

ARTICLE 20:48

NURSES

Chapter

20:48:01	Definitions.
20:48:02	General rules affecting board.
20:48:03	Licensing and licenses.
20:48:03.01	Licensure of clinical nurse specialists.
20:48:04	The practice of nursing.
20:48:04.01	Delegation of nursing tasks.
20:48:04.02	Delegation of nursing tasks to dialysis technicians.
20:48:05	Licensure of nurse anesthetists.
20:48:06	Fees required of licensees.
20:48:07	Approval of nursing education programs.
20:48:07.01	Clinical enrichment programs.
20:48:08	Disciplinary proceedings, Repealed.
20:48:09	Declaratory rulings, Repealed.
20:48:10	Rules: initiation, repeal, amendment.
20:48:11	Contested cases, Repealed.
20:48:12	Continuing education, Repealed.
20:48:13	Nurse education assistance scholarship program.
20:48:14	Nursing corporations and health care corporation certificates of registration.
20:48:15	Nurse licensure compact, Repealed.
20:48:16	Registration of nursing assistant personnel <u>Certified nurse aide and medication aide registry.</u>
20:48:17	Health professionals assistance program.
20:48:18	<u>Certified nurse aide training program.</u>

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) "Clinical enrichment program," a 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;

(2) "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;

(3) "Delegation," the transfer of the authority to a trained individual to perform a specific nursing task in a specific situation;

(4) "Direct supervision," supervision given by a registered nurse, advance practice registered nurse, licensed physician, or other licensed health care provider approved by the board, who is physically present in the immediate area where the client is being provided nursing service;

(5) "Licensee," ~~a person~~ an individual who holds a license issued by the board or privilege to practice as a registered nurse, licensed practical nurse, certified registered nurse anesthetist, or clinical nurse specialist;

(6) "Nursing assistant," ~~a person~~ an unlicensed individual trained to assist a licensed nurse and function in a supportive role, regardless of title, and to whom a nursing task may be delegated;

(7) "Registrant," ~~a person who is registered by the board as an unlicensed nursing assistant under chapter 20:48:16;~~ "Nursing facility," a place of business licensed in accordance with SDCL 34-12-1.1 to provide health care for residents; and

(8) "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.

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; 45 SDR 9, effective July 30, 2018; 49 SDR 51, effective November 27, 2022; 50 SDR 69, effective December 10, 2023.

General Authority: SDCL 36-9-21(1)(2)(4)(7).

Law Implemented: SDCL 36-9-1, 36-9-1.1, 36-9-3(7)(11), 36-9-4(9), ~~36-9-67.1~~ 36-9-21(5).

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	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.
20:48:03:18	<u>Emergency suspension of license, temporary permit, or privilege to practice.</u>

20:48:03:18. Emergency suspension of license, temporary permit, or privilege to practice. The executive director may issue an order of emergency suspension to an individual who holds a board-issued nursing license, temporary permit, or privilege to practice if the continued practice by the individual constitutes an imminent threat to the public's welfare. The order of emergency suspension:

- (1) Takes effect upon written notice to the individual; and
- (2) Remains in effect until retracted, modified, or superseded by a final action by the board or upon agreement between the board and the individual.

Source:

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

Law Implemented: SDCL 1-26-29, 36-9-1.1, 36-9-15, 36-9-49, 36-9A-5, 36-9A-29, 36-9A-32.

20:48:03.01:03. Other rules affecting licensure. Sections 20:48:03:11 to 20:48:03:14.01, inclusive, and 20:48:03:18 ~~relating to inactive status, lapse and reinstatement, replacement of license, change of name, and licensure reporting requirements,~~ also apply to a ~~license issued under~~ this chapter.

Source: 22 SDR 61, effective November 7, 1995; 51 SDR 16, effective August 18, 2024.

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

Law Implemented: SDCL 1-26-29, 36-9-1.1, 36-9-15, 36-9-29, 36-9-46 to 36-9-47.1, inclusive, 36-9-49, 36-9-91.

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	Repealed.
20:48:04.01:04	Repealed.
20:48:04.01:05	Repealed.
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	Requirements for delegated medication administration to a nursing assistant.
20:48:04.01:09.01	Delegation of medication administration tasks to a nursing assistant.
20:48:04.01:10	Delegation of additional medication administration tasks to a medical assistant.
20:48:04.01:11	Medication administration tasks that require a 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	Requirements for approval of medication administration training programs.
20:48:04.01:14.01	Standards for medication administration training programs.

