

AN ACT

ENTITLED, An Act to permit the provision of certain drugs and drug samples by physician assistants, nurse practitioners, and nurse midwives.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-4A-22 be amended to read as follows:

36-4A-22. Specifically, and by way of limitations, an assistant to the primary care physician may:

- (1) Take a complete, detailed, and accurate history; do a complete physical examination, when appropriate, to include pelvic and breast examinations specifically excluding endoscopic examinations; record pertinent data in acceptable medical form; and, if the physical examination is for participation in athletics, certify that the patient is healthy and able to participate;
- (2) Perform or assist in the performance of the following routine laboratory and governing techniques:
  - (a) The drawing of venous or peripheral blood and the routine examination of the blood;
  - (b) Urinary bladder catheterization and routine urinalysis;
  - (c) Nasogastric intubation and gastric lavage;
  - (d) The collection of and the examination of the stool;
  - (e) The taking of cultures;
  - (f) The performance and reading of skin tests;
  - (g) The performance of pulmonary function tests excluding endoscopic procedures;
  - (h) The performance of tonometry;
  - (i) The performance of hearing screenings;
  - (j) The taking of EKG tracings;
- (3) Make a tentative medical diagnosis and institute therapy or referral; prescribe medications

and provide drug samples or a limited supply of labeled medications, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than forty-eight hours, for symptoms and temporary pain relief; treat common childhood diseases; to assist in the follow-up treatment of geriatric and psychiatric disorders referred by the physicians. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record;

- (4) Perform the following routine therapeutic procedures:
  - (a) Injections;
  - (b) Immunizations;
  - (c) Debridement, suture, and care of superficial wounds;
  - (d) Debridement of minor superficial burns;
  - (e) Removal of foreign bodies from the external surface of the skin (specifically excluding foreign bodies of the cornea);
  - (f) Removal of sutures;
  - (g) Removal of impacted cerumen;
  - (h) Subcutaneous local anesthesia, excluding any nerve blocks;
  - (i) Strapping, casting, and splinting of sprains;
  - (j) Anterior nasal packing for epistaxis;
  - (k) Removal of cast;
  - (l) Application of traction;
  - (m) Application of physical therapy modalities;
  - (n) Incision and drainage of superficial skin infections;
- (5) Assist the primary care physician in health maintenance of patients by:
  - (a) Well-baby and well-child clinics to include initial and current booster immunization

- for communicable disease;
  - (b) Pre- and post-natal surveillance to include clinics and home visits;
  - (c) Family planning, counseling, and management;
- (6) Institute emergency measures and emergency treatment or appropriate measures in situations such as cardiac arrest, shock, hemorrhage, convulsions, poisonings, and emergency obstetric delivery. Emergency measures includes writing a chemical or physical restraint order when the patient may do personal harm or harm others;
- (7) Assist the primary care physician in the management of long-term care to include:
- (a) Ordering indicated laboratory procedures;
  - (b) Managing a medical care regimen for acute and chronically ill patients within established standing orders. (Prescription of modifications needed by patients coping with illness or maintaining health, such as in diet, exercise, relief from pain, medication, and adaptation to handicaps or impairments);
  - (c) Making referrals to appropriate agencies;
- (8) Assist the primary care physician in the hospital setting by arranging hospital admissions under the direction of the physician, by accompanying the primary care physician on rounds, and recording the physician's patient progress notes; by accurately and appropriately transcribing and executing specific orders at the direction of the physician; by assistance at surgery; by compiling detailed narrative and case summaries; by completion of the forms pertinent to the patient's medical record;
- (9) Assist the primary care physician in the office in the ordering of drugs and supplies, in the keeping of records, and in the upkeep of equipment;
- (10) Assist the primary care physician in providing services to patients requiring continuing care (nursing home, extended care, and home care) including follow-up visits after the initial treatment by the physician;

- (11) Assist the primary care physician in the completion of official documents such as death certificates, birth certificates, and similar documents required by law, including signing the documents;
- (12) Take X-rays to be read by a physician. A physician's assistant may not administer injections in conjunction with the taking of any X-rays.

Section 2. That § 36-9A-12 be amended to read as follows:

36-9A-12. A nurse practitioner may perform the following overlapping scope of advanced practice nursing and medical functions pursuant to § 36-9A-15, including:

- (1) The initial medical diagnosis and the institution of a plan of therapy or referral;
- (2) The prescription of medications and provision of drug samples or a limited supply of labeled medications, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than forty-eight hours, for treatment of causative factors and symptoms. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record;
- (3) The writing of a chemical or physical restraint order when the patient may do personal harm or harm others;
- (4) The completion and signing of official documents such as death certificates, birth certificates, and similar documents required by law; and
- (5) The performance of a physical examination for participation in athletics and the certification that the patient is healthy and able to participate in athletics.

Section 3. That § 36-9A-13 be amended to read as follows:

36-9A-13. A nurse midwife may perform the following overlapping scope of advanced practice nursing and medical functions pursuant to § 36-9A-15, including:

- (1) Management of the prenatal and postpartum care of the mother-baby unit;

- (2) Management and direction of the birth;
- (3) Provision of appropriate health supervision during all phases of the reproductive life span to include family planning services, menopausal care, and cancer screening and prevention;  
and
- (4) Prescription of appropriate medications and provision of drug samples or a limited supply of appropriate labeled medications for individuals under the nurse midwife's care pursuant to the scope of practice defined in this section, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than forty-eight hours. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1028

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1028  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State