

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- 20:48:03:02 Repealed.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~~ Biennial expiration on birth date.
- 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- 20:48:03:15 Repealed.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 Emergency suspension of license, temporary permit, or privilege to practice.

20:48:03:06. Examination results -- Retaking examination. The board shall notify the applicant of the applicant's licensure examination results. ~~The board shall send the results of the examination with the candidate's name to the school from which the candidate graduated. The board shall report the score to the applicant as pass or fail. Applicants~~ Results must be reported as pass or fail. An applicant who fail fails the examination may apply to the board to retake the examination a maximum of eight times a year, but not more often than once in any 45-day forty-five-day period after filing a new application as provided in § 20:48:03:01 and paying the fee by chapter 20:48:06. The board may approve an applicant to retake the examination if the applicant:

- (1) Applies on the form provided by the board, pursuant to § 20:48:03:01; and
- (2) Pays the applicable fee prescribed in § 20:48:06:01 or 20:48:06:02.

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; 9 SDR 67, effective December 5, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 175, effective May 28, 1987; 15 SDR 33, effective August 30, 1988; 20 SDR 143, effective December 26, 1993; 31 SDR 26, effective September 8, 2004.

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

Law Implemented: SDCL 36-9-29, 36-9-31, ~~36-9-35~~ 36-9-35(1)(2), 36-9-38, ~~36-9-43~~ 36-9-43(1)(2).

20:48:03:10. Renewal of license ~~by birth date~~ -- ~~Courtesy renewal~~ Biennial expiration on birth date. ~~Renewal of~~ An initial license will be by ~~expires on the licensee's birth date of the licensee. Each renewal certificate shall expire on the second birthday of the licensee after the date of its issuance. The first renewal after initial licensure shall occur on the licensee's birth date. The board shall give three months' notice of renewal before the birth date. The board shall issue a courtesy renewal certificate to cover the period between initial licensure and the first renewal in the second calendar year following issuance, and biennially on the licensee's birth date thereafter.~~

Source: SL 1975, ch 16, § 1; 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; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-9-21, 36-9-45.

Law Implemented: SDCL 36-9-29, ~~36-9-35~~, ~~36-9-43~~, 36-9-45.

20:48:03:11. Inactive status and reactivation of license. ~~Upon filing with the board a written statement requesting inactive status and paying the fee prescribed by chapter 20:48:06, the licensee shall be placed on inactive status and issued an inactive status card.~~ A licensee requesting inactive status pursuant to SDCL 36-9-46 shall pay the applicable fee for placing a license on inactive status as prescribed by chapter 20:48:06. The licensee board may return to active status by filing an application for renewal of license, remitting reactivate the license if the licensee:

- _____ (1) Applies on the form provided by the board;
- _____ (2) Pays the applicable renewal fee for the current biennial period, and filing evidence of employment status during the preceding six years. If the license has been inactive for six or more years, it may be reactivated according to the provisions in SDCL 36-9-47.1 as prescribed by chapter 20:48:06;
- _____ (3) Has met the eligibility or reentry standards in § 20:48:03:16; and
- _____ (4) Has met the renewal requirements in § 20:48:03.01:03 or 20:48:05:06, if applicable.

Source: SL 1975, ch 16, § 1; 3 SDR 35, effective November 11, 1976; 6 SDR 88, effective March 3, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 49, effective October 27, 1986; 26 SDR 174, effective July 4, 2000.

General Authority: SDCL 36-9-21, 36-9-35.

Law Implemented: SDCL ~~36-9-1, 36-9-29, 36-9-35~~ 36-9-35(6)(11)(12), 36-9-43 36-9-43(5)(10), 36-9-45, 36-9-46, 36-9-47.1, 36-9-91(4)(8).

Cross Reference: ~~Eligibility for active status licensure — Reentry standards, § 20:48:03:16.~~

20:48:03:13. Replacement of license. ~~If the original license or the certificate of renewal is lost, misplaced, stolen, or destroyed, the licensee shall immediately report that fact to the board in writing. Upon the board's receipt of a statement by the licensee, verified by oath, detailing to the board's satisfaction~~ The board may issue a duplicate license to a licensee, to replace the original license issued, if the licensee:

(1) Submits a written request to the board detailing the circumstances making replacement of the license necessary; ~~and payment of~~

(2) Pays the applicable fee prescribed by chapter 20:48:06 ~~the board may issue a duplicate original license or certificate of renewal.~~

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, 36-9-35.