- 20:48:04.01:15 Medication administration curriculum.
- 20:48:04.01:16 Written protocol required for the delegation of insulin administration by the subcutaneous route to a nursing assistant.
- 20:48:04.01:17 Qualifications of the registered nurse for delegation of insulin administration by the subcutaneous route to a nursing assistant.
- 20:48:04.01:18 Delegation of specific medication administration.
- 20:48:04.01:19 Training required for the delegation of specific medication administration.
- 20:48:04.01:20 Tracheostomy care and suctioning -- Requirements for delegation to a nursing assistant.
- 20:48:04.01:21 Tracheostomy care and suctioning -- Tasks that may be delegated -- Written protocol required.
- 20:48:04.01:22 Tracheostomy care and suctioning -- Training.
- 20:48:04.01:23 Delegation of tasks to a certified nurse aide.

20:48:04.01:07. Nursing tasks that may not be delegated. A licensed nurse may not delegate to a nursing assistant:

- (1) Assessments that require professional nursing judgment, intervention, referral, or follow-up;
- (2) Formulation of the plan of nursing care and evaluation of the client's response to the care rendered;
- (3) Tasks involved in the implementation of the plan of care that require nursing judgment or intervention, including:
 - (a) Sterile procedures involving a wound or anatomical site that could become infected, except urinary catheterization;
 - (b) Nasogastric tube feeding;
 - (c) Nasogastric, jejunostomy, and gastrostomy tube insertion or removal; and
 - (d) Tracheostomy care and suctioning, except as permitted by §§ 20:48:04.01:20 to 20:48:04.01:22, inclusive;
- (4) Administration of medications, except as permitted by §§ 20:48:04.01:09 to 20:48:04.01:11, inclusive, and ~~§~~20:48:04.01:18;
- (5) Acceptance of medical orders; and
- (6) Health counseling and health teaching.

Source: 21 SDR 13, effective August 7, 1994; 26 SDR 174, effective July 4, 2000; 49 SDR 51, effective November 27, 2022.

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(4).

20:48:04.01:20. Tracheostomy care and suctioning -- Requirements for the delegation to a nursing assistant. A registered nurse may delegate tracheostomy care and suctioning tasks to a nursing assistant, for a specific client, pursuant to §§ 20:48:04.01:21 and 20:48:04.01:22, in a stable nursing situation, if:

- (1) The client resides in a shared living home, as defined in § 46:04:01:01;
 - (2) A registered nurse has determined that the performance of tracheostomy care and suctioning by a nursing assistant will allow the client to remain in the shared living home;
 - (3) A licensee is not available to perform the tracheostomy care and suctioning for the client;
 - (4) The client's plan of care includes performing tracheostomy care or suctioning on a routine, scheduled basis;
 - (5) The client's tracheostomy care or suctioning has been routinely performed without complications;
 - (6) The registered nurse assessed the client's tracheostomy stoma and determined that the stoma is stable with no known or anticipated complications;
 - (7) The delegation complies with the general criteria for delegation and supervision set forth in §§ 20:48:04.01:01 and 20:48:04.01:02, respectively; and
 - (8) The nursing assistant has met the training requirements set forth in § 20:48:04.01:22.
- The registered nurse must assess the client's condition monthly and must perform an annual comprehensive nursing assessment.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(3)(5)(6)(7)(8)(11), 36-9-21(4)(5).

20:48:04.01:21. Tracheostomy care and suctioning -- Tasks that may be delegated --

Written protocol required. A registered nurse may only delegate the following tracheostomy care and suctioning tasks to a nursing assistant:

- _____ (1) Inspecting, cleaning, and changing the dressing for an established tracheostomy site;
- _____ (2) Changing or cleaning the inner cannula; and
- _____ (3) Suctioning the tracheostomy.

_____ The registered nurse must develop and maintain a written protocol for a specific client on the procedures and tasks for tracheostomy care and suctioning that may be delegated to the nursing assistant.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

_____ **Law Implemented:** SDCL 36-9-3(7)(8)(11)(13), 36-9-21(4)(5).

20:48:04.01:22. Tracheostomy care and suctioning -- Training. A registered nurse must meet the following requirements before delegating the tracheostomy care and suctioning protocol, as provided in § 20:48:04.01:21:

- _____ (1) Provide instruction to the nursing assistant on:
 - _____ (a) Airway anatomy;
 - _____ (b) The purpose and function of a tracheostomy;
 - _____ (c) The type of tracheostomy tube used by the client;
 - _____ (d) Inspecting the stoma site;
 - _____ (e) Infection control procedures;
 - _____ (f) Cleaning the stoma site;
 - _____ (g) Changing the dressing;
 - _____ (h) Changing or cleaning the inner cannula;
 - _____ (i) Suctioning the client's tracheostomy;
 - _____ (j) Signs and symptoms of tracheostomy-related complications;
 - _____ (k) Emergency care; and
 - _____ (l) When the registered nurse should be contacted;
- _____ (2) Verify, through the administration of a test or observation, that the nursing assistant knows the content listed in subdivision (1) of this section;
- _____ (3) Directly observe the nursing assistant perform the procedures and tasks on the client until the nursing assistant demonstrates competency;
- _____ (4) Document the training provided to the nursing assistant;
- _____ (5) If the client's tracheostomy medical orders change, evaluate the client to determine if the nursing assistant requires further instruction and observation; and

(6) Evaluate the competency of the nursing assistant annually to determine if further instruction and observation is needed.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(7)(8)(11)(13), 36-9-21(4)(5).

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20:48:04.01:23. Delegation of tasks to a certified nurse aide. A licensed practical nurse, registered nurse, or advanced practice registered nurse may delegate nursing tasks, in accordance with §§ 20:48:04.01:01 and 20:48:04.01:02, to an individual in a nursing facility, if the individual:

(1) Is registered with the board as a certified nurse aide in accordance with chapter 20:48:16; or

(2) Has worked less than four months in the nursing facility and is enrolled as a student in a board-approved nurse aide training program or has completed the program and is awaiting registration by the board as a certified nurse aide.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(7), 36-9-4(9), 36-9-21(4)(5), 36-9A-12(7), 36-9A-13(7).

20:48:05:07. Other rules affecting licensure. ~~The provisions of §§Sections 20:48:03:11 to 20:48:03:14 20:48:03:14.01, inclusive, and 20:48:03:18 relating to inactive status, lapse and reinstatement, replacement of license, and change of name, also apply to a 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; 41 SDR 12, effective July 31, 2014.

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 1-26-29, 36-9-1.1, 36-9-15, 36-9-29, 36-9-35, 36-9-43, 36-9-46 to 36-9-47.1, inclusive, 36-9-49.

CHAPTER 20:48:16

REGISTRATION OF NURSING ASSISTIVE PERSONNEL CERTIFIED NURSE AIDE
AND MEDICATION AIDE REGISTRY

Section

- 20:48:16:01 Operation of registry.
- 20:48:16:02 Medication aide registration -- Application for registration -- Title.
- 20:48:16:03 Medication aide registration -- 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.
- 20:48:16:07 Emergency suspension of registration.
- 20:48:16:08 Certified nurse aide registration -- Competency assessment program.
- 20:48:16:09 Certified nurse aide registration -- Knowledge exam requirements.
- 20:48:16:10 Certified nurse aide registration -- Skills evaluation requirements.
- 20:48:16:11 Certified nurse aide registration -- Skills evaluator qualifications.
- 20:48:16:12 Certified nurse aide registration -- Application -- Title.
- 20:48:16:13 Certified nurse aide registration -- Application by endorsement.
- 20:48:16:14 Certified nurse aide registration -- Renewal or reinstatement.

20:48:16:01. Operation of registry. The board shall operate the ~~nursing-assistive personnel~~ certified nurse aide and medication aide registry. The registry must contain the following information for each person who has gained registry status:

- (1) Full name of the registrant, including maiden name and any surnames used;
- (2) Last known home address;
- (3) Registration number;
- (4) Date the registry status expires;
- (5) Date of birth;
- (6) Most recent employment;
- (7) Date of successful completion of the board-approved training program, examination, and skills evaluation results; and
- (8) Disciplinary proceedings against the registrant.

Source: 44 SDR 81, effective November 6, 2017; 49 SDR 51, effective November 27, 2022.

General Authority: SDCL 36-9-21(5).

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

20:48:16:02. Medication aide registration -- Application for registration -- Title. A ~~person~~ The board shall register an individual seeking initial registration as a medication aide if the individual:

- (1) ~~Apply~~ Applies on the form provided by the board;
- (2) ~~Hold~~ Holds a high school diploma or equivalent;
- (3) ~~Successfully complete~~ completes a board-approved training program in accordance with § 20:48:04.01:13. ~~An applicant who completed education that was not approved by the board shall make a request for an equivalency determination on a form provided by the board;~~
~~and;~~
- (4) ~~Provide~~ Provides evidence of having passed a board-approved examination for medication administration with a minimum score of seventy-five percent; and
- (5) Is not otherwise disqualified under § 20:48:16:04.

