

South Dakota
TITLE 36
PROFESSIONS AND OCCUPATIONS
CHAPTER 36-4C
RESPIRATORY CARE PRACTITIONERS

- **Respiratory Care Practice Act contains exemption language**

36-4C-7. Construction of chapter. Nothing in this chapter may be construed to prevent or restrict the practice, services, or activities of:

- (1) Any person licensed or certified in this state by any other law from engaging in the profession or occupation for which he is licensed or certified who is performing services within his authorized scope of practice;
- (2) A student respiratory care practitioner who is performing respiratory care without compensation in a clinical training capacity;
- (3) Self care, or gratuitous care by a friend or family member who does not represent or hold himself out to be a respiratory care practitioner;
- (4) Federal employees when functioning in the course of their assigned duties;
- (5) A person rendering respiratory care in an emergency;
- (6) **A person other than a respiratory care practitioner who has passed an examination which includes content in one or more of the practices included in this chapter, if the person performs only those procedures for which the person has been successfully tested and the testing body offering the examination is certified by the National Commission for Health Certifying Agencies or its equivalent as determined by the board;**
- (7) A person, other than a respiratory care practitioner, employed by a hospital or related institution as licensed pursuant to chapter 34-12 who performs simple oxygen administration, incentives spirometry or chestphysiotherapy under the direction of a licensed physician, registered nurse, licensed practical nurse, licensed respiratory care practitioner, certified nurse practitioner or certified physicians assistant;
- (8) A person, other than a respiratory care practitioner, employed by a home medical equipment company who installs, delivers, and maintains home respiratory therapy equipment but does not perform patient assessment or patient care, patient education, or clinical instruction relating to home respiratory therapy; or

(9) A person licensed or certified to practice respiratory care in another state or foreign country who provides respiratory care to a critically ill patient while the patient is being transported to a hospital in this state.