**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3477**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. G.R. Smith

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Companion/Similar bill(s): 3402

Introduced in the House on January 27, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Medical Malpractice Expert Testimony Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2011 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj%20archive\2011\01-27-11.docx))

1/27/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 10](file:///h:\hj%20archive\2011\01-27-11.docx))

**VERSIONS OF THIS BILL**

[1/27/2011](file:///p:\pprever\2011-12\3477_20110127.docx)

**A** **BILL**

TO AMEND SECTION 40‑47‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL EXPERT WITNESSES, SO AS TO ENACT THE “MEDICAL MALPRACTICE EXPERT TESTIMONY ACT OF 2011”, TO DELETE EXISTING LANGUAGE CONCERNING THE LICENSURE OF AN EXPERT MEDICAL WITNESS AND THE ABILITY OF THE BOARD OF MEDICAL EXAMINERS TO WAIVE A RELATED FEE, AND TO PROVIDE AN INDIVIDUAL NOT LICENSED TO PRACTICE MEDICINE IN SOUTH CAROLINA WHO PROVIDES EXPERT MEDICAL WITNESS TESTIMONY IN AN ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING IN THIS STATE MUST BE SUBJECT TO THE JURISDICTION OF THE BOARD OF MEDICAL EXAMINERS AS IF FULLY LICENSED AS A MEDICAL EXPERT WITNESS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act is known and may be cited as the “Medical Malpractice Expert Testimony Act of 2011”.

SECTION 2. Section 40‑47‑35 of the 1976 Code, as added by Act 385 of 2006, is amended to read:

“Section 40‑47‑35. ~~(A) The board may issue a license to a physician licensed in good standing in another state, who has been engaged to testify as an expert medical witness in an administrative, civil, or criminal proceeding in this State. The license only shall authorize practice in this State as an expert medical witness in a particular proceeding in this State. This license must be valid for the duration of the particular proceeding for which it is issued. This license must authorize only practice in this State that is related directly to the particular proceeding for which it is issued. A separate license must be obtained for each proceeding in which the applicant is engaged to testify as an expert medical witness in this State. The applicant shall submit the following items:~~

~~(1) a completed application and payment of applicable fees; and~~

~~(2) satisfactory documentation of the applicant’s engagement as an expert witness in a particular proceeding in this State.~~

~~(B) The board may waive any part or all of a fee for this license for a physician to testify as an expert witness on behalf of a state, county, or municipal agency or office.~~ An individual not licensed to practice medicine in this State who provides expert medical witness testimony in an administrative, civil, or criminal proceeding in this State must be subject to the jurisdiction of the board as if fully licensed pursuant to this chapter.”

SECTION 3. This act takes effect upon approval by the Governor.

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