An applicant who completed training that was not approved by the board shall make a request for an equivalency determination on a form provided by the board.

If the applicant does not meet the registration requirements for this section, the board ~~shall~~ must deny the application.

An individual registered as a medication aide in this state may use the title "registered medication aide" and the abbreviation "RMA".

Source: 44 SDR 81, effective November 6, 2017; 49 SDR 1, effective July 6, 2022; 49 SDR 51, effective November 27, 2022.

General Authority: SDCL 36-9-21(5).

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

20:48:16:03. Medication aide registration -- Renewal or reinstatement of

registration. A ~~registrant~~ registered medication aide shall renew the registration as a medication aide biennially. Renewal of registration is by the birth date of the registrant. The board shall send a notice for renewal to the last known address of each ~~current registrant~~ registered medication aide at least ~~90~~ ninety days before the ~~registrant's~~ registrant's expiration date. Failure to receive the notice for renewal does not relieve the ~~registrant~~ registered medication aide of the responsibility for renewing ~~within the prescribed time~~ by the final date of the registration renewal period. ~~Any renewal received by the board after the filing date indicated in the notice~~ If a medication aide fails to renew by the final date of the renewal period or fails to meet the renewal requirements listed in subdivisions (1) to (3), inclusive, of this section, the aide must be listed as lapsed on the registry.

The board ~~shall~~ must renew the registration of, or reinstate a ~~registrant~~ the lapsed registration of, a medication aide if the ~~registrant~~ aide:

- (1) Applies on the form provided by the board;
- (2) Submits an affidavit that the applicant has committed no act of misconduct as set forth in § 20:48:16:04; and
- (3) Provides a verified statement that indicates whether the applicant was employed to administer medications to clients in a nursing facility, assisted living center, or hospital for a minimum of ~~12~~ twelve hours during the preceding ~~24~~ twenty-four months.

An applicant who does not meet the ~~employment~~ requirement in subdivision (3) of this section must repeat the medication aide training program and skills evaluation and the examination requirements listed in § 20:48:16:02.

Source: 44 SDR 81, effective November 6, 2017; 49 SDR 1, effective July 6, 2022; 49 SDR 51, effective November 27, 2022.

General Authority: SDCL 36-9-21(5).

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

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20:48:16:04. Grounds for denial of application or removal from registry. The board, in compliance with SDCL chapters 1-26 and 36-1C, may deny an applicant or remove a registrant certified nurse aide or a registered medication aide from the registry, or may take other disciplinary or corrective action the board considers appropriate in addition to or in lieu of denial or removal from the registry, upon proof that the applicant or ~~registrant~~ registered certified nurse aide or a medication aide has:

(1) Committed fraud, deceit, or misrepresentation in procuring or attempting to procure registration;

(2) Been convicted of a ~~felony. The conviction of a felony means the conviction of any offense that, if committed within this state, would constitute a felony under its laws~~ crime that directly relates to the practice of nursing;

(3) Committed an alcohol or drug related act or offense that interferes with the ability to practice as a registrant safely;

(4) Negligently, willfully, or intentionally acted in a manner inconsistent with the health or safety of a person entrusted to the ~~registrant's~~ registrant's care;

(5) Had any license or registration denied, revoked, or suspended, or had other disciplinary action taken;

(6) Violated any provision of chapter 36-9 or this article;

(7) Practiced ~~during a time the registrant's~~ with a lapsed registration ~~is lapsed~~;

(8) Engaged in unsafe practice, substandard care, or unprofessional or dishonorable conduct;

(9) Violated confidentiality, patient privacy, consent, or disclosure of patient information;

or

(10) Engaged in sexual harassment, sexual contact, or exercised influence within the registrant-patient relationship for the purpose of engaging a patient in sexual activity;

(11) Had a finding of emotional and psychological abuse, neglect, or physical abuse, as defined in SDCL 22-46-1; or

(12) Engaged in misappropriation of resident property, as defined in § 44:73:01:01.

Source: 44 SDR 81, effective November 6, 2017; 49 SDR 1, effective July 6, 2022.

General Authority: SDCL 36-9-21(5).

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

20:48:16:07. Emergency suspension of registration. The executive director may issue an order of emergency suspension to an individual who is registered by the board as a certified nurse aide or a medication aide if the continued practice by the individual constitutes an imminent threat to the public's welfare. The order of emergency suspension:

- (1) Takes effect upon written notice to the individual; and
- (2) Remains in effect until retracted, modified, or superseded by a final action by the board or upon agreement between the board and the individual.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 1-26-29, 36-9-1.1, 36-9-15, 36-9-21(5).