Law Implemented: SDCL 36-9-29, ~~36-9-35~~ 36-9-35(10), ~~36-9-43~~ 36-9-43(9).

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.
20:48:04.01:24	<u>Gastrostomy tube insertion and removal -- Requirements for the delegation to a nursing assistant.</u>

20:48:04.01:24. Gastrostomy tube insertion and removal -- Requirements for the delegation to a nursing assistant. A registered nurse may delegate the insertion and removal of a gastrostomy tube to a nursing assistant, for a specific client, if:

- (1) The client resides in a shared living home, as defined in § 46:04:01:01;
- (2) The client's plan of care includes insertion and removal of a gastrostomy tube on a routine, scheduled basis;
- (3) The insertion and removal of a gastrostomy tube has been routinely performed on the client without complications;
- (4) The registered nurse:
 - (a) Performs a monthly comprehensive nursing assessment of the client, as defined in SDCL 36-9-1; and
 - (b) Determines if the stoma is stable with no known or anticipated complications and the insertion and removal of a gastrostomy tube by a nursing assistant allows the client to remain in the shared living home; and
- (5) The delegation to the nursing assistant complies with the general criteria for delegation and supervision set forth in §§ 20:48:04.01:01 and 20:48:04.01:02, respectively.

Source:

General Authority: SDCL 36-9-21.

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

CHAPTER 20:48:06
FEEES REQUIRED OF LICENSEES

Section

20:48:06:01	Fees required of registered nurses <u>Registered nurse fees.</u>
20:48:06:02	Fees required of licensed <u>Licensed practical nurses</u> <u>nurse fees.</u>
<u>20:48:06:03</u>	<u>Certified registered nurse anesthetist fees.</u>
<u>20:48:06:04</u>	<u>Clinical nurse specialist fees.</u>

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

(1) ~~\$100 for licensure~~ For a registered nurse license by examination, one hundred dollars plus the current fee for a nationally administered examination;

(2) ~~\$100 for~~ For a registered nurse license by reexamination, one hundred dollars plus the current fee for a nationally administered examination;

(3) ~~\$100 for licensure~~ For a registered nurse license by endorsement, one hundred dollars;

(4) ~~\$25 for~~ For the endorsement of a registered nurse license to another state, territory, or country, twenty-five dollars;

(5) ~~\$100 for certification of a registered nurse anesthetist;~~

—— (6) ~~\$25 for each~~ For a temporary permit as an R.N. App., a C.R.N.A. App., or a C.N.S. App. twenty-five dollars;

—— (7) ~~\$95 for~~ (6) For the biennial renewal of a license, ninety-five dollars, plus \$10 which is designated ten dollars to fund the nurses' education assistance loan scholarship program, [and \$10, which is designated pursuant to SDCL 36-9-77, and ten dollars to fund the nursing workforce center] center, pursuant to SDCL 36-9-95;

—— (8) ~~\$95 for biennial renewal of certification as a registered nurse anesthetist;~~

—— (9) ~~\$50 for~~ (7) For the reinstatement of a registered nurse lapsed license, fifty dollars, plus the current renewal fee;

—— (10) ~~\$5 for each transcript;~~

—— (11) ~~\$10 for~~ (8) For changing a name on the records of the licensee a license, ten dollars;

—— (12) ~~\$20 for~~ (9) For issuing a duplicate of the original license, duplicate of the original certification, or duplicate certificate of renewal twenty dollars;

~~—— (13) \$10 for (10) For placing a licensee registered nurse license on inactive status, ten dollars; and~~

~~—— (14) \$10 for placing the certification of a registered nurse anesthetist on inactive status;~~

~~—— (15) \$25 for each (11) For issuing a limited license issued to a registered nurse enrolled in a reentry program; twenty-five dollars~~

~~—— (16) \$100 for initial licensure as a clinical nurse specialist;~~

~~—— (17) \$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; 45 SDR 9, effective July 30, 2018.

