

SDBMOE Board News

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Criminal background Investigation Statutes and a SDBMOE Declaratory Ruling

On Sept. 12, the South Dakota Board of Medical and Osteopathic Examiners (SDBMOE) issued a Declaratory Ruling regarding the application of the recently enacted criminal background statutes SDCL 36-4-11.1 for physicians (see next paragraph) and 36-4A-8.2 for physician assistants. The Board staff will be preparing a document of interpretation to reflect that criminal background investigation results are required prior to issuance of the permanent license, but temporary licenses, permits or certificates may be issued pending the receipt of the CBC results.

SDCL: 36-4-11.1. Criminal background investigation of applicants for licensure and licensees under disciplinary investigation--Fees. Each applicant for licensure as a physician in this state shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application, the Board of Medical and Osteopathic Examiners shall submit completed fingerprint cards to the Division of Criminal Investigation. Upon completion of the criminal background check, the Division of Criminal Investigation shall forward to the board all information obtained as a result of the criminal background check. This information shall be obtained prior to permanent licensure of the applicant. The Board of Medical and Osteopathic Examiners may require a state and federal criminal background check for any licensee who is the subject of a disciplinary investigation by the board. Failure to submit or cooperate with the criminal background investigation is grounds for denial of an application or may result in revocation of a license. The applicant shall pay for any fees charged for the cost of fingerprinting or the criminal background investigation.

The criminal background investigations are commonly referred to as “finger-printing,” and pertain to physician and physician assistant applicants for licensure and licensees under disciplinary investigation. The fingerprinting is not intended to be applied to routine license renewals. An instruction packet regarding the criminal background checks are sent to the applicant once an application is submitted. There is also an active link containing the instructions on the SDBMOE website. One of the most important items of instruction is that the South Dakota Division of Criminal Investigation requires that the fingerprints be done on agency-specific cards so the applicant must use the cards that they receive from the SDBMOE office. Any alternatives or substitutions are automatically rejected.

There are other professional applicants who are included in the criminal background investigations. For example, the Board of Nursing handles the criminal background investigations for the CNP and RN professions regulated by that Board.

Application Disclosure Questions

The Board staff continues to accept feedback for improving application disclosure questions. Please send comments and suggestions to the Board's general email address: sdbmoe@state.sd.us.

The Board Re-affirms Its Commitment to South Dakota Law

The Board is committed to following the letter and spirit of the South Dakota law regarding the Board's duty to protect the health and welfare of the state's citizens. Further, the Board continues to conduct its business in an open and public manner as allowed by law. The SDBMOE welcomes the input and participation of the public to ensure that the best possible medical care is available in the state of South Dakota.

Mission and Structure of the Board

The SDBMOE protects the health and welfare of the state's citizens by ensuring that only qualified physicians and allied healthcare professionals are licensed to practice in South Dakota. The Board co-regulates three allied healthcare professions with the South Dakota Board of Nursing (SDBON).

The SDBMOE has nine members: seven are physicians with six allopathic physicians or Doctors of Medicine (MDs) and one osteopathic physician or Doctor of Osteopathic Medicine (DO), and two are public or non-physician members. All of the Board members are appointed by the governor and may serve on the Board for a three-year term with the possibility of two reappointments.

The SDBMOE meets quarterly and the meetings are open to the public and posted on the Board's website sdbmoe.gov. All final decisions are made by the full Board. The Board uses advisory committees, panels, and the Board staff to assist with recommendations for final decisions. The advisory committees are subsets to and approved by the full Board. The Board employs an executive director and a support staff to assist the Board in the regulation of its licensees.