;

(g) The evaluation procedure and forms to be used; and

(h) Any information regarding the individual student's knowledge, abilities, and skills which is needed to assure safe client care;

(5) The rationale for the ratio of students to preceptors is documented by the program; ~~and~~

(6) Written procedures are developed and implemented for the faculty to take responsibility for students when preceptors are unavailable, and

(7) Advanced practice nursing preceptors practice in a comparable role, focus, or specialty area as the student's area of study.

Source: 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8), 36-9A-41.

Law Implemented: SDCL 36-9-58, 36-9A-5, 36-9A-21.1.

20:48:07:35. Types of nursing education program approval. The types of program approval include the following:

(1) Prerequisite status, granted when the board determines that required initial criteria for the establishment of a new nursing program are met. The institution or program must obtain prerequisite approval before proceeding with further planning for the new nursing program;

(2) Interim status, granted to a new program after all requirements for prerequisite status are met. The nursing program must obtain interim status before accepting students for admission;

(3) Full status, granted to a nursing education program that meets the minimum standards stated in this chapter; and

(4) Probationary status, given as a warning by the board that there are deficiencies within the program and minimum standards are not being met.

Source: 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8), 36-9A-41.

Law Implemented: SDCL ~~36-9-21~~ 36-9-58.2, 36-9A-5, 36-9A-21.1.

20:48:07:36. Prerequisite status. An institution wishing to establish a new program in nursing shall take the following steps to obtain prerequisite status:

(1) Submit to the board a request for prerequisite status including the type of education program to be offered;

(2) Submit a statement of intent to the board at least 12 months in advance of the expected opening date for a registered nurse program and 8 months for a practical nurse program. The statement of intent shall include the following:

(a) Copies of articles of incorporation or statutory authority documenting the legal authority of the governing institution to offer a nursing program of the specified type and to confer the proposed degree, diploma, or certificate;

(b) A statement specifying the type of the proposed program;

(c) A description of the educational philosophy, purpose, and outcomes of the governing institution;

- (d) A description of the accreditation status of the governing institution; ~~and~~
- (e) A description of the national nursing accreditation status for a new advanced practice nursing education program; and
- (f) A statement from the institution's governing board authorizing the new program;
- (3) Conduct a needs assessment and submit to the board a report which includes:
 - (a) Nursing and other studies documenting the need for the program and for entry level nurses from the specified program in South Dakota and in the governing institution's area of the state;
 - (b) Data concerning the number of faculty needed projected over five years, the qualifications expected, plans for procuring faculty, and a timetable for employment;
 - (c) Evidence of financial resources for the planning, implementation, and continuation of the program for a minimum of five years;
 - (d) Availability of clinical facilities in the major clinical areas for the program, documenting the types of agencies available for student clinical experience, the accreditation status of the agencies, client census on each unit, and the types of clinical learning experiences available;
 - (e) Availability of academic facilities for the program, including classrooms, laboratories, offices, and library;
 - (f) Anticipated student enrollment per class and total students projected over five years;
 - (g) A tentative schedule for planning and initiating the program; and
- (4) Provide additional information as requested by the board.

Source: 3 SDR 35, effective November 11, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:01, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.2, 36-9A-5.

Cross-References: Administration and organization, § 20:48:07:21; Clinical facilities and resources, § 20:48:07:32.

20:48:07:37. Interim status. A new program may apply for interim status after requirements for prerequisite status have been met.

The program seeking interim status shall submit a request for interim status and documentation that the governing institution has employed people to plan and develop the program, including a program administrator and faculty for program development. At least five full calendar months before the month of the expected opening date of the program, the program shall submit the following documentation:

- (1) Anticipated student population;
- (2) A plan for organization of the program with institutional and nursing department organizational charts;
- (3) Criteria for the selection of faculty; and
- (4) Nursing course syllabi including the following:
 - (a) Course title;
 - (b) Course description;
 - (c) Time allotment for the course;
 - (d) Prerequisites for the course;
 - (e) Course objectives;
 - (f) Course content;
 - (g) Learning or teaching methods;
 - (h) Method of evaluation; and
 - (i) Course descriptions for the general education and support courses.

~~—The board shall appoint a survey team to conduct a site visit following receipt of the required materials; review the submitted materials, the request for interim status, and the results and recommendations of the survey team; determine whether the program complies with board educational standards; and inform the nursing program of any progress reports necessary to address recommendations.~~

~~—— If the survey team recommends that interim status be denied, a hearing shall be conducted in accordance with SDCL 1-26. Following the hearing and the board's decision, the board shall notify the administrator of the institution and the administrator of the nursing education program in writing regarding the program's interim status, including any recommendations. The program shall submit progress reports to the board as requested.~~

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:02, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL 36-9-58.2, 36-9-58.3, 36-9A-5.