20:48:16:08. Certified nurse aide registration -- Competency assessment program.

An applicant, as a requirement for registration as a certified nurse aide, shall pass a board-approved competency assessment program consisting of a knowledge exam, administered by a testing agency in accordance with § 20:48:16:09, and a skills evaluation, administered by a board-approved nurse aide training program, in accordance with §§ 20:48:16:10 and 20:48:16:11. The competency assessment must measure the applicant's knowledge, skills, and abilities on the content listed in § 20:48:18:09.

Source:

General Authority: SDCL 36-9-21.

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

20:48:16:09. Certified nurse aide registration -- Knowledge exam requirements. The

board may contract with a testing agency to develop and administer a certified nurse aide knowledge exam to applicants for registration as a certified nurse aide. The testing agency shall:

- _____ (1) Have a pool of written questions developed for use in the exam;
- _____ (2) Administer the exam to an applicant using only a portion of the pool of questions;
- _____ (3) Have a board-approved policy for the selection and use of test proctors;
- _____ (4) Administer the exam orally upon request by an applicant. The exam must be read by an approved proctor from a prepared text in a neutral manner;
- _____ (5) Advise the applicant, prior to administering the exam, that the board will be notified of the applicant's results on the exam;
- _____ (6) Score the exam and require a passing score of seventy-five percent;
- _____ (7) If an applicant fails the exam, advise the applicant of the areas not passed and allow the applicant to apply to retake the exam two times;
- _____ (8) Safeguard the confidentiality of the exam and secure the exam from tampering; and
- _____ (9) Report any known or suspected breach in the security of the exam to the board in a timely manner.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

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

20:48:16:10. Certified nurse aide registration -- Skills evaluation requirements. To

administer the skills evaluation required by § 20:48:16:08, a board-approved nurse aide training program shall:

- _____ (1) Use a pool of skills evaluation checklists approved by the board;
- _____ (2) Use a skills evaluator, who meets the qualifications in § 20:48:16:11, to evaluate an applicant's ability to safely demonstrate the performance of a minimum of four skills selected at random by the board from the pool of skills;
- _____ (3) Require the skills evaluator to advise the applicant, prior to administering the evaluation, that the completed skills evaluation checklists are to be provided to the board for scoring and, upon successful completion of the evaluation, the applicant is to be placed on the board's certified nurse aide registry; and
- _____ (4) Submit the completed skills evaluation checklists to the board for scoring.

_____ Upon receipt of the four skills evaluation checklists, the board shall score each checklist to determine if the applicant safely demonstrated the critical items on a checklist. If an applicant fails to safely demonstrate a critical item on a skills evaluation checklist, the board must provide notice to the applicant of the area not passed and allow the applicant to be re-evaluated on the skill two times.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

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

20:48:16:11. Certified nurse aide registration -- Skills evaluator qualifications. A

certified nurse aide skills evaluator must:

- (1) Hold a registered nurse license or privilege to practice in this state;
- (2) Have a minimum of one year of clinical experience caring for older adults or the chronically ill of any age; and
- (3) Not be employed as the director of nursing in a nursing facility.

Source:

General Authority: 36-9-21.

Law Implemented: 36-9-3(11)(12), 36-9-21(5).

20:48:16:12. Certified nurse aide registration -- Application -- Title. The board shall register an individual seeking initial registration as a certified nurse aide if the individual:

- (1) Applies on the form provided by the board;
- (2) Submits an affidavit that the applicant has committed no act of misconduct as set forth in § 20:48:16:04;
- (3) Provides verification of having completed a board-approved nurse aide training program in accordance with § 20:48:18:01;
- (4) Passes a board-approved skills evaluation in accordance with §§ 20:48:16:10 to 20:48:16:11; and
- (5) Provides evidence of passing a board-approved certified nurse aide knowledge exam in accordance with § 20:48:16:09.

An applicant who completed training that was not approved by the board shall make a request for an equivalency determination on a form provided by the board.

If the applicant does not meet the registration requirements of this section, the board must deny the application.

Only an individual registered as a certified nurse aide in this state may use the title "certified nurse aide" and the abbreviation "CNA".

Source:

General Authority: SDCL 36-9-21.

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

20:48:16:13. Certified nurse aide registration -- Application by endorsement. The board shall register an individual seeking registration as a certified nurse aide by endorsement from another state if the individual:

- _____ (1) Applies on the form provided by the board;
- _____ (2) Submits an affidavit that the applicant has committed no act of misconduct as set forth in § 20:48:16:04; and
- _____ (3) Submits evidence of active registration as a certified nurse aide on another state's registry.

