

Utilizing statutes from Montana and Nevada as examples, and referencing existing SD statutes, we propose the insertion of some additional language at SDCL § 62-6-5. Proposed language is in bold and blue text at the end of the statute below:

SDCL § 62-6-5. Information confidential--Release to employee or public agency.

Information obtained within the contemplation of this title shall be used for no other purpose than for the information of the department or insurance company with reference to the duties imposed upon the department. However, the department may release information to an injured employee or the employee's attorney, to a social security or welfare office having a claim by the employee, or to any state or federal agency which rehabilitates persons with disabilities. The department may issue statistical information if individual claimants are not identified. **The department shall provide information to an injured employee, the surviving spouse, or other dependent(s) of an injured employee, of non-statutory programs such as those offered by nonprofit organizations, or other benefits which injured employees, the surviving spouse, or other dependent(s) of an injured employee may be eligible for in addition to those benefits provided pursuant to the provisions of SDCL Title 62. Provided, however, the department may not provide the contact information of an injured employee, the surviving spouse, or other dependent(s) of an injured employee, to such an organization without the express written consent of the injured employee, the surviving spouse, or other dependent(s) of an injured employee, as applicable.**

Source: SL 1917, ch 376, § 43; RC 1919, § 9479; SDC 1939, § 64.0507; SL 1970, ch 282; SL 2008, ch 278, § 40.