20:48:07:38. Continuation of interim status. Following graduation of the first class of a program in interim status, the program shall submit a self-evaluation report of compliance with board standards for nursing education or communication from a national accreditation body on meeting accreditation standards for advanced practice nursing education programs. A survey team shall conduct a site visit to verify compliance with board standards. If the results of the site visit indicate noncompliance with board standards, the survey team may recommend probationary status - withdrawal of program approval as outlined in § 20:48:07:43. Interim status shall continue for up to two measuring periods as described in § 20:48:07:47 commencing with the graduation of the program's first class unless the board extends the time not to exceed an additional two measuring periods. Noncompliance with board standards for nursing education, as established in this chapter, at this time, shall result in probationary status - withdrawal of program approval as outlined in § 20:48:07:43.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:02, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.2, 36-9-58.3, 36-9A-5.

20:48:07:39. Full status. After the undergraduate prelicensure registered nurse or practical nurse program has achieved a 75 percent pass rate for first-time writers of the licensing examination for two consecutive measuring periods as described in § 20:48:07:47, or after an advanced practice nursing education program obtains full accreditation status from a national nursing accrediting agency approved by the U.S. Department of Education, a new nursing education program may apply for full status approval. At least 30 days before a regularly scheduled board meeting, the program shall submit a request for full status and include documentation regarding changes, progress in addressing previous board recommendations, and compliance with the required passing rate on licensing examinations. The program must cooperate with the board in submitting materials to determine compliance with educational standards established in this chapter. The board may grant full status to an undergraduate registered nurse or practical nurse program if the program complies with educational standards and the passing rate on licensing examinations and to an advanced practice nursing education program if the program holds national accreditation status from a national nursing accrediting agency approved by the U.S. Department of Education.

The program may request a hearing in accordance with SDCL chapter 1-26 if the board questions its compliance with board standards established in this chapter.

Source: 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.2, 36-9-58.3, 36-9-58.4, 36-9A-5.

20:48:07:40. Approval for reorganization. An existing nursing education program may request the board for approval of reorganization. The program shall submit with its request a narrative self-evaluation report which includes the following:

- (1) Authorization for reorganization from the governing institution;

- (2) Proposed organizational structure;
- (3) Anticipated student population;
- (4) Timetable for implementing the plan for reorganization; and
- (5) Evidence of compliance with the criteria for the evaluation of nursing programs established in this chapter.

~~—Representatives of the board shall conduct a survey visit on dates mutually acceptable to the board and the program. The board shall send an announcement of the survey visit to the program at least 90 days in advance of the visit. The board shall request programs to participate in scheduling survey visit activities. The board shall make a draft of the survey visit report available to the program for review and correction of factual information.~~

~~—Following the board's review of the program's self-evaluation report and the report of the survey visit, the board shall decide on the approval status of the program. The board shall send written notice regarding approval of the program and any board recommendations to the administrator of the governing institution and the administrator of the nursing education program.~~

~~—If the reorganized program is approved, the board shall conduct future on-site visits according to §§ 20:48:07:41 and 20:48:07:42.~~

Source: 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL ~~36-9-21~~ 36-9A-58.2, 36-9A-5.

20:48:07:41. Survey visit. The board shall survey and evaluate all nursing education programs at least every four years to ensure continuing compliance with board standards of nursing education or more often as considered necessary. Before the survey visit, the program shall submit a narrative self-evaluation report which provides evidence of compliance with the criteria for the evaluation of nursing programs as established in this chapter. Representatives of the board shall conduct the survey visit on dates mutually acceptable to the board and the program. The board shall send an announcement of a

survey visit to the program at least 90 days in advance of the visit. The board shall request programs to participate in scheduling survey visit activities. The board shall make a draft of the survey visit report available to the program for review and correction of factual information.

Following the board's review of the program's self-evaluation report and the report of the survey visit, the board shall decide on the approval status of the program. The board shall send written notice regarding the approval status of the program and any board recommendations to the administrator of the governing institution and the administrator of the nursing education program.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:12, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8), 36-9A-41.

Law Implemented: SDCL 36-9-58.3, 36-9-64, 36-9-64.1, 36-9A-5, 36-9A-21.1.

20:48:07:42. Fees for surveys. The board shall collect the following fees for the survey of a new or existing nursing education program:

- (1) \$100 a day;
- (2) Travel expenses in accordance with chapter 5:01:02 for all board representatives making the site survey visit.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:15, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(7), 36-9A-41.

