

## Displaying information for All Roles located in South Dakota for All Scenarios

### Liability: Administration of an Opioid Antagonist

S.D. Codified Laws 34-20A-103

Physician, EMT, Firefighter, Law Enforcement

A physician issuing a standing order for the administration of an opioid antagonist and the first responder who, in good faith complies with protocols, administers the opioid antagonist will not be held legally responsible.

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### Liability: Nonprofit Volunteers

S.D. Codified Laws 47-23-29

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

A nonprofit organization, a free clinic, or governmental volunteer who, in good faith and within the scope of their official duties, provides services will not be held legally responsible. They can be held legally responsible if they purchase liability insurance or if acting with extreme carelessness or intent to cause harm. They can be held legally responsible if they caused injury, death, or damage to property while carelessly operating a motor vehicle.

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### Liability: Emergency Management Worker

S.D. Codified Laws 34-48A-49

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, an emergency management worker who, in good faith, complies or attempts to comply with the rules and regulations in force will not be held legally responsible. They will not lose their entitlement to workers' compensation benefits solely by virtue of providing services as an emergency management worker.

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### Liability: Critical Incident Stress Management

S.D. Codified Laws 34-50-6

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who is part of a critical incident stress management team or peer support team and who provides services to emergency service providers during a crisis, emergency, or disaster will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with intent to cause harm.

### **Good Samaritan Law: Physician Assistant**

S.D. Codified Laws 36-4A-26.3

Other medical professional

A physician assistant licensed in any state and who, voluntarily, without compensation, and outside their normal course of employment, provides emergency medical assistance will not be held legally responsible for acting or for failing to act. They can be held legally responsible if providing care at a hospital, physician's office, or other health care facility or if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### **Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-7

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker retains the same powers, duties, rights, privileges, and immunities as they would enjoy in carrying out job functions in their regular place of employment.

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### **Liability: Physician Treating Minor Without Consent**

S.D. Codified Laws 20-9-4.2

Physician

A physician who believes a minor's life or health is in imminent danger can treat the minor without first obtaining consent from the minor's parent(s) or guardian(s) and the physician will not be held legally responsible for initiating the treatment.

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### **Liability: Using Vehicle or Aircraft as Ambulance**

S.D. Codified Laws 34-11-9

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, an individual who occasionally uses a private vehicle or aircraft as an ambulance or who uses the vehicle or aircraft as an ambulance when local resources are overwhelmed will not be found guilty of a crime or have their license revoked. Individuals providing ambulance services with an ambulance from out-of-state or as part of a non-regularly operating rescue squad will also not be found guilty of a crime or have their license revoked.

**Liability: Prescribing and Dispensing Opioid Antagonist**

S.D. Codified Laws 34-20A-106

Other medical professional, Nurse, Physician, Pharmacist

A health care professional authorized to prescribe or dispense an opioid antagonist and who, in good faith, prescribes or dispenses an opioid antagonist to an individual believed to be able to help another who might suffer an overdose will not be held legally responsible or professionally disciplined.

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**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-22

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who is working in South Dakota or out-of-state has the same powers, duties, rights, privileges, immunities, and entitlement to the same compensation they receive at their regular place of employment.

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**Liability: Volunteer During Public Health Emergency**

S.D. Codified Laws 34-22-44.2

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When a public health emergency declaration is in effect, an individual who, in good faith and without compensation, responds to provide services under SERV SD will not be held legally responsible. They can be held legally responsible if acting outside the scope of their official volunteer functions or if acting with extreme carelessness or intent to cause harm.

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**Liability: Law Enforcement Responding to Mutual Aid Request**

S.D. Codified Laws 34-48-9

Law Enforcement

A law enforcement officer who responds to a request for mutual aid within South Dakota will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm

### **Liability: Providing Shelter**

S.D. Codified Laws 34-48A-51

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who owns land and who, voluntarily and without compensation, allows others to use the land or buildings on the land for shelter during an actual disaster or during a training exercise will not be held legally responsible for injury, death, or damage to property occurring as a result of others using the land or buildings on the land.

