

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

814J0564

## SENATE BILL NO. 138

Introduced by: Senators Schoenbeck, Bogue, Duenwald, and Sutton (Dan) and  
Representatives Konold, Cutler, Elliott, McCaulley, and O'Brien

1 FOR AN ACT ENTITLED, An Act to prohibit certain discrimination in the field of health  
2 insurance.

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

4 Section 1. No health insurer may exclude from its panel of providers any health care  
5 provider licensed under the laws of this state if the provider is located within the geographic  
6 coverage area of the health benefit plan and is willing to meet the terms and conditions of  
7 participation as established by the health insurer.

8 Section 2. For the purposes of section 1 of this Act, a health benefit plan is any hospital or  
9 medical expense policy or certificate; hospital or medical service plan; nonprofit hospital,  
10 medical-surgical, or health service corporation contract or certificate; provider-sponsored  
11 integrated health delivery network; self-insured plan or plan provided by a multiple employer  
12 welfare arrangement, to the extent permitted by the Employee Retirement Income Security Act;  
13 health maintenance organization subscriber contract with more than a six-month duration; or  
14 any health benefit plan that affects the rights of a South Dakota insured and bears a reasonable  
15 relation to South Dakota, whether delivered or issued for delivery in South Dakota. The term



1 does not include specified disease, hospital indemnity, fixed indemnity, accident only, credit,  
2 dental, vision, medicare supplement, long-term care, or disability income insurance; coverage  
3 issued as a supplement to liability insurance; workers' compensation or similar insurance; or  
4 automobile medical payment insurance.

5 Section 3. For the purposes of section 1 of this Act, a health insurer is any insurance  
6 company; health maintenance organization; self-insurer or multiple employer welfare  
7 arrangement not exempt from state regulation by the Employee Retirement Income Security Act;  
8 provider-sponsored integrated health delivery network; self-insured, employer-organized  
9 association; nonprofit hospital, medical-surgical, dental, or health service corporation authorized  
10 to transact health insurance business in South Dakota; or the South Dakota Medicaid Program.