Law Implemented: SDCL 36-9-58.3, 36-9-64.1, 36-9A-5, 36-9A-21.1.

20:48:07:43. Probationary status -- Withdrawal of program approval. If a survey team determines at any time that a program is not complying with the board's standards for nursing education

established in this chapter, the survey team shall file a report with the board identifying the alleged deficiencies and send a copy to the administrator of the nursing program and the administrator of the governing institution. Upon receipt of the survey team report and any written response from the program, the board shall schedule a meeting with program representatives to consider the alleged deficiencies and the board's recommendations.

If the board changes the program's approval status to probationary status, the board shall send written notice regarding the board's decision and the board's recommendations to the administrator of the governing institution and the administrator of the nursing education program. The board shall individually determine the period of time for probationary status in relation to the nature of the deficiencies, with no less than one year allowed for the correction of deficiencies.

At the expiration of the probationary period, if the program has failed to correct the deficiencies to the board's satisfaction and has not implemented the board's recommendations, the board may withdraw approval after a hearing in accordance with SDCL chapter [1-26](#). If the program corrects the deficiencies to the board's satisfaction and implements the board's recommendations, the board may restore the program's approval status. The board shall give the administrator of the nursing program and the administrator of the governing institution written notice of any change in approval status.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:13, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ [36-9-21\(8\)](#).

Law Implemented: SDCL 36-9-58.4, 36-9-66, 36-9-67, [36-9A-5](#), [36-9A-21.1](#).

20:48:07:44. Voluntary closing of approved program. The administrator of an approved nursing education program that is voluntarily closing shall notify the board in writing, including the reason for closing, the date of intended closing, and a plan that includes provisions for currently enrolled students

and disposition of records. The governing institution may choose one of the following two closing procedures:

(1) Continuance until the last class enrolled is graduated, with the following requirements:

(a) The program must continue to meet the board standards for nursing education until all of the enrolled students are graduated;

(b) The date of closure is the date on the degree, diploma, or certificate of the last graduate; and

(c) The governing institution must notify the board of the official closing date; or

(2) Closure after assisting in the transfer of students to other approved programs, with the following requirements:

(a) The program must continue to meet the board standards for nursing education until all students are transferred;

(b) A list of the names of students who have been transferred to approved programs and the date the last student was transferred must be submitted to the board by the governing institution; and

(c) The date of closure is the date the last student was transferred.

Source: 3 SDR 35, effective November 11, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:14, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL ~~36-9-21~~ 36-9-58, 36-9A-5, 36-9A-21.1.

20:48:07:45. Involuntary closing of program. If the board denies approval or withdraws approval of a program after a hearing, the governing institution must comply with the following closing procedures:

(1) The program must close after assisting in the transfer of students to other approved programs. The board shall establish the schedule for the transfer process;

(2) The governing institution shall submit to the board a list of the names of students who have transferred to approved programs and the date the last student was transferred; and

(3) The date the last student was transferred is the closing date of the program.

Source: 3 SDR 35, effective November 11, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:14, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL 36-9-67, 36-9A-5, 36-9A-21.1.

20:48:07:46. Custody and disposition of records of closed programs. Custody and disposition of records of closed programs must be maintained in one of the following ways:

(1) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall advise the board of the arrangements made to safeguard the records; or

(2) If the governing institution ceases to exist, the institution shall transfer the academic transcript of each student and graduate to the board office for safe keeping.

The institution shall consult the board about the disposition of all other records.

Source: 3 SDR 35, effective November 11, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:48:07:14, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL ~~36-9-24~~ 36-9-58, 36-9A-5, 36-9A-21.1.

20:48:07:47. Maintaining ongoing approval – Undergraduate nursing education programs. To maintain ongoing approval each undergraduate program must maintain a minimum of a 75 percent passing rate for first-time writers on the National Council Licensing Examination, as calculated pursuant to this section. If the program fails to meet this requirement for two consecutive measuring periods, the board shall ~~place the program on probationary status and shall send the program a notice of deficiency as required by § 20:48:07:43~~ require the program to submit a detailed action plan for improvement of the National Council Licensing Examination scores. For purposes of this section, the term, measuring period,

means that period commencing on January 1 of each calendar year and continuing until December 31 of the calendar year in which the number of first-time writers on the National Council Licensing Examination since the start of the respective measuring period equals or exceeds twenty-one. Measuring periods may overlap.

Each program must submit a report to the board ~~by November 1 each year~~ in the format and by the deadline prescribed by the board. The format shall include information related to students, faculty, graduates, curriculum, and clinical facilities. The board shall review each program's annual report and determine whether the program continues to comply with board standards for nursing education. If the program does not comply with the board standards, the board shall make recommendations to the school to address the areas of noncompliance within a designated time.

