**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 636**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto, Rankin, Sabb and Talley

Document Path: l:\s-jud\bills\hutto\jud0033.mdb.docx

Introduced in the Senate on March 12, 2019

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

Summary: Medical treatment and supplies furnished

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/12/2019 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20190312.docx))

3/12/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\sj\20190312.docx))

3/15/2019 Senate Referred to Subcommittee: Young (ch), Sabb, M.B.Matthews, Goldfinch, Talley

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**VERSIONS OF THIS BILL**

[3/12/2019](file:///p:\pprever\2019-20\636_20190312.docx)

**A** **BILL**

TO AMEND SECTION 42-15-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME PERIOD MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED, SO AS TO CLARIFY THAT MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED FOR ANY ADDITIONAL TIME THAT THE JUDGMENT OF THE WORKERS’ COMPENSATION COMMISSION ESTABLISHED, BY THE PREPONDERANCE OF EVIDENCE CONTAINED IN THE MEDICAL RECORDS OR BY THE OPINION OF A MEDICAL PROVIDER, WILL LESSEN THE PERIOD OF DISABILITY; AND TO AMEND SECTION 42-17-40, RELATING TO THE CONDUCT OF A WORKERS’ COMPENSATION COMMISSION HEARING SO AS TO PROVIDE THAT MEDICAL RECORDS AND OPINIONS OF MEDICAL PROVIDERS ARE ADMISSIBLE WITHOUT REGARD TO THE RULES OF EVIDENCE.

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

SECTION 1. Section 42-15-60(A) of the 1976 Code is amended to read:

“Section 42-15-60. (A) The employer shall provide medical, surgical, hospital, and other treatment, including medical and surgical supplies as reasonably may be required, for a period not exceeding ten weeks from the date of an injury, to effect a cure or give relief and for ~~an~~ any additional time ~~as~~ that in the judgment of the commission established by the preponderance of the evidence contained in the medical records or by the opinion of a medical provider stated to a reasonable degree of medical certainty will tend to lessen the period of disability ~~as evidenced by expert medical evidence stated to a reasonable degree of medical certainty~~. ~~In addition to it, the~~ If any original artificial ~~members~~ member is ~~as~~ reasonably ~~may be~~ necessary, it must be provided by the employer. During any period of disability resulting from the injury, the employer, at his own option, may continue to furnish or cause to be furnished, free of charge to the employee, and the employee shall accept, an attending physician and any medical care or treatment that is considered necessary by the attending physician, unless otherwise ordered by the commission for good cause shown. The refusal of an employee to accept any medical, hospital, surgical, or other treatment or evaluation when provided by the employer or ordered by the commission bars the employee from further compensation until the refusal ceases and compensation is not paid for the period of refusal unless in the opinion of the commission the circumstances justified the refusal, in which case the commission may order a change in the medical or hospital service. If in an emergency, on account of the employer’s failure to provide the medical care as specified in this section, a physician other than provided by the employer is called to treat the employee, the reasonable cost of the service must be paid by the employer, if ordered by the commission.”

SECTION 2. Section 42-17-40(A) of the 1976 Code is amended to read:

“Section 42-17-40. (A) The commission or any of its members shall hear the parties at issue and their representatives and witnesses and shall determine the dispute in a summary manner. Medical records and opinions of medical providers are admissible without regard to the rules of evidence. The award, together with a statement of the findings of fact, rulings of law, and other matters pertinent to the questions at issue, must be filed with the record of the proceedings and a copy of the award must immediately be sent to the parties in dispute. The parties may be heard by a deputy, in which event he shall swear or cause the witnesses to be sworn and shall transmit all testimony to the commission for its determination and award.”

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

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