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### **Powers, Duties, Immunities, and Privileges: Emergency Management Worker Powers**

S.D. Codified Laws 34-48A-47

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who performs emergency management services under an agreement or compact will have the same powers, duties, immunities, and privileges as they would they enjoy in carrying out job functions in their regular place of employment.

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### **Good Samaritan Law: Licensed Medical Practitioner**

S.D. Codified Laws 20-9-3

Other medical professional, Nurse, Physician

A licensed medical practitioner who, in good faith, provides emergency care at the scene of an emergency will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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### **Liability: Use of AED**

S.D. Codified Laws 20-9-4.4

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who, in good faith, uses, attempts to use, or does not use an AED when providing emergency care will not be held legally responsible for any injury suffered by an individual receiving emergency care.

**Liability: Assisting in Hazardous Materials Situation**

S.D. Codified Laws 34-48A-23

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who, at the request of an emergency management agency, provides assistance in an emergency situation involving hazardous material will not be held legally responsible for acting or for failing to act. They can be held legally responsible if they caused the emergency or if acting without a request for assistance and do so with extreme carelessness or intent to cause harm.

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**Liability: Fraternal Benefit Society Volunteer**

S.D. Codified Laws 58-37A-8

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An employee or volunteer of a fraternal benefit society who, without compensation, carries out their official duties or responsibilities will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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**Good Samaritan Law**

S.D. Codified Laws 20-9-4.1

Physician, Other medical professional, Volunteer / Other, Nurse, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An individual who, in good faith, provides necessary emergency care and services during an emergency situation, including by use of a motor vehicle, will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

**Liability: Obtaining and Relying on Consent for Treatment**

S.D. Codified Laws 34-12C-7

Other medical professional, Nurse, Physician, EMT, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

A health care provider who, in good faith, relies on a health care decision made by an individual believed to have the authority to make decisions for another will not be held legally responsible or professionally disciplined for making this determination and acting based on it.

A health care provider who, in good faith, believes the individual with authority to make decisions for another is incapable of making a rational decision will also not be held legally responsible or professionally disciplined for making this determination and acting based on it.

A health care provider who, in good faith, believes an individual is capable of giving informed consent for their own treatment will not be held legally responsible or professionally disciplined for making this determination and acting based on it.

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**Liability: Rescuing Animal From Parked Car**

S.D. Codified Laws 40-1-36

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

A law enforcement officer or officer of a humane society who breaks into a parked car to rescue an animal believed to be in danger will not be held legally responsible for damages caused by reasonable force used to rescue the animal.

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**Liability: Volunteer Directors and Officers with Nonprofit Fire, Ambulance, and Search and Rescue Organizations**

S.D. Codified Laws 20-9-45

Volunteer / Other

A volunteer officer or director of a nonprofit firefighting organization, nonprofit ambulance service, or nonprofit search and rescue organization who, in good faith, acts within the scope of their official duties will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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**Liability: Supervising Physician**

S.D. Codified Laws 36-4B-24

Physician

A physician who supervises emergency medical service providers will not be held legally responsible for the acts of those emergency medical service providers. They can be held legally responsible if the emergency medical service providers were extremely careless or intended to cause harm.

**Good Samaritan Law: Out-of-State Licensed Medical Practitioner**

S.D. Codified Laws 20-9-4

Other medical professional, Nurse, Physician

An out-of-state licensed medical practitioner who, in good faith, provides emergency care at the scene of an emergency will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

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**Scope of Practice: Physician Assistant Responding to Emergency**

S.D. Codified Laws 36-4A-26.2

Other medical professional

When an emergency declaration is in effect, a physician assistant from any state who responds to a need for medical care can provide care normally provided without a physician's supervision whether or not a physician is present.

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**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-22

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who is working in South Dakota or out-of-state has the same powers, duties, rights, privileges, immunities, and entitlement to the same compensation they receive at their regular place of employment.

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**License Requirements Waived During Emergency**

S.D. Codified Laws 34-48A-50

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, an emergency management worker does not need to comply with any licensure requirements when performing their duties.

**Powers, Duties, Immunities, and Privileges: Emergency Management Worker Powers**

S.D. Codified Laws 34-48A-47

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who performs emergency management services under an agreement or compact will have the same powers, duties, immunities, and privileges as they would they enjoy in carrying out job functions in their regular place of employment.