Source: 3 SDR 35, effective November 11, 1976; 9 SDR 151, effective May 30, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from §§ 20:48:07:10.01 and 20:48:07:11, 18 SDR 107, effective December 30, 1991; 31 SDR 26, effective September 8, 2004.

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL 36-9-58, 36-9-64.

Example: The number of first-time writers from the program in question is as follows:

January 1, 2004-December 31, 2004: 10 first-time writers;

January 1, 2005-December 31, 2005: 8 first-time writers;

January 1, 2006-December 31, 2006: 7 first-time writers; and

January 1, 2007-December 31, 2007: 12 first-time writers.

The first measuring period is January 1, 2004, through December 31, 2006, since 25 first-time writers will have written the licensing examination during such period. The second measuring period is January 1, 2005, through December 31, 2007, since 27 first-time writers will have written the licensing examination during such period. ~~If the 75 percent pass rate was not achieved on both of the two measuring periods, the board would place the program on probationary status and send the notice of deficiency as required by § 20:48:07:43.~~

20:48:07:47.1. Maintaining ongoing approval of advanced practice registered nurse programs. To maintain ongoing approval, each advanced practice nursing education program must maintain accreditation from a national nursing accrediting agency approved by the U.S. Department of Education. A program that has national accreditation shall:

(1) Submit to the board copies of accreditation related correspondence with the national nursing accrediting agency within 10 days of receipt on initial accreditation, reaccreditation, or substantial program changes;

(2) Submit to the board any report from a national accrediting agency citing deficiencies or recommendations within 10 days of receipt by the nursing program;

(3) Notify the board within ten days of any change in accreditation status; and

(4) Be subject to an on-site visit at the discretion of the board in accordance with ARSD 20:48:07:41 and 20:48:07:42.

If the program loses national accreditation the board shall require the program to submit a detailed action plan to correct deficiencies.

Each program must submit a report to the board in the format and by the deadline prescribed by the board. The format shall include information related to students, faculty, graduates, curriculum, and clinical facilities. The board shall review each program's annual report and determine whether the program continues to comply with board standards for nursing education. If the program does not comply with the board standards, the board shall make recommendations to the school to address the areas of noncompliance within a designated time.

Source:

General Authority: [SDCL 36-9A-41.](#)

Law Implemented: [SDCL 36-9A-5, 36-9A-21.1.](#)

20:48:07:48. Nationally accredited nursing programs. A nursing program that holds national accreditation status from a national nursing accrediting agency approved by the U.S. Department of Education is exempt from § 20:48:07:41 for the purpose of maintaining on-going full approval status. A program that has national accreditation shall:

- (1) Submit to the board evidence of initial accreditation and shall submit evidence of continuing accreditation after each reaccreditation review;
- (2) Submit to the board any report from a national accrediting agency citing deficiencies or recommendations at the time the report is received by the nursing program;
- (3) Notify the board within ten days of any change in accreditation status;
- (4) Continue to maintain on-going approval status with the board upon receipt and review of the documents required in subdivisions (1) and (2) unless otherwise notified by the Board; and
- (5) Be subject to an on-site visit at the discretion of the board in accordance with this chapter.

Source: 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58, 36-9-64.

20:48:07:49. Distance education programs. Delivery of instruction by distance education methods must be congruent with the nursing program curriculum plan and enable students to achieve program outcomes in accordance with § 20:48:07:28. A distance education program that meets the following requirements may be incorporated into a nursing program curriculum:

- (1) Has a means for assessing individual student outcomes and program outcomes;
- (2) Is approved by the agency regulating nurses in the jurisdiction of origination;
- (3) Complies with the regulatory requirements in each state that the program is being offered;
- (4) ~~Employs faculty who are licensed or have a privilege to practice in the state of origination of the program. Clinical faculty shall be licensed or have a privilege to practice in the state where clinical experiences are conducted;~~ Requires each faculty member to be licensed as a registered nurse in the state

of South Dakota or have privilege to practice when teaching didactic and clinical nursing education to practical nursing students or registered nursing students who are physically located in the state of South Dakota. For programs offering advanced practice nursing education, requires each faculty member to be licensed as an advanced practice registered nurse in the state of South Dakota or have privilege to practice when teaching advanced practice nursing students who are physically located in South Dakota;

- (5) Provides ~~student~~ students with adequate clinical instruction to meet program outcomes;
- (6) Provides adequate technical support and assistance to students and faculty;
- (7) Provides for student access to faculty members and resources;
- (8) Assures security of the ~~student's~~ students' personal information in conducting assessments and evaluations and in disseminating the results of distance learning courses; and
- (9) Assures the integrity of student work.

