Session 106 - (1985-1986)

H 3750 General Bill, By R.N. McLellan, T.A. Brett, M.J. Cooper, W.N. Cork, C.M. Dangerfield, E.D. Foxworth, B.L. Hendricks, Koon, Martin, J.G. McAbee, McKay, Sharpe and E.W. Simpson

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Chapter 34 in Title 15, relating to civil remedies and procedures, so as to provide the method of bringing and defending actions for malpractice against licensed health care providers by providing, among other things, for statutes of limitations in malpractice actions, to require plaintiffs to attach affidavits stating that the case has been reviewed by a licensed health care provider who gives a written opinion that the claim is meritorious; to require a defendant to attach an affidavit to all pleadings denying liability of a licensed health care provider that the claim is without merit and to make failure to attach the appropriate affidavits grounds for dismissing the action; and to prohibit pleadings demanding a sum certain; to amend the 1976 Code by adding Section 15-51-45 in Article 1 of Chapter 51 of Title 15 relating to wrongful death act so as to prohibit punitive damages against a licensed health care provider in an amount exceeding actual damages awarded, to amend the 1976 Code by adding Chapter 69 in Title 38, relating to insurance, so as to provide contingent joint underwriting associations to provide professional liability insurance when it is otherwise unavailable and to provide for its operations and governance, and to amend Act 306 of 1975, as amended, relating to the joint underwriting association for providing physicians and dentists malpractice insurance so as to, among other things, raise liability limits, delete references to commission arrangements, alter application requirements, reconstitute the board of directors, and require additional annual reporting.

04/03/86   House   Introduced and read first time HJ-2173
04/03/86   House   Referred to Committee on Judiciary HJ-2174