

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

661C0560

HOUSE BILL NO. 1223

Introduced by: Representatives Fischer-Clemens, Garnos, Konold, Michels, and Sebert and
Senators Everist and Rounds

1 FOR AN ACT ENTITLED, An Act to allow access to a deceased person's medical record.

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

3 Section 1. That § 34-12-15 be amended to read as follows:

4 34-12-15. All superintendents, or managers, or other persons in charge of hospitals, lying-in,
5 or other institutions, public or private, to which persons resort for treatment of disease,
6 confinement, or are committed by process of law, shall make and keep a record of all the
7 personal and statistical particulars relative to the inmates, such record to be made at the time of
8 their admittance and in such form of certificate as directed by the secretary of health. In case of
9 persons admitted or committed for treatment of disease, the physician in charge shall specify for
10 entry in such record the nature of the disease and where in ~~his~~ the physician's opinion it was
11 contracted. The personal particulars and information required by this section shall be obtained
12 from the individual, if it is practicable to do so, and if not practicable, shall be obtained in as
13 complete a manner as possible from relatives, friends, or other persons acquainted with the facts.
14 Such record shall be open at all times to the inspection of the secretary of health or ~~his~~ an
15 accredited agent of the secretary.

16 A health care facility shall provide copies of all medical records, reports, and X rays pertinent

1 to the health of the patient, if available, to a discharged patient or the patient's designee upon
2 receipt by the health care facility of a written request or a legible copy of a written request signed
3 by the patient. The health care facility may require before delivery that the patient pay the actual
4 reproduction and mailing expense.

5 In the case of a deceased patient, the following surviving family members, in the priority
6 stated, have the right to copies of the patient's medical record to the same extent as the patient
7 would have the right to copies of the medical record while alive:

8 (1) The spouse, if not legally separated at the time of the patient's death;

9 (2) An adult child;

10 (3) A parent;

11 (4) An adult sibling;

12 (5) A grandparent or an adult grandchild;

13 (6) An adult aunt or uncle, or an adult niece or nephew.

14 A health care facility, complying in good faith with the provisions of this section, may not
15 be held liable for any injury or damage proximately resulting from compliance with this section.

16 This section does not apply to chemical dependency treatment facilities.