

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

608R0471

SENATE ENGROSSED NO. **HB 1118** - 3/2/2010

Introduced by: Representatives Solum, Cutler, Jensen, Krebs, Novstrup (David), Rounds, Steele, and Verchio and Senators Olson (Russell), Maher, Nelson, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding fees for health
2 services provided to South Dakota injured workers treated by out-of-state medical providers
3 and expenses when death results from injuries to South Dakota workers.

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

5 Section 1. That § 62-7-8 be amended to read as follows:

6 62-7-8. Except as otherwise provided, fees for health services, including hospital services,
7 depositions, and reproduction of medical and hospital information, under this title are subject
8 to approval of the department. The department shall, by rule promulgated pursuant to chapter
9 1-26, establish standards and procedures for determining if charges for health services, including
10 hospital services are excessive and for determining if a provider of health services is performing
11 procedures or providing services at a level or with a frequency that is excessive. The department
12 shall consult with the examining boards of all providers in establishing such standards and
13 procedures. For services rendered by an out-of-state provider, any fee that exceeds the maximum
14 allowed by the fee schedule of the state where service was provided is deemed excessive. No



1 provider of health services, including hospital services, may enforce any judgment against, or
2 collect or attempt to collect from, the employee, the employer, or the employer's insurer any
3 amount in excess of the amount established by the applicable fee schedule or approved under
4 the provisions of this section.

5 Section 2. That § 62-4-16 be amended to read as follows:

6 62-4-16. The employer shall pay the burial expense and the expense of a headstone grave
7 marker for an employee whose death resulted from an injury, in an amount not to exceed the
8 sum of ~~seven thousand five hundred~~ ten thousand dollars. If the death occurred in a foreign state
9 or outside the community where the employee is to be buried, the employer shall also pay the
10 cost of transporting the body of the employee to the community where the employee is to be
11 buried.