_____ If the applicant does not meet the registration requirements of this section, the board must deny the application.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

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

20:48:16:14. Certified nurse aide registration -- Renewal or reinstatement. A

certified nurse aide registered by the board shall renew the registration biennially. Renewal of registration is by the birth date of the registrant. The board shall send a notice for renewal to the last known address of each registrant at least ninety days before the registrant's expiration date. Failure to receive the notice for renewal does not relieve the registrant of the responsibility for renewing by the final date of the registration renewal period. If a certified nurse aide fails to renew by the final date of the renewal period or fails to meet the renewal requirements listed in subdivisions (1) to (4), inclusive, of this section, the aide must be listed as lapsed on the registry. The board must renew the registration of, or reinstate the lapsed registration of, a certified nurse aide if the aide:

- _____ (1) Applies on the form provided by the board;
- _____ (2) Submits an affidavit that the applicant has committed no act of misconduct as set forth in § 20:48:16:04;
- _____ (3) Submits evidence of having provided a minimum of twelve hours of nursing or nursing-related services for monetary compensation during the preceding two years; and
- _____ (4) Submits evidence of having completed a minimum of twelve hours of in-service education annually during the preceding two years which must include content on:
 - _____ (a) Dementia management; and
 - _____ (b) Client abuse, neglect, exploitation, and misappropriation of property, and procedures to report incidents of client abuse, neglect, exploitation, or misappropriation.

_____ An applicant who does not meet the requirements in subsections (3) or (4) of this section must pass a board-approved knowledge exam and skills evaluation, in accordance with §§ 20:48:16:09 to 20:48:16:11, inclusive.

Source:

General Authority: SDCL 36-9-21.

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

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CHAPTER 20:48:18

CERTIFIED NURSE AIDE TRAINING PROGRAM

Section

- 20:48:18:01 Certified nurse aide training program -- Application for approval.
- 20:48:18:02 Certified nurse aide training program -- Requirements for approval.
- 20:48:18:03 Certified nurse aide training program -- Requirements for documentation.
- 20:48:18:04 Certified nurse aide training program -- Clinical faculty agreement required.
- 20:48:18:05 Certified nurse aide training program -- Program director qualifications --
Notification to the board.
- 20:48:18:06 Certified nurse aide training program -- Program director duties.
- 20:48:18:07 Certified nurse aide training program -- Primary nurse instructor qualifications
and duties.
- 20:48:18:08 Certified nurse aide training program -- Supplemental personnel.
- 20:48:18:09 Certified nurse aide training program -- Curriculum requirements.
- 20:48:18:10 Certified nurse aide training program -- Renewal of approval -- Site visit.
- 20:48:18:11 Certified nurse aide training program -- Withdrawal of approval.
- 20:48:18:12 Certified nurse aide training program -- Reinstatement of approval.

20:48:18:01. Certified nurse aide training program -- Application for approval. A person or institution desiring to offer a nurse aide training program shall apply to the board for approval. An institution that provides nurse aide training in multiple locations affiliated with the institution shall submit one application for all locations. The board shall notify the applicant of the approval status within ninety days of receipt of the application. An applicant may not enroll students prior to approval of the program.

Source:

General Authority: SDCL 36-9-21.

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

20:48:18:02. Certified nurse aide training program -- Requirements for approval.

The board shall approve a nurse aide training program if the application demonstrates that the applicant:

- _____ (1) Has written admission criteria that screens students for findings of and convictions for emotional and psychological abuse, neglect, exploitation, or physical abuse, as defined in SDCL 22-46-1;
- _____ (2) Prohibits enrollment of students who have been found to have violated, or have been convicted of, offenses pursuant to SDCL 22-46-2 and 22-46-3, related to abuse, neglect, or exploitation described in subdivision (1);
- _____ (3) If not affiliated with a nursing facility, has an affiliation agreement in place, pursuant to § 20:48:18:04;
- _____ (4) Provides instruction that aligns with the curriculum set forth in § 20:48:18:09;
- _____ (5) Has appointed a registered nurse, who meets the qualifications in § 20:48:18:05, to serve in the role of program director to perform the duties listed in § 20:48:18:06;
- _____ (6) Has appointed a primary nurse instructor who meets the qualifications to outlined in § 20:48:18:07;
- _____ (7) If supplement personnel are used, has appointed personnel who meet the qualifications in § 20:48:18:08;
- _____ (8) Uses classrooms, skills laboratories, and equipment in the number and size to provide a safe and effective learning environment for the number of students enrolled; and
- _____ (9) Uses licensed nurses to directly supervise students in the skills laboratory and when performing direct client care.

