STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-07

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and,

Whereas, The World Health Organization, the Centers for Disease Control and Prevention ("CDC"), and the Secretary of the U.S. Department of Health and Human Services have declared the COVID-19 outbreak a public health emergency; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness to prevent community spread and guard against the COVID-19 outbreak; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing danger to public health and safety in all of South Dakota; and,

Whereas, Strict compliance with the provisions of South Dakota administrative rule that would limit or restrict the provision of telehealth or telemedicine services and those which require face-to-face interactions with providers would prevent, hinder, or delay necessary action with coping with this disaster in all counties of our state; and,

Whereas, Strict compliance with the provisions of South Dakota administrative rule that would limit or restrict the ability to dispense certain necessary medication in a timely manner would prevent, hinder, or delay necessary action with coping with this disaster in all counties of our state; and,

Whereas, Strict compliance with the provisions of South Dakota administrative rule that would limit or restrict the ability to provide adequate due process related to the Medical Assistance program would prevent, hinder, or delay necessary action with coping with this disaster in all counties of our state; and,

Whereas, The assistance of member states to the Uniform Emergency Management Assistance Compact (EMAC) during the COVID-19 emergency, including the assistance of licensed professionals in delivering medical care as needed in our state's private and public medical facilities, would be reasonable and necessary to respond to this disaster in all counties of our state; and,

Whereas, The impending threat of the spread of COVID-19 in our state is a health emergency requiring the State to deploy resources to respond to the needs to the medical community and other critical infrastructure sectors; and,

Whereas, A state of emergency was declared by Executive Order 2020-04 on March 13, 2020 and currently exists within the State of South Dakota until its expiration on April 12, 2020, unless sooner terminated or extended in writing:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby order and direct the following:

Section 1 Telehealth and Telemedicine Services: Pursuant to SDCL 34-48A-5(4), I temporarily suspend the regulatory provisions of ARSD 67:16, 67:61, and 67:62, which limit or restrict the provision of telehealth or telemedicine services and which require face-to-face treatment, visits, interviews, and sessions with providers.

Section 2 Medications: Pursuant to SDCL 34-48A-5(4), I temporarily suspend the regulatory provisions of ARSD 67:16:14:06.03, which limit the ability to dispense certain necessary medication in a timely manner.

Section 3 Medical Assistance Program: Pursuant to SDCL 34-48A-5(4), I temporarily suspend the regulatory provisions of ARSD 67:17, which limit or restrict the timeframes for the Medical Assistance program to receive and respond to fair hearings requests.

Section 4 Medical Licensure: Pursuant to SDCL 34-48A-5(7) and SDCL 34-48A-53, I will grant full recognition to the licenses held by a professional by any compact member state, in accordance with the Uniform Emergency Management Assistance Compact (EMAC) should those facilities require additional professionals to meet patient demand during the COVID-19 emergency, whether in-person or by remote means.

Section 5 Overweight Vehicles: Pursuant to SDCL 34-48A-5(4), I temporarily suspend the regulatory provisions of the following administrative rules for overweight vehicles carrying relief supplies in direct support of the COVID-19 outbreak and the state of emergency are suspended, to wit:

(a) ARSD 70:03:01:09, pertaining to the division of loads, such that divisible loads shall be allowed to move on state trunk highway in South Dakota under the terms of the permit authorized by ARSD 70:03:01:02;

(b) ARSD 70:03:01:02, pertaining to a fee, such that permits to transporters shall be issued without cost, be carried in the vehicle, and be valid for multiple trips;

provided that the weight of the vehicle does not exceed the maximum legal weight allowable under SDCL Chapter 32-22 by more than ten percent, and provided that no overweight vehicle shall travel on a bridge or highway that has been posted with a reduced maximum weight provided for in SDCL Chapter 32-22. The permit may be issued to a single vehicle or to a fleet of vehicles operated by a single carrier. The permit shall be valid for duration of the emergency order.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency declared by Executive Order 2020-04, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 23rd day of March, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State