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**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-7

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker retains the same powers, duties, rights, privileges, and immunities as they would enjoy in carrying out job functions in their regular place of employment.

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**Scope of Practice: Physician Assistant Responding to Emergency**

S.D. Codified Laws 36-4A-26.2

Other medical professional

When an emergency declaration is in effect, a physician assistant from any state who responds to a need for medical care can provide care normally provided without a physician's supervision whether or not a physician is present.

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**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-22

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who is working in South Dakota or out-of-state has the same powers, duties, rights, privileges, immunities, and entitlement to the same compensation they receive at their regular place of employment.

**Scope of Practice: First Responder Administration of an Opioid Antagonist**

S.D. Codified Laws 34-20A-98

EMT, Firefighter, Law Enforcement

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An appropriately trained first responder can possess and administer opioid antagonists to an individual believed to be suffering from an opioid-related overdose.

**Powers, Duties, Immunities, and Privileges: Emergency Management Worker Powers**

S.D. Codified Laws 34-48A-47

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

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An emergency management worker who performs emergency management services under an agreement or compact will have the same powers, duties, immunities, and privileges as they would they enjoy in carrying out job functions in their regular place of employment.

**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-7

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

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An emergency management worker retains the same powers, duties, rights, privileges, and immunities as they would enjoy in carrying out job functions in their regular place of employment.

**Liability: Physician Treating Minor Without Consent**

S.D. Codified Laws 20-9-4.2

Physician

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A physician who believes a minor's life or health is in imminent danger can treat the minor without first obtaining consent from the minor's parent(s) or guardian(s) and the physician will not be held legally responsible for initiating the treatment.

**Workers? Benefits: Certified Disaster Service Volunteer**

S.D. Codified Laws 3-6C-21

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional, Minor/Student

When an emergency declaration is in effect, and upon request from the American Red Cross and supervisor approval, a state employee who is a certified disaster service volunteer can obtain paid leave from their place of employment for up to 10 days per year to participate in specialized disaster relief services with the American Red Cross.

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**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-22

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who is working in South Dakota or out-of-state has the same powers, duties, rights, privileges, immunities, and entitlement to the same compensation they receive at their regular place of employment.

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**Liability: Emergency Management Worker**

S.D. Codified Laws 34-48A-49

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

When an emergency declaration is in effect, an emergency management worker who, in good faith, complies or attempts to comply with the rules and regulations in force will not be held legally responsible. They will not lose their entitlement to workers' compensation benefits solely by virtue of providing services as an emergency management worker.

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**Powers, Duties, Immunities, and Privileges: Emergency Management Worker Powers**

S.D. Codified Laws 34-48A-47

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker who performs emergency management services under an agreement or compact will have the same powers, duties, immunities, and privileges as they would they enjoy in carrying out job functions in their regular place of employment.

**Powers, Duties, Rights, Privileges, and Immunities: Emergency Management Workers Providing Aid in Another Jurisdiction**

S.D. Codified Laws 34-48A-7

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional

An emergency management worker retains the same powers, duties, rights, privileges, and immunities as they would enjoy in carrying out job functions in their regular place of employment.

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**Workers? Benefits: Law Enforcement Responding to Mutual Aid Request**

S.D. Codified Laws 34-48-12

Law Enforcement

A law enforcement officer who responds to a request for aid within South Dakota is entitled to the same workers? compensation, wage, salary, pension, and other service rights as they would have received in their home jurisdiction.

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**Workers? Benefits: Disaster Service Volunteers**

S.D. Codified Laws 3-6C-22

Other medical professional, Volunteer / Other, Nurse, Physician, EMT, Government Public Health, Firefighter, Law Enforcement, Veterinarian, Dentist, Pharmacist, Social Worker, Mental and Behavioral Health Professional, Minor/Student

A certified disaster service volunteer who participates in specialized disaster relief services with the American Red Cross will not have vacation time, sick time, bonus, advancement, or any other employment benefits altered because of their volunteer leave.

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**Relevant Compacts**

- Interstate Medical Licensure Compact
- Nurse Licensure Compact
- Emergency Management Assistance Compact