



2021 South Dakota Legislature  
**House Bill 1179**  
**ENROLLED**

AN ACT

**ENTITLED An Act to provide for physician wellness programs.**

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

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

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

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

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

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

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

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

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

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

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

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

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

An Act to provide for physician wellness programs.

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I certify that the attached Act originated in  
the:

House as Bill No. 1179

\_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_

Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_

Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_

Chief Clerk

\_\_\_\_\_

Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_

President of the Senate

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_

Secretary of the Senate

\_\_\_\_\_

Secretary of State

House Bill No. 1179  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State