

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

805U0574

HOUSE BILL NO. 1199

Introduced by: Representatives Russell, Campbell, Kaiser, Kopp, May, Nelson, Steele, and Verchio and Senators Jensen and Begalka

1 FOR AN ACT ENTITLED, An Act to prohibit the sharing of patient records in a health
2 information exchange by the state without written authorization from the patient.

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

4 Section 1. Notwithstanding any federal law or mandate, no state employee, contractor or
5 agent may release, provide, insert, or otherwise permit any information pertaining to a patient's
6 medical history to be shared, copied, or otherwise transmitted into a health information
7 exchange, without written consent from the patient.

8 Section 2. Any institution of the State of South Dakota whose operation involves the
9 processing or retaining of records pertaining to a patient's medical history shall implement
10 reasonable technological and procedural steps to safeguard patients' medical histories from
11 being subjected to, shared, copied, or otherwise transmitted into a health information exchange
12 without the written authorization of the patient.

13 Section 3. No state agency, employee, contractor, or agent may discriminate or refuse
14 service to a patient based on their providing written consent to release information about their
15 medical history to a health information exchange.



1 Section 4. Nothing in this Act prohibits a state agency, employee, contractor, or agent from
2 transmitting a valid claim to a health insurance company to collect a debt. A health insurance
3 company conducting business in or operating in the State of South Dakota is subsequently
4 subject to all provisions of this Act in their handling of a patient's medical history.

5 Section 5. Terms used in this Act mean:

- 6 (1) "Health Information Exchange," any network, computer system, or other electronic
7 system by which anyone other than the institution's employed personnel may be
8 granted access to patient medical history, treatment, or other medically relevant
9 information pertaining to the patient, or any instrument, whether electronic or
10 otherwise, whereby such information may be relayed into such a system;
- 11 (2) "Medical History," any record of past or present medical conditions, symptoms,
12 treatments, procedures, advice, notation, requests, or any other medically relevant
13 information pertaining to the patient;
- 14 (3) "Written Consent," a document signed by the patient in which the patient clearly, and
15 in common language, authorizes the doctor and institution to release their medical
16 history, treatment, and other medically relevant information to be transmitted to a
17 health information exchange.