

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

552B0737

HOUSE JUDICIARY COMMITTEE

ENGROSSED NO. **HB1234** - 2/4/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representative Hagg and Senator Daugaard

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to confidentiality of
2 certain medical committees.

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

4 Section 1. That § 36-4-26.2 be amended to read as follows:

5 36-4-26.2. Section 36-4-26.1 ~~shall not apply~~ applies neither to facts associated with a
6 patient's treatment and care nor to patient records prepared in conjunction with treatment and
7 care rendered to a patient who is a party to an action or proceeding, the subject matter of which
8 is the care and treatment of ~~said~~ the patient. Furthermore, after the notification of adverse parties
9 as hereinafter provided, § 36-4-26.1 ~~shall~~ does not apply to the proceedings, records, reports,
10 statements, minutes, or other data of any committee, department, section, board of directors, or
11 group covered by § 36-4-26.1, in so far as they relate to the statements or opinions of a member
12 thereof made or rendered at its meeting, ~~where such~~ if the member is called as a witness on
13 behalf of any party in an action involving the quality, type, or necessity of such care rendered;
14 ~~provided that.~~ However:

15 (1) Such information may only be used to impeach the testimony of such witness; and

1 (2) Such witness may not testify unless the party calling the witness has notified all
2 adverse parties to the action at least thirty days before trial of ~~his~~ the person's
3 intention to use such witness.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Judiciary. H.J. 157

3 2/2/98 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 370

4 2/2/98 Scheduled for Committee hearing on this date.