

Session 119 - (2011-2012)

H*4008 (Rat #0320, Act #0275 of 2012) General Bill, By Harrison, H.B. Brown, G.R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D.C. Moss, Patrick, Pinson, Sandifer, G.M. Smith, J.R. Smith, Stringer, Toole, Willis, Bingham and Clemmons

Similar (S 0771)

Summary: Liabilities regarding hospital's actions

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES, INCLUDING THE PRIVILEGES REQUESTED OR APPROVED, IS NOT CONFIDENTIAL, THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL, AND THAT THE APPLICATION MAY BE OBTAINED FROM THE PHYSICIAN OR FROM THE PRACTICE WHERE THE PHYSICIAN WORKS; TO PROVIDE THAT A PRACTITIONER SUBJECT TO A DISCIPLINARY PROCEEDING MAY RECEIVE DATA, DOCUMENTS, RECORDS, AND INFORMATION RELATING TO THE PRACTITIONER, EVEN IF OTHERWISE CONFIDENTIAL, TO PROVIDE THAT RELEASE OF SUCH DATA, DOCUMENTS, RECORDS, AND INFORMATION IS NOT A WAIVER OF CONFIDENTIALITY, AND TO PROHIBIT DISCLOSURE BY THE PRACTITIONER TO THIRD PARTIES, OTHER THAN COUNSEL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, THE BOARD OF MEDICAL EXAMINERS, OR THE NATIONAL PRACTITIONER DATA BANK IS NOT A WAIVER OF A PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND A MOTION TO ENJOIN THE HOSPITAL FROM RELEASING DATA, DOCUMENTS, RECORDS, OR INFORMATION TO THE DEPARTMENT, THE BOARD OF MEDICAL EXAMINERS, THE NATIONAL PRACTITIONER DATA BANK, OR THE JOINT COMMISSION THAT ARE NOT REQUIRED BY LAW TO BE RELEASED AND TO PROVIDE PROCEDURES TO FURTHER ADDRESS SUCH CLAIMS, INCLUDING AN AWARD OF ATTORNEY'S FEES WHEN SUCH A CLAIM IS UNREASONABLY ASSERTED; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE PROCEDURES WHEN A CLAIM OF CONFIDENTIALITY IS ASSERTED IN A JUDICIAL PROCEEDING, INCLUDING AN AWARD OF ATTORNEY'S FEES WHEN SUCH A CLAIM IS UNREASONABLY ASSERTED; AND TO PROVIDE RESTRICTIONS ON AND PROCEDURES FOR OFFERING TESTIMONY IN A MEDICAL OR HOSPITAL MALPRACTICE CASE BY A PERSON WHO WAS A WITNESS TO THE CARE THAT IS THE SUBJECT OF THE MALPRACTICE CASE; AND TO AMEND SECTION 40-71-10, RELATING TO IMMUNITY FROM LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL SOCIETY STANDARDS COMMITTEES, HOSPITAL MEDICAL STAFF COMMITTEES, AND COMMITTEES APPOINTED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REVIEW PATIENT RECORDS, SO AS TO EXCLUDE FROM IMMUNITY MEMBERS OF A HOSPITAL MEDICAL STAFF COMMITTEE AND TO INCLUDE IMMUNITY FOR MEMBERS OF COMMITTEES APPOINTED BY THE DEPARTMENT OF MENTAL HEALTH TO STUDY PATIENT RECORDS. - ratified title

03/31/11	House	Introduced and read first time
03/31/11	House	Referred to Committee on Judiciary
04/05/11	House	Member(s) request name removed as sponsor: Huggins
02/08/12	House	Member(s) request name added as sponsor: Bingham
03/07/12	House	Committee report: Favorable with amendment Judiciary (House Journal-page 4)
03/20/12	House	Requests for debate-Rep(s). Ott, Vick, Jefferson, Sabb, Williams, Johnson, J.H. Neal, Brantley, R.L. Brown, Hosey, Clyburn, Weeks, King, Munnerlyn, McEachern, (House Journal-page 51)
03/21/12	House	Debate adjourned (House Journal-page 26)
03/22/12	House	Member(s) request name added as sponsor: Clemmons
03/22/12	House	Amended (House Journal-page 34)
03/22/12	House	Read second time (House Journal-page 34)
03/22/12	House	Roll call Yeas-110 Nays-0 (House Journal-page 42)
03/22/12	House	Unanimous consent for third reading on next legislative day (House Journal-page 43)

03/23/12	House	Read third time and sent to Senate (House Journal-page 3)
03/23/12		Scrivener's error corrected
03/27/12	Senate	Introduced and read first time (Senate Journal-page 8)
03/27/12	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 8)
04/19/12	Senate	Committee report: Favorable with amendment Medical Affairs (Senate Journal-page 8)
04/20/12		Scrivener's error corrected
06/05/12	Senate	Committee Amendment Adopted (Senate Journal-page 68)
06/05/12	Senate	Read second time (Senate Journal-page 68)
06/05/12	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 68)
06/06/12	Senate	Amended (Senate Journal-page 9)
06/06/12	Senate	Read third time and returned to House with amendments (Senate Journal-page 9)
06/06/12	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 9)
06/06/12	House	Concurred in Senate amendment and enrolled
06/06/12	House	Reconsidered
06/06/12	House	Non-concurrence in Senate amendment
06/07/12	Senate	Senate insists upon amendment and conference committee appointed Peeler, Cleary, and Lourie (Senate Journal-page 63)
06/07/12	House	Conference committee appointed Bedingfield, Harrison, Delleney (House Journal-page 2)
06/07/12	House	Conference report received and adopted (House Journal-page 63)
06/07/12	House	Roll call Yeas-81 Nays-0 (House Journal-page 72)
06/19/12	Senate	Conference report adopted (Senate Journal-page 100)
06/19/12	Senate	Roll call Ayes-37 Nays-0 (Senate Journal-page 100)
06/19/12	House	Ordered enrolled for ratification (House Journal-page 85)
06/22/12		Ratified R 320
06/26/12		Signed By Governor
07/02/12		Effective date See Act for Effective Date
07/09/12		Act No. 275