

AN ACT

ENTITLED, An Act to revise certain provisions relating to confidentiality of certain medical committees.

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

Section 1. That § 36-4-26.2 be amended to read as follows:

36-4-26.2. Section 36-4-26.1 applies neither to facts associated with a patient's treatment and care nor to patient records prepared in conjunction with treatment and care rendered to a patient who is a party to an action or proceeding, the subject matter of which is the care and treatment of the patient. Furthermore, after the notification of adverse parties as hereinafter provided, § 36-4-26.1 does not apply to the proceedings, records, reports, statements, minutes, or other data of any committee, department, section, board of directors, or group covered by § 36-4-26.1, in so far as they relate to the statements or opinions of a member thereof made or rendered at its meeting, if the member is called as a witness on behalf of any party in an action involving the quality, type, or necessity of such care rendered. However:

- (1) Such information may only be used to impeach the testimony of such witness; and
- (2) Such witness may not testify unless the party calling the witness has notified all adverse parties to the action at least thirty days before trial of the person's intention to use such witness.

An Act to revise certain provisions relating to confidentiality of certain medical committees.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1234

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1234

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

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