

2021 South Dakota Legislature

House Bill 1179**AMENDMENT 1179A FOR THE INTRODUCED BILL****1 An Act to provide for physician wellness programs.**

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

3 **Section 1.** That a NEW SECTION be added:

4 36-2A-16. Physician wellness program defined.

5 The term, physician wellness program, as used in §§ 36-2A-16 to 36-2A-19,
6 inclusive, means a program of evaluation, counseling, or other modality to address an
7 issue related to career fatigue or wellness in a person licensed to practice medicine or
8 osteopathy under chapter 36-4 or a physician assistant licensed under chapter 36-4A. The
9 term does not include the provision of services intended to monitor for impairment.

10 **Section 2.** That a NEW SECTION be added:

11 36-2A-17. Physician wellness program--Confidentiality--Exemption.

12 Any record of a person's participation in a physician wellness program is
13 confidential and not subject to discovery, subpoena, or a reporting requirement to the
14 applicable board, unless the person voluntarily provides for written release of the
15 information or the disclosure is required to meet the licensee's obligation to report a
16 criminal charge or action, or unprofessional or dishonorable conduct, as defined in ~~§ 36-~~
17 ~~4-20~~ §§ 36-4-30, 36-4-30.1, and 36-4A-38.

18 **Section 3.** That a NEW SECTION be added:

19 36-2A-18. Physician wellness program--Statewide association.

20 Any statewide association, exempt from taxation under 26 U.S.C. § 501(c)(6) and
21 that primarily represents health care professionals licensed to practice medicine or
22 osteopathy under chapter 36-4, may establish a physician wellness program.

1 **Section 4.** That a NEW SECTION be added:

2 **36-2A-19. Physician wellness program--Civil liability.**

3 Any person, agency, institution, facility, or organization employed by, contracting
4 with, or operating a physician wellness program, when acting in good faith, is immune
5 from civil liability for any action related to their duties in connection with a physician
6 wellness program.