

# SOUTH DAKOTA STATE MEDICAL ASSOCIATION

*Values. Ethics. Advocacy.*

## 2009 State Advocacy Achievements

There have been 504 bills introduced during South Dakota's 2009 Legislative Session. Throughout the course of the Session, the South Dakota State Medical Association (SDSMA) has tracked 32 bills dealing with health care issues that would have had an impact on the practice of medicine in South Dakota. Of these 32 bills, the SDSMA opposed five, monitored nine and supported 18.

Bills signed by the Governor become effective July 1, 2009, unless they contain an emergency clause that provides for immediate enactment.

### Expanding Access to Care

HB 1042 was introduced by the Board of Medical and Osteopathic Examiners (BMOE) to expand the time period to complete the MD/PhD exams from seven to 10 years. The SDSMA supported this bill, which passed both chambers on consent and was signed by the Governor.

HB 1043 is a Department of Health (DOH) bill that will make an appropriation to reimburse certain family physicians and dentists who have complied with tuition reimbursement programs. The bill's goal is to sustain competent health-professional incentive programs which act as a recruitment tool and promote access to quality care. The SDSMA supported this bill, which was signed by the Governor on March 3.

SB 20, a bill that increases the lifetime benefit maximum for the state's health insurance risk pool, passed the Legislature unanimously and was the first bill from the Senate signed by the Governor. The SDSMA monitored this bill.

SB 109 is the Governor's proposal to expand the current risk pool to allow roughly 455 children to enroll. The SDSMA believes that all South Dakotans must have access to affordable, high-quality health care. The SDSMA supported this bill but remains concerned about the continued use of the funding mechanism currently in place which places a disproportionate amount of the current cost on providers. The bill passed the Senate unanimously and only received one dissenting vote in the House before Governor Rounds signed it into law.

SB 193 was a bill that would have expanded Medicaid eligibility for pregnant women under certain conditions. The SDSMA also supported this bill, which, unfortunately, was tabled by the Senate Health committee, 7-0.

### Improving Public Health

HB 1240 will make all work sites and public places in South Dakota free from secondhand smoke. The SDSMA strongly supported HB 1240, which has passed both chambers and was signed by Governor Rounds on March 19. A nearly identical bill introduced in the Senate (SB 83) was defeated in the Senate by a one-vote margin prior to HB 1240's first committee hearing.

HB 1080 will revise and improve certain provisions relating to Internet and mail-order sales of tobacco products. The SDSMA monitored this bill, which was signed into law by the Governor.

HB 1090 prohibits the possession of *Salvia divinorum* or salvinorin A, an easy-to-grow perennial herb that can cause hallucinogenic effects if it is chewed, smoked or taken as a tincture. The SDSMA supported this bill, which became law immediately upon Governor Rounds' signature on March 11.

Two bills the SDSMA opposed that sought to legalize marijuana were killed in committee. HB 1127 was tabled by the House Health and Human Services committee, 9-4, while HB 1128 was deferred to the 41st legislative day by the House Judiciary committee, 13-0.

SB 37 is an act to establish certain immunity for volunteers of the statewide emergency registry of volunteers for South Dakota (SERV SD) program. The SDSMA supported this bill in an effort to promote volunteers for SERV SD. The Governor has signed this bill.

SB 73 will permit South Dakotans 16 years of age and up to donate blood under certain circumstances. The SDSMA supported this bill, which passed both chambers unanimously and was signed into law by the Governor.

SB 79 would have provided for the primary enforcement of seat belts. The bill passed the Senate but was deferred to the 41st legislative day by the House Judiciary committee, 9-4. This was one of two seat belt bills supported by the SDSMA. The other, SB 103, was also deferred to the 41st day by the Senate Transportation committee, 7-0.

SB 100 will revise the method of sale of certain tobacco products. The SDSMA closely monitored this bill, which was signed by the Governor.

SB 139 would have provided for certain restrictions for the use of tanning devices by minors. The SDSMA supported this bill, which was killed on the Senate floor, 13-22.

SB 195 would have repealed the state's current ban on stem cell research. The SDSMA supported this bill, which failed to pass the Senate, 14-20.

SB 198 would require notice if certain immunizations contain more than trace amounts of mercury. The SDSMA opposed this bill, which went down in the Senate Health and Human Services committee, 6-0.

SB 203 would have resurrected the state's Birth to Three program from the Governor's proposed budget cuts. The bill was tabled in a House committee with the understanding that the Joint Appropriations committee would address the issue in its budget approval.

### Scope of Practice

HB 1041 was introduced by the BMOE to provide for the regulation of physicians within residency programs, focusing primarily on granting permits to MDs in their first year of residency. The SDSMA supported this bill, which passed both chambers on consent and was signed by the Governor.

HB 1179 would have allowed lay midwives to perform out-of-hospital and in-home births. The SDSMA opposed HB 1179 which was deferred to the 41st day by the House Health and Human Services committee, 10-3. The bill was subsequently smoked out on the House floor, but failed to receive the necessary votes to strike the "Not" from the committee's recommendation.

SB 160 will revise the grounds for which a license of an athletic trainer may be revoked, suspended or canceled by removing the "indirect" billing limitation from current statute. The SDSMA monitored this bill, which was signed by the Governor.

HB 1092 is an act to regulate the practice of genetic counseling and to prohibit the practice of genetic counseling without a license. The SDSMA supported this bill, which was signed by the Governor.

### Other Legislative Issues

SB 36 was to revise certain drug registration fees and license fees related to health care facilities. The intent is to raise these fees in order to offset a greater proportion of general funds currently appropriated to the program. The bill has been signed by Governor Rounds.

Senate Bill 43 would have removed the tax exemption for professional membership organizations such as the SDSMA, resulting in a tax liability for the SDSMA of well over \$41,000 per year. The SDSMA opposed this legislation, which was unanimously deferred to the 41st legislative day by the Senate Taxation committee.

SB 74 directs the Attorney General to study the creation of a state medical examiner system. The SDSMA supported the study, which passed the Legislature.

SB 76 is an act the SDSMA was monitoring that requires background investigations for certain optometrist licensees and applicants. The Governor has signed this bill.

SB 85 would have limited the amount for which special damages may have been awarded in health care malpractice cases to the amount of the services rendered. The SDSMA supported SB 85, which was deferred to the 41st day by the Senate Commerce committee, 6-1.

SB 92 was an act to require the physical presence of any physician scheduled to perform an abortion at the site of the procedure on the day prior to the procedure. The SDSMA monitored this bill, which was deferred to the 41st day by the Senate Health and Human Services committee, 4-3.

SB 125 was an act to revise certain provisions of the Uniform Anatomical Gift Act. The SDSMA monitored this bill, which was tabled by the Senate Health committee, 7-0.

SB 134, an act to provide health insurance coverage for contraceptive drugs and devices (contraceptive equity) was deferred to the 41st day by the Senate Health committee. Although the bill was smoked out on the Senate floor, it failed to receive enough votes to strike the "Not" from the committee's recommendation. The SDSMA monitored this bill.

*The SDSMA's Legislative Recap is the Association's annual report on legislation that the SDSMA monitored throughout the state legislative session. For more information, log on to [www.sdsma.org](http://www.sdsma.org) or contact the SDSMA at 605.336.1965.*