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COMMITTEE REPORT

March 10, 2015

**S. 357**

Introduced by Senator Cleary

S. Printed 3/10/15--S.

Read the first time January 22, 2015.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 357) to amend the Code of Laws of South Carolina, 1976, by adding Article 3 to Chapter 30, Title 44 so as to be entitled “Immunity from Liability for Providing Free Health Care Services”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking line 7 and inserting:

/ pursuant to Section 15‑1‑310, mutatis mutandis. For purposes of this section, a health care provider also includes a restricted volunteer dentist as defined in Section 40‑15‑177.” /

Amend the bill further, as and if amended, page 2, by striking line 24 and inserting:

/ “Section 38‑79‑30. (A) No licensed health care provider, as /

Amend the bill further, as and if amended, page 2, by striking line 39 and inserting:

/ compensation.

(B) For purposes of this section, a health care provider also includes a restricted volunteer dentist as defined in Section 40‑15‑177.” /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED “IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES”, AND TO PROVIDE THAT THE SERVICES OF A HEALTH CARE PROVIDER TREATING A PATIENT FREE OF CHARGE ARE DEEMED TO BE WITHIN THE SCOPE OF THE GOOD SAMARITAN STATUTE; TO REENTITLE CHAPTER 30, TITLE 44 AS “HEALTH CARE PROFESSIONALS”; TO DESIGNATE SECTIONS 44‑30‑10 THROUGH 44‑30‑90 AS ARTICLE 1, CHAPTER 30, TITLE 44, ENTITLED “HEALTH CARE PROFESSIONAL COMPLIANCE ACT”; AND TO AMEND SECTION 38‑79‑30, AS AMENDED, RELATING TO LIABILITY OF HEALTH CARE PROVIDERS WHEN PROVIDING FREE MEDICAL CARE, SO AS TO REQUIRE A WRITTEN AGREEMENT OF PROVISION OF THE VOLUNTARY, UNCOMPENSATED CARE AND TO ALLOW THE WRITTEN AGREEMENT TO BE AN ELECTRONIC RECORD.

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

SECTION 1. Chapter 30, Title 44 of the 1976 Code is amended by adding:

“Article 3

Immunity from Liability

for Providing Free Health Care Services

Section 44‑30‑310. If a health care provider, licensed pursuant to the laws of this State, informs his or her patient in writing, which may include use of an electronic medical record device, before treatment that the treatment to be rendered by the health care provider will be provided free of charge, the services rendered are deemed to be within the scope of the Good Samaritan statute, pursuant to Section 15‑1‑310, mutatis mutandis.”

SECTION 2. A. Chapter 30, Title 44 of the 1976 Code is reentitled “Health Care Professionals”.

B. Sections 44‑30‑10 through 44‑30‑90 are designated as Article 1, Chapter 30, Title 44 and entitled “Health Care Professional Compliance Act”.

SECTION 3. When, at the time of printing the Code of Laws, it is practically and economically feasible, the Code Commissioner shall change references to “chapter” in Sections 44‑30‑10 through 44‑30‑90 of the 1976 Code to “article”.

SECTION 4. Section 38‑79‑30 of the 1976 Code, as last amended by Act 153 of 2010, is further amended to read:

“Section 38‑79‑30. No licensed health care provider, as defined in Section 38‑79‑410, who renders medical services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources is liable for any civil damages for any act or omission resulting from the rendering of the services unless the act or omission was the result of the licensed health care provider’s gross negligence or wilful misconduct. The agreement to provide a voluntary, noncompensated service must be made in writing, which may include use of an electronic medical record device, before rendering service in the case of a nonemergency and may be evidenced by the provider’s giving notice in writing, which may include use of an electronic medical record device, to the patient or to the person responsible for the patient’s care and acting for the patient that the service being rendered is voluntary and without compensation.”

SECTION 5. This act takes effect upon approval by the Governor.

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