_____ **Source:**

General Authority: SDCL 36-9-21.

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

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20:48:18:03. Certified nurse aide training program -- Requirements for

documentation. A nurse aide training program shall maintain the following documentation, and provide it to the board upon request:

- _____ (1) A list of students enrolled in the program;
- _____ (2) The date a student completed the program, failed the program, or withdrew from the program, and the reason for withdrawing from the program; and
- _____ (3) A list of the individuals teaching the program, including qualifications and experience.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

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

20:48:18:04. Certified nurse aide training program -- Clinical facility agreement

required. A nurse aide training program that is not affiliated with a nursing facility must have a written affiliation agreement in place between the training program and a nursing facility or a comparable nursing practice setting. The agreement must describe:

(1) How the training program is to provide supervised practical training in the facility; and

(2) How the students are to be directly supervised by a licensed nurse when performing client care.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(11)(12), 36-9-4(8)(9), 36-9-21(5).

20:48:18:05. Certified nurse aide training program -- Program director

qualifications -- Notification to the board. The program director of an approved nurse aide training program shall meet the following qualifications:

_____ (1) _____ Hold an unencumbered registered nurse license or privilege to practice in this state; and

_____ (2) _____ Have a minimum of one year of clinical registered nursing experience.

_____ An administrator of the program's institution shall notify the board within sixty days when the position of the program director is vacated. A new program director must be approved by the board before new students are enrolled in the program.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

_____ **Law Implemented:** SDCL 36-9-3(12), 36-9-21(5).

20:48:18:06. Certified nurse aide training program -- Program director duties. The program director of a nurse aide training program shall:

_____ (1) Provide general supervision of the nurse aide training program in compliance with this chapter;

_____ (2) Select qualified primary nurse instructors, in accordance with the requirements in § 20:48:18:07;

_____ (3) Ensure that the students enrolled in the program were screened in accordance with subdivisions 20:48:18:02(1) and (2);

_____ (4) Create and maintain an environment conducive to teaching and learning;

_____ (5) Ensure that the training program meets the curriculum requirements in § 20:48:18:09;

_____ (6) Ensure any supplemental personnel who assist with teaching the program meet the qualification set forth in § 20:48:18:08;

_____ (7) Select qualified registered nurses to administer the skills evaluation in accordance with the requirements in § 20:48:16:11;

_____ (8) Ensure that a student is competent to perform a nursing task prior to the student performing the task on a client without direct supervision;

_____ (9) Ensure a licensed nurse is in the immediate area and available to supervise the student when the student is providing client care;

_____ (10) Verify a student's completion of the nurse aide training program to the board;

_____ (11) Submit a student's skills evaluation checklists to the board; and

_____ (12) Coordinate the student's completion of the certified nurse aide knowledge exam.

_____ **Source:**

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(8)(11)(12)(13), 36-9-21(5).

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20:48:18:07. Certified nurse aide training program -- Primary nurse instructor

qualifications and duties. To be appointed as a primary nurse instructor and to teach the required curriculum set forth in § 20:48:18:09, an individual must:

- _____ (1) Hold a registered nurse or licensed practical nurse license or privilege to practice in this state;
- _____ (2) Have a minimum of two years of clinical licensed nursing experience;
- _____ (3) Have a minimum of one year of licensed nursing experience in a nursing facility;
- _____ (4) Have experience instructing adult students or completed a training course on adult instruction; and
- _____ (5) Not be employed as the director of a nursing of a nursing facility.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(7)(11)(12)(14), 36-9-4(8)(9)(10), 36-9-21(5).

20:48:18:08. Certified nurse aide training program -- Supplemental personnel. To be appointed as supplemental personnel and to assist with the teaching of the curriculum content in § 20:48:18:09, an individual must:

- (1) Have one year of experience in the content area of expertise; and
- (2) Not be employed as the director of nursing in a nursing facility.

Source:

General Authority: SDCL 36-9-21.

Law Implemented: SDCL 36-9-3(11)(12), 36-9-21(5).

