

2023 South Dakota Legislature

House Bill 1085**AMENDMENT 1085A FOR THE INTRODUCED BILL**

1 **An Act to require a case management service provider to disclose communications**
2 **to an employee.**

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

4 **Section 1. That chapter 62-6 be amended with a NEW SECTION:**

5 A case management service provider operating as required by § 58-20-24 or 62-
6 5-21, shall notify the employee of the employee's ability to be present, whether in-person
7 or by telephone or video conference, during any discussion between the case management
8 service provider and a medical provider regarding the employee's case management plan.
9 The case management service provider shall provide to the employee copies of any written
10 correspondence regarding questions of compensability, causation, or entitlement to
11 workers' compensation benefits, associated with the employee's case management plan,
12 and provide a summary of the discussion between the medical provider and the case
13 management service provider. A violation of this section cannot independently form the
14 basis for a bad faith cause of action.