



## 2021 South Dakota Legislature

# House Bill 1179

### HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

Introduced by: **Representative Reed**

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 4-30, 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.

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

1           **36-2A-19. Physician wellness program--Civil liability.**

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