20:48:18:09. Certified nurse aide training program -- Curriculum requirements. A

nurse aide training program must require students to complete seventy-five hours of theoretical instruction and supervised practical training under the direct supervision of a licensee. The training program's curriculum must use board-approved teaching resources and must:

(1) Provide an initial sixteen hours of theoretical and skills instruction, prior to a student having direct contact with a client, on the following topics:

- (a) Communication and interpersonal skills;
- (b) Infection control;
- (c) Safety or emergency procedures, including the Heimlich maneuver;
- (d) Promoting a client's independence;
- (e) Respecting a client's rights; and
- (f) Promoting a client's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;

(2) After the student completes the requirement in subdivision (1), provide forty-three hours of theoretical instruction and supervised practical training in a skills laboratory, a nursing facility, or a comparable nursing practice setting, on the following topics:

- (a) Measuring and recording vital signs, height, and weight;
- (b) Caring for a client's environment;
- (c) Recognizing abnormal changes in body functioning and reporting changes to a supervisor;
- (d) Caring for a client when death is imminent;
- (e) Bathing, grooming, and providing mouth care;
- (f) Dressing;

- (g) Toileting, including providing bowel and bladder training;
- (h) Assisting with eating, hydration, and using proper feeding techniques;
- (i) Providing skin care;
- (j) Transferring, turning and positioning, restorative care, and range of motion;
- (k) Aging process and associated developmental tasks;
- (l) Responding to a client's mental health and social needs by modifying care provided in response to the client's behavior;
- (m) Promoting and allowing a client's right to make personal choices to accommodate the client's needs and maintain dignity;
- (n) Using the client's family as a source of emotional support;
- (o) Using techniques for addressing the unique needs and behaviors of a client with dementia or Alzheimer's disease;
- (p) Understanding the behavior of and communicating with a cognitively impaired client using appropriate responses to the behavior of the client;
- (q) Using methods to reduce the effects of cognitive impairments;
- (r) Assisting the client in self-care according to the client's abilities;
- (s) Using assistive devices in transferring, ambulation, eating, and dressing;
- (t) Using and caring for prosthetic and orthotic devices;
- (u) Providing privacy and confidentiality;
- (v) Assisting in resolving client grievances and disputes;
- (w) Providing a client assistance to participate in activities;
- (x) Maintaining care and security of a client's personal possessions; and

_____ (y) Avoiding the need for restraints in accordance with current professional standards; and

_____ (3) Provide sixteen hours of supervised practical training in a nursing facility or a comparable nursing practice setting.

Source:

General Authority: SDCL 36-9-21.

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

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20:48:18:10. Certified nurse aide training program – Renewal of approval -- Site visit. A person or institution that operates an approved nurse aide training program shall apply for renewal of board approval biennially by the deadline prescribed by the board. The board shall conduct an onsite or teleconference visit of the training program to determine compliance with the requirements in §§ 20:48:18:02 to 20:48:18:09, inclusive. The board may only renew the approval if the training program meets the requirements.

Source:

General Authority: SDCL 36-9-21.

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

20:48:18:11. Certified nurse aide training program – Withdrawal of approval. In accordance with SDCL chapter 1-26, the board may withdraw approval of a nurse aide training program if:

- _____ (1) Program personnel refuse to permit the site visit required in § 20:48:18:10;
- _____ (2) The program fails to meet the nurse aide training program requirements in § 20:48:18:02;
- _____ (3) The program fails to maintain a seventy-five percent pass rate for the students taking the certified nurse aide competency assessment program knowledge exam and skills evaluation from the previous two years;
- _____ (4) The nursing facility received notice from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services that the facility is prohibited from having a state-approved nurse aide training program and competency evaluation program, pursuant to 42 C.F.R. § 483.151 (October 4, 2016); or
- _____ (5) The nursing facility received adverse action by the South Dakota Department of Health, pursuant to SDCL 34-12-19.

_____ A student enrolled in a training program whose approval is withdrawn may complete that program's training program to meet the requirement in subdivision 20:48:16:12(3) to register as a certified nurse aide.

_____ **Source:**

_____ **General Authority:** SDCL 36-9-21.

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

20:48:18:12. Certified nurse aide training program -- Reinstatement of approval.

A person or institution whose training program is withdrawn, pursuant to § 20:48:18:11, may apply to reinstate approval. The board may conduct a site visit to determine compliance with the requirements in §§ 20:48:18:02 to 20:48:18:09, inclusive, and may only reinstate the training program's approval if the requirements are met.

A training program whose approval is withdrawn pursuant to subdivision 20:48:18:11(3) must submit an action plan to the board outlining measures to improve student performance on the certified nurse aide competency assessment program's knowledge exam.

A training program whose approval is withdrawn pursuant to subdivision 20:48:18:11(4) or (5) must submit notification from the South Dakota Department of Health of authorization to conduct a nurse aide training program in the nursing facility.

Source:

General Authority: SDCL 36-9-21.

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