

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

544H0391

## HOUSE BILL NO. 1106

Introduced by: Representatives Van Etten, Adelstein, Brown (Jarvis), Duniphan, Frost, Gillespie, Glenski, Hennies (Thomas), Hundstad, Hunhoff, Madsen, McCaulley, Michels, Monroe, Nesselhuf, Pederson (Gordon), Peterson (Bill), Rhoden, Sigdestad, Slaughter, and Teupel and Senators Cradduck, Apa, Brosz, Brown (Arnold), Daugaard, Everist, Greenfield, Ham, Madden, McCracken, McIntyre, Olson (Ed), and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the confidential nature  
2 of peer review activities of physicians.

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

4 Section 1. That § 36-4-26.1 be amended to read as follows:

5 36-4-26.1. The proceedings, records, reports, statements, minutes, or any other data  
6 whatsoever, of any committee described in § 36-4-42, relating to ~~the quality, type, or necessity~~  
7 ~~of care rendered by a member of a hospital medical staff or by hospital personnel, or acquired~~  
8 ~~in the evaluation of the competency, character, experience, or performance of a physician,~~  
9 ~~dentist, or allied health professional seeking admission or reappointment to the medical staff of~~  
10 ~~a hospital~~ peer review activities defined in § 36-4-43, are not subject to discovery or disclosure  
11 under chapter 15-6 or any other provision of law, and are not admissible as evidence in any  
12 action of any kind in any court or arbitration forum, except as hereinafter provided. No person  
13 in attendance at any meeting of any committee described in § 36-4-42 ~~shall be~~ is required to



1   testify as to what transpired at such meeting. The prohibition relating to discovery of evidence  
2   does not apply to deny a physician access to or use of information upon which a decision  
3   regarding the person's staff privileges or employment was based. The prohibition relating to  
4   discovery of evidence does not apply to deny any person or the person's counsel in the defense  
5   of an action against that person access to the materials covered under this section.