

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

268N0642

## HOUSE BILL NO. 1287

Introduced by: Representatives Jerke, Olson (Betty), Putnam, and Wick and Senators Gant and Hansen (Tom)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the compilation and  
2 release of patient information to determine medical indigency.

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

4 Section 1. That § 28-13-34.2 be amended to read as follows:

5 28-13-34.2. If submitting a notice under the provisions of § 28-13-34.1, the hospital shall  
6 ~~make every reasonable effort to secure from the patient, and to include with the notice, a release~~  
7 ~~of patient~~ information form which has been completed and signed by the patient or the patient's  
8 authorized representative. ~~The form shall authorize persons, agencies, or institutions to release,~~  
9 ~~to the county, the patient's social security number, the social security number of other household~~  
10 ~~members, medical information concerning the patient, and financial information concerning the~~  
11 ~~patient or members of the patient's household. The release of patient information form shall be~~  
12 on a prescribed form approved by the secretary which shall authorize the release of information  
13 of the patient's financial resources and employment to determine medical indigency as defined  
14 by this chapter.

15 Section 2. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as



1 follows:

2       If the patient or the patient's authorized representative fails or refuses to complete and sign  
3 the release of information form under the provisions of § 28-13-34.2 within the time period set  
4 forth in § 28-13-34.1, the hospital may bring an action or a proceeding against the patient or the  
5 patient's authorized representative in order to obtain the necessary information and shall give  
6 notice to the auditor of the county of such action or proceeding within ten days from its  
7 commencement of such action or proceeding. The hospital shall also notify the auditor of the  
8 county of any examinations of the patient or the patient's authorized representative at least ten  
9 days in advance of such examination, in order to allow the county to attend and participate or  
10 join in the action or proceeding. Upon completion of the action or proceeding, the hospital shall  
11 have fifteen days to submit to the county the patient information received from the patient or  
12 the patient's authorized representative as a result of the action or proceeding. If the hospital does  
13 not bring an action or a proceeding against the patient or the patient's authorized representative  
14 in order to obtain the information of the patient's financial resources and employment, the  
15 county is not liable for the cost of hospitalization. Nothing under this section precludes the  
16 county from obtaining additional information from the patient or the patient's authorized  
17 representative.