

## Session 123 - (2019-2020)

### H\*3760 (Rat #0087, Act #0067 of 2019) General Bill, By Sandifer

**Summary:** Medical Malpractice Liability Joint Underwriting Association

AN ACT TO AMEND ARTICLE 3, CHAPTER 79, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, SO AS TO MERGE THE JOINT UNDERWRITING ASSOCIATION WITH THE PATIENTS' COMPENSATION FUND AND TO RENAME THE SURVIVING ENTITY THE SOUTH CAROLINA MEDICAL MALPRACTICE ASSOCIATION, TO DEFINE NECESSARY TERMS, TO ALTER THE MEMBERSHIP OF THE ASSOCIATION, TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INITIAL FILING OF POLICY FORMS, TO REQUIRE THE MEMBERS OF THE ASSOCIATION TO PAY AN ASSESSMENT EQUAL TO THE MEMBER'S PROPORTIONAL SHARE OF THE ACCUMULATED DEFICIT OF THE ASSOCIATION, TO INCREASE POLICY LIMITS FOR POLICIES ISSUED BY THE ASSOCIATION ON BEHALF OF ITS MEMBERS, TO REQUIRE THE ASSOCIATION TO SUBMIT ALL POLICY FORMS, CLASSIFICATIONS, RATES, RATING PLANS, OR RULES TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO ESTABLISH A UNIFORM ASSESSMENT ON THE MEMBERSHIP OF THE ASSOCIATION AND PROVIDE FOR AN ADDITIONAL SURCHARGE ON PREMIUMS THAT MUST BE ASSESSED ON ASSOCIATION POLICYHOLDERS, TO ESTABLISH CERTAIN OBLIGATIONS FOR TERMINATED MEMBERS OF THE ASSOCIATION, TO ESTABLISH CERTAIN CONDITIONS REGARDING THE ASSOCIATION'S ANNUAL FINANCIAL STATEMENT AND THE EXAMINATION OF THE ASSOCIATION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO PROVIDE THE EFFECTIVE DATE OF THE MERGER OF THE PATIENTS' COMPENSATION FUND AND THE JOINT UNDERWRITING ASSOCIATION, TO PROVIDE FOR THE WINDING DOWN OF PATIENTS' COMPENSATION FUND, AND TO PROVIDE FOR THE COMPOSITION OF THE BOARD AND THE DUTIES OF THE ASSOCIATION; AND BY ADDING SECTION 38-79-400 SO AS TO REPEAL THE ARTICLE 5, CHAPTER 79, TITLE 38, RELATING TO THE PATIENTS' COMPENSATION FUND, UPON THE MERGER OF THE PATIENTS' COMPENSATION FUND INTO THE JOINT UNDERWRITING ASSOCIATION. - ratified title

01/24/19	House	Introduced and read first time (House Journal-page 53)
01/24/19	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 53)
02/14/19	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 25)
02/19/19		Scrivener's error corrected
02/21/19	House	Amended (House Journal-page 56)
02/21/19	House	Read second time (House Journal-page 56)
02/21/19	House	Roll call Yeas-82 Nays-19 (House Journal-page 97)
02/25/19		Scrivener's error corrected
02/26/19	House	Read third time and sent to Senate (House Journal-page 22)
02/26/19	Senate	Introduced and read first time (Senate Journal-page 18)
02/26/19	Senate	Referred to Committee on Banking and Insurance (Senate Journal-page 18)
04/30/19	Senate	Committee report: Favorable with amendment Banking and Insurance (Senate Journal-page 16)
05/01/19		Scrivener's error corrected
05/07/19	Senate	Amended (Senate Journal-page 113)
05/08/19		Scrivener's error corrected
05/08/19	Senate	Committee Amendment Tabled (Senate Journal-page 92)
05/08/19	Senate	Read second time (Senate Journal-page 92)
05/09/19	Senate	Amended (Senate Journal-page 34)
05/09/19	Senate	Read third time and returned to House with amendments (Senate Journal-page 34)
05/09/19	Senate	Roll call Ayes-37 Nays-0 (Senate Journal-page 34)
05/09/19	House	Concurred in Senate amendment and enrolled (House Journal-page 157)
05/09/19	House	Roll call Yeas-99 Nays-3 (House Journal-page 158)
05/13/19		Ratified R 87
05/16/19		Signed By Governor
05/31/19		Effective date 05/16/19
06/05/19		Act No. 67