

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

608R0471

SENATE COMMERCE

ENGROSSED NO. **HB 1118** - 2/25/2010

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

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

5 62-7-8. Except as otherwise provided, fees for health services, including hospital services,
6 depositions, and reproduction of medical and hospital information, under this title are subject
7 to approval of the department. The department shall, by rule promulgated pursuant to chapter
8 1-26, establish standards and procedures for determining if charges for health services, including
9 hospital services are excessive and for determining if a provider of health services is performing
10 procedures or providing services at a level or with a frequency that is excessive. The department
11 shall consult with the examining boards of all providers in establishing such standards and
12 procedures. For services rendered by an out-of-state provider, any fee that exceeds the maximum
13 allowed by the fee schedule of the state where service was provided is deemed excessive. No
14 provider of health services, including hospital services, may collect or attempt to collect from



1 the employee, the employer, or the employer's insurer any amount in excess of the amount
2 established by the applicable fee schedule or approved under the provisions of this section.
3 However, the employer or the employer's insurer shall promptly reimburse and hold harmless
4 the employee for any damages arising from the collection of, or attempt to collect, fees in excess
5 of the amount allowed by this section.