



2024 South Dakota Legislature
Senate Bill 40
ENROLLED

AN ACT

ENTITLED An Act to establish a criminal background check requirement for licensure as an occupational therapist or occupational therapy assistant.

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

Section 1. That chapter 36-31 be amended with a NEW SECTION:

In addition to the requirements in § 36-31-6, an applicant for licensure as an occupational therapist or an occupational therapy assistant shall submit to the board of examiners a full set of the applicant's fingerprints in a form and manner prescribed by the board. The board of examiners shall deliver the fingerprints to the Division of Criminal Investigation to conduct a state and federal criminal background check by the division and the Federal Bureau of Investigation. The applicant shall sign a release of information to the board of examiners and pay any fees for the background check, including fingerprinting.

Upon completion of the background check, the division shall deliver to the board of examiners the applicant's criminal history record information. The board of examiners shall consider this information in determining whether to issue a license to the applicant. The board of examiners may not issue a license to the applicant before receiving this information.

The board of examiners may not disseminate an applicant's criminal history record information to any person outside the board. The board of examiners may require any licensee who is the subject of a disciplinary investigation by the board to submit to a state and federal criminal history record background check.

The board of examiners may deny the issuance of a license or suspend or revoke a license for failure to submit to or cooperate with a criminal background check.

An Act to establish a criminal background check requirement for licensure as an occupational therapist or occupational therapy assistant.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 40

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 40
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State