

AN ACT

ENTITLED, An Act to revise certain provisions regarding the applicability of managed care statutes and managed care mediation requirements and to permit certain impartial mediation provisions.

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

Section 1. That § 58-17C-4 be amended to read as follows:

58-17C-4. Sections 58-17C-4 and 58-17C-6 apply to any health carrier who offers a managed care plan as defined in § 58-17C-1.

Section 2. That § 58-17C-58 be amended to read as follows:

58-17C-58. Each managed care plan or utilization review organization shall establish and maintain a grievance system, approved by the director after consultation with the secretary of the Department of Health, which may include an impartial mediation provision, to provide reasonable procedures for the resolution of grievances initiated by any enrollee concerning the provision of health care services. Mediation may be made available to enrollees unless an enrollee elects to litigate a grievance prior to submission to mediation. No medical malpractice damage claim is subject to arbitration under §§ 58-17C-58 to 58-17C-63, inclusive. Each managed care plan or utilization review organization shall provide that if a grievance is filed which requires a review of services authorized to be provided by a practitioner or if a grievance is filed which requires a review of treatment which has been provided by a practitioner, the review shall include a similarly licensed peer whose scope of practice includes the services or treatment being reviewed.

Section 3. That § 58-17C-20 be amended to read as follows:

58-17C-20. Each managed care entity, as defined in § 58-17C-1, shall register with the director prior to engaging in any managed care business in this state. The registration shall be subject to the provisions of §§ 58-17C-64 to 58-17C-68, inclusive, and any applicable rules promulgated pursuant to those sections.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1040

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1040
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State