

CHAPTER 20:48:03

LICENSING AND LICENSES

Section

- 20:48:03:01 Application for licensure by examination.
- 20:48:03:02 Repealed.
- 20:48:03:03 Applicant from another state, territory, or foreign country.
- 20:48:03:04 The examination and its administration.
- 20:48:03:05 Proctoring the examination.
- 20:48:03:06 Examination results -- Retaking examination.
- 20:48:03:07 Application for license by endorsement.
- 20:48:03:08 Temporary permits.
- 20:48:03:09 Renewal of license.
- 20:48:03:10 Renewal of license by birth date -- Courtesy renewal.
- 20:48:03:11 Inactive status and reactivation of license.
- 20:48:03:12 Lapse and reinstatement of license.
- 20:48:03:13 Replacement of license.
- 20:48:03:14 ~~Evidence of change of name~~ Name change requirements.
- 20:48:03:14.01 Licensure reporting requirements.
- 20:48:03:15 Repealed.
- 20:48:03:16 Eligibility for active status licensure -- Reentry standards.
- 20:48:03:17 Criteria for refresher course.

20:48:03:14. Evidence of change of name Name change requirements. If, for any reason, a change of name occurs, the an applicant or licensee shall immediately notify the board by filing has a change of name, the applicant or licensee must, within sixty days, submit to the board an application and a certified copy of the legal instrument which makes the change effective or by filing such other written evidence authenticated to the satisfaction of the board that a change in authenticates the name has occurred change. The board shall, upon receipt of the application, legal instrument or other evidence, and, if a licensed nurse, payment of the fee prescribed by chapter 20:48:06 and surrender of the certificate of renewal, reissue the licensee's certificate of renewal in the changed name required in subdivisions 20:48:06:01(09) and 20:48:06:01(11), add the name to the applicant's licensure application or change the name on a nurse's license.

Source: SL 1975, ch 16, § 1; 3 SDR 35, effective November 11, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-9-21, 36-9-86.

Law Implemented: SDCL 36-9-29, 36-9-35 36-9-35(9), 36-9-43 36-9-43(8), 36-9-91(9).

Cross-Reference: Court proceedings not required for nonfraudulent change to new, consistently used name, Attorney General's Opinion No. 77-31.

20:48:03:14.01. Licensure reporting requirements. An applicant or licensee shall, within sixty days of the event, report to the board any of the following events:

- (1) A change of address;
- (2) A conviction or a finding of guilt, or entering into an agreed disposition, of a felony offense;
- (3) A conviction or a finding of guilt, or entering into an agreed disposition, of a misdemeanor offense related to the practice of nursing;
- (4) A malpractice claim;
- (5) A complaint pending with, or discipline issued by, another licensing board; and
- (6) Enrollment in an alternative-to-discipline program.

Source:

General Authority: SDCL 36-9-21, 36-9-86.

Law Implemented: SDCL 36-9-29, 36-9-98(III)(c)(7)(8)(9), 36-9-98 (IV)(a)(c)(d).

20:48:03.01:03. Other rules affecting licensure. Sections 20:48:03:11 to ~~20:48:03:14~~ 20:48:03:14.01, inclusive, relating to inactive status, lapse and reinstatement, replacement of license, ~~and~~ change of name, and licensure reporting requirements, also apply to a license issued under this chapter.

Source: 22 SDR 61, effective November 7, 1995.

General Authority: SDCL 36-9-21, 36-9-86.

Law Implemented: SDCL 36-9-29, 36-9-46 to 36-9-47.1, ~~36-9-88~~ inclusive, 36-9-91.

CHAPTER 20:48:07.01

CLINICAL ENRICHMENT PROGRAMS

Section

- 20:48:07.01:01 Application for program approval -- Renewal -- Annual report.
- 20:48:07.01:02 ~~Criteria~~ Requirements for approval.
- 20:48:07.01:03 Written report required, Repealed.
- 20:48:07.01:04 Preceptor responsibilities -- Requirements.

20:48:07.01:01. Application for program approval -- Renewal -- Annual report. ~~Each~~

~~An institution or agency desiring to offer a clinical enrichment program must be approved initially and annually by shall apply to the board for approval. Board approval must be obtained prior to the acceptance of the student employees. The board must approve an application if the requirements in § 20:48:07.01:02 are met. An institution or agency must send a letter requesting approval of the program to the board accompanied by a written factual report prepared according to the following outline:~~

~~—— I. Philosophy and objectives.~~

~~—— A. Philosophy — an expression of the institution's or agency's belief about nursing and its role in the education of nurses.~~

~~—— B. Objectives — the identification of measurable outcomes of the program.~~

~~—— 1. The facilities available to achieve the objectives.~~

~~—— 2. A plan to facilitate achievement of the objectives.~~

~~—— II. Licensure or approval status of the institution or agency.~~

~~—— III. Instructional staff.~~

~~—— A. Qualifications and licensure status of the program coordinator.~~

~~—— B. Qualifications and licensure status of preceptors.~~

~~—— C. Documentation of responsibilities and plans for orientation of instructional staff.~~

~~—— D. The preceptor/student employee ratio for the clinical setting.~~

~~—— IV. Admission criteria for student employees.~~

~~—— V. The evaluation tool used to determine the extent to which the objectives of the program were met.~~

~~—— The board shall review the report according to the criteria in §20:48:07.01:02 and shall notify the institution or agency of its approval or disapproval. If the program is not approved, the~~

~~board shall state the reasons for disapproval and make recommendations~~ may not allow a nursing student to practice nursing as defined in SDCL chapter 36-9, until the board approves the program.