General Authority: SDCL 36-9-21, ~~36-9-91~~, 36-9-35.

Law Implemented: SDCL 36-9-29, 36-9-35, 36-9-47.2, 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 Licensed practical nurses nurse fees. The fees to be collected in advance from licensed practical nurses nurse fees are as follows:

(1) ~~\$100 for licensure~~ For a licensed practical nurse license by examination, one hundred dollars plus the current fee for a nationally administered examination;

(2) ~~\$100 for~~ For a licensed practical nurse license by reexamination, one hundred dollars plus the current fee for a nationally administered examination;

(3) ~~\$100 for licensure~~ For a licensed practical nurse license by endorsement, one hundred dollars;

(4) ~~\$25 for~~ For the endorsement of a licensed practical nurse license to another state, territory, or country, twenty-five dollars;

(5) ~~\$25 for each~~ For a temporary permit, twenty-five dollars;

(6) ~~\$95 for~~ For the biennial renewal of a license, ninety-five dollars, plus \$10 which is designated ten dollars to fund the nurses' education assistance loan scholarship program, [and \$10, which is designated pursuant to SDCL 36-9-77, and ten dollars to fund the nursing workforce-center] center, pursuant to SDCL 36-9-95;

(7) ~~\$50 for~~ For the reinstatement of a licensed practical nurse lapsed license, fifty dollars, plus the ~~current~~ renewal fee;

(8) ~~\$5 for each transcript;~~

—— (9) ~~\$10 for~~ For changing a name on the records of a licensee license, ten dollars;

—— (10) ~~\$20 for~~ (9) For issuing a duplicate of the original license or duplicate certificate of renewal, twenty dollars;

—— (11) ~~\$10 for~~ (10) For placing a licensee licensed practical nurse license on inactive status, ten dollars; and

~~—— (12) \$25 for each~~ (11) For issuing a limited license ~~issued~~ to a licensed practical nurse enrolled in a reentry program, twenty-five dollars.

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; 45 SDR 9, effective July 30, 2018.

General Authority: SDCL ~~36-9-21(8)~~ 36-9-21, 36-9-43.

Law Implemented: SDCL 36-9-29, 36-9-43, 36-9-47.2, 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.~~

20:48:06:03. Certified registered nurse anesthetist fees. The certified registered nurse fees are as follows:

(1) For initial license as a certified registered nurse anesthetist, one hundred dollars;

(2) For the biennial renewal of a certified registered nurse anesthetist license, ninety-five dollars;

(3) For the endorsement of a certified registered nurse anesthetist license to another state, territory, or country, twenty-five dollars;

(4) For a temporary permit as a C.R.N.A. App., twenty-five dollars;

(5) For the reinstatement of a lapsed certified registered nurse anesthetist license, fifty dollars, plus the renewal fee;

(6) For changing a name on the records of a license, ten dollars;

(7) For issuing a duplicate certified registered nurse anesthetist license, twenty dollars;

and

(8) For placing a certified registered nurse anesthetist license on inactive status, ten dollars.

Source:

General Authority: SDCL 36-9-21, 36-9-35.

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

20:48:06:04. Clinical nurse specialist fees. The clinical nurse specialist fees are as follows:

- (1) For initial license as a clinical nurse specialist, one hundred dollars;
- (2) For the biennial renewal of a clinical nurse specialist license, ninety-five dollars;
- (3) For the endorsement of a clinical nurse specialist license to another state, territory, or country, twenty-five dollars;
- (4) For a temporary permit as a C.N.S. App., twenty-five dollars;
- (5) For the reinstatement of a lapsed clinical nurse specialist license, fifty dollars, plus the renewal fee;
- (6) For changing a name on the records of a license, ten dollars;
- (7) For issuing a duplicate clinical nurse specialist license, twenty dollars; and
- (8) For placing a clinical nurse specialist license on inactive status, ten dollars.

Source:

General Authority: SDCL 36-9-21, 36-9-91.

Law Implemented: SDCL 36-9-29, 36-9-91.