

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

991C0850

HOUSE BILL NO. 1282

Introduced by: Representative Michels and Senator Everist

1 FOR AN ACT ENTITLED, An Act to revise the confidentiality related to certain patient records.

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

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

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

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

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