An institution or agency that has an approved clinical enrichment program shall apply for renewal annually and shall submit an annual report in the format and by the deadline prescribed by the board.

Source: 13 SDR 175, effective May 28, 1987; transferred from § 20:48:07:16, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-28(2), 36-9-58.

20:48:07.01:02.—Criteria Requirements for approval. ~~Using information supplied in the written factual report required by § 20:48:07.01:01, the~~ The board shall base its decision to grant approval of a approve an institution's or agency's clinical enrichment program on the following criteria if the application demonstrates that the institution or agency:

(1) ~~The institution or agency must be~~ Is licensed or approved by a local or state agencies agency or governing bodies body;

(2) ~~The institution or agency must submit a written philosophy and~~ Has measurable program objectives and a plan to achieve the program objectives;

(3) ~~The program must have the facilities available to achieve the~~ Has an evaluation tool to determine the extent to which the program objectives were met;

(4) ~~The institution or agency must have a plan for achieving~~ Has facilities available to achieve the program objectives for the expected number of nursing students;

(5) ~~The~~ Has a program coordinator must be a who holds an active unencumbered registered nurse ~~with a current South Dakota license or privilege to practice in this state~~;

(6) ~~The~~ Has a policy that describes the selection, evaluation, and use of preceptors must be registered nurses with current South Dakota licenses and must have at least one year of successful clinical experience who meet the requirements in § 20:48:07.01:04;

(7) ~~Responsibilities of instructional staff must be documented and there must be a plan for orientation of instructional staff~~;

(8) ~~The preceptor/student employee ratio for the clinical setting must be 1:1~~;

——(9) ~~The institution or agency must have~~ Has written admission criteria for ~~student employees nursing students~~;

——(10) ~~The evaluation tool must enable the preceptor and the student employee to determine the extent to which the objectives were met and~~

(8) Has a written plan to evaluate a student's nursing knowledge and skills level before the student is allowed to provide direct patient care.

Source: 13 SDR 175, effective May 28, 1987; transferred from § 20:48:07:17, 18 SDR 107, effective December 30, 1991.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-28(2), 36-9-58.

20:48:07.01:03. Written report required. ~~Each institution or agency with an approved clinical enrichment program must submit a written evaluation report based on the objectives of the program to the board office by October 1 each year~~ Repealed.

Source: 13 SDR 175, effective May 28, 1987; transferred from § 20:48:07:18, 18 SDR 107, effective December 30, 1991.

General Authority: ~~SDCL 36-9-21.~~

Law Implemented: ~~SDCL 36-9-28(2), 36-9-58.~~

20:48:07.01:04. Preceptor responsibilities -- Requirements. The institution's or agency's program coordinator must assign a preceptor to a nursing student accepted into the institution's or agency's clinical enrichment program. The preceptor must directly supervise the student when the student is providing direct patient care. A preceptor may only allow a nursing student to perform clinical skills, activities, or tasks that the student has successfully completed in their academic nursing program. A preceptor must meet the following requirements:

- (1) Hold an active, unencumbered nursing license or privilege to practice in this state;
- (2) Complete education, approved by the board, on preceptor roles and responsibilities, clinical enrichment program objectives, and student evaluation methods;
- (3) Be licensed at or above the licensure level for which the nursing student is preparing; and
- (4) Be employed by the same employer in the same nursing practice setting for a minimum of:
 - (a) Nine hundred thirty-six hours in the preceding twelve months to precept one student during a shift; or
 - (b) One thousand eight hundred seventy-two hours in the preceding two years to precept two students during the same shift.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-28(2), 36-9-58.

CHAPTER 20:48:16

REGISTRATION OF NURSING ASSISTANT PERSONNEL

Section

20:48:16:01 Operation of registry.

20:48:16:02 Application for registration.

20:48:16:03 Renewal or reinstatement of registration.

20:48:16:04 Grounds for denial of application or removal from registry.

20:48:16:05 Name change requirements.

20:48:16:06 Registration reporting requirements.

20:48:16:05. Name change requirements. If an applicant or registrant has a change of name, the applicant or registrant must, within sixty days, submit to the board an application and a certified copy of the legal instrument or other written evidence that authenticates the name change. The board shall, upon receipt of the application and legal instrument or other evidence, add the name to the applicant's registration application or change the registrant's name on the board's nursing assistant registry.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-21(5).

Cross-Reference: Court proceedings not required for nonfraudulent change to new, consistently used name, Attorney General's Opinion No. 77-31.

20:48:16:06 Registration reporting requirements. An applicant or registrant shall, within sixty days of the event, report to the board either of the following events:

- (1) A change of address; and
- (2) A complaint pending with, or discipline issued by, another licensing board.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-21(5).