Source: 31 SDR 26, effective September 8, 2004.

General Authority: SDCL ~~36-9-21(9)~~ 36-9-21(8).

Law Implemented: SDCL 36-9-58.

20:48:07:50. Simulation. A nursing education program may use simulation as a substitute for traditional clinical experiences, not to exceed fifty percent of the total program clinical hours. A program that uses simulation shall provide evidence that the following standards have been met:

- (1) Faculty involved in simulations, both didactic and clinical, shall have training in the use of simulation and shall engage in on-going professional development in the use of simulation;
- (2) The program shall demonstrate that the simulation activities are linked to programmatic outcomes;
- (3) The program shall have written policies and procedures on the following:
 - (a) Short-term and long-term plans for integrating simulation into the curriculum;
 - (b) Method of debriefing each simulated activity; and
 - (c) Plan for orienting faculty to simulation;

(4) The program shall develop criteria to evaluate the simulation activities that includes ongoing evaluation by students; and

(5) The program shall include information about its use of simulation in its annual report to the Board of Nursing.

Source:

General Authority: SDCL 36-9-21(8).

Law Implemented: SDCL 36-9-58, 36-9A-5, 36-9A-21.1.

CHAPTER 20:48:15

NURSE LICENSURE COMPACT

(Repealed)

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.~~

~~— **20:48:15:01. Definitions.** Terms defined in the nurse licensure compact pursuant to SDCL chapter 36-9 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:~~

~~— (1) "Board," the party state's regulatory body responsible for issuing nurse licenses;~~

~~— (2) "Information system," the coordinated licensure information system;~~

~~— (3) "Primary state of residence," the state of a person's declared fixed permanent and principal home for legal purposes; domicile;~~

~~— (4) "Public," any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.~~

~~— **Source:** 27 SDR 54, effective December 6, 2000.~~

~~— **General Authority:** SDCL 36-9-92.~~

~~—— Law Implemented: SDCL 36-9-92.~~

~~—— 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 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 90-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; 41 SDR 12, effective July 31, 2014.~~

~~—— **General Authority:** SDCL 36-9-92.~~

~~—— **Law Implemented:** SDCL 36-9-92.~~

~~—— **20:48:15:03. Limitations on multistate licensing privilege.** The board shall include, in all licensure disciplinary orders or agreements that limit practice or require monitoring, the requirement that the licensee subject to the order or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards. A nurse who had a license that was surrendered, revoked, or suspended, or who had an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the nurse is eligible for an unrestricted license in the prior state of primary residence in which the adverse action occurred. Once eligible for licensure in the prior state of primary residence, a multistate license may be issued.~~

~~—— **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.~~

~~———— 20:48:15:04. Information system.~~

~~———— (1) Levels of access to the information system:~~

~~———— (a) The public shall have access to nurse licensure information limited to:~~

~~———— (i) The nurse's name;~~

~~———— (ii) The jurisdiction(s) of licensure;~~

~~———— (iii) The license expiration date(s);~~

~~———— (iv) The licensure classification(s) and status(es);~~

~~———— (v) Public emergency and final disciplinary actions, as defined by contributing state authority; and~~

~~———— (vi) The status of multistate licensure privileges;~~

~~———— (b) Nonparty state boards shall have access to all information system data except current significant investigative information and other information as limited by contributing party state authority; and~~

~~———— (c) Party state boards shall have access to all information system data contributed by the party states and other information as limited by contributing nonparty state authority;~~

~~———— (2) The licensee may request the home state board, in writing, to review the data relating to the licensee in the information system. If a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates the claim. The board shall verify and correct inaccurate data to the information system within ten business days.~~

~~———— (3) The board shall report to the information system within ten business days:~~

~~———— (a) Disciplinary action, agreement, or order requiring participation in alternative programs or which limit practice or require monitoring, except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority;~~

~~———— (b) Dismissal of complaint;~~

~~———— (c) Changes in status of disciplinary action or licensure encumbrance.~~

~~—— (4) Current significant investigative information shall be deleted from the information system within ten business days upon report of any disciplinary action, agreement, or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint;~~

~~—— (5) Changes to licensure information in the information system shall be completed within ten business days upon notification by a board.~~

~~—— **Source:** 27 SDR 54, effective December 6, 2000.~~

~~—— **General Authority:** SDCL 36-9-92.~~

~~—— **Law Implemented:** SDCL 36-9-92.~~