**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4132**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Atwater

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Introduced in the House on May 15, 2013

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

Summary: Professional negligence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/15/2013 House Introduced and read first time ([House Journal‑page 176](file:///h:\HJ%20Archive\2013\05-15-13.docx))

5/15/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 176](file:///h:\HJ%20Archive\2013\05-15-13.docx))

**VERSIONS OF THIS BILL**

[5/15/2013](file:///p:\pprever\2013-14\4132_20130515.docx)

**A** **BILL**

TO AMEND SECTION 15‑36‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACTIONS FOR DAMAGES RELATING TO PROFESSIONAL NEGLIGENCE AGAINST A PROFESSIONAL LICENSED OR REGISTERED BY THE STATE, SO AS TO REQUIRE THAT THE AFFIDAVIT OF AN EXPERT WITNESS MUST SPECIFY EACH NEGLIGENT ACT OR OMISSION CLAIMED TO EXIST, THE DAMAGES PROXIMATELY CAUSED FROM EACH NEGLIGENT ACT OR OMISSION, AND THE FACTUAL BASIS FOR EACH NEGLIGENT ACT OR OMISSION, DAMAGES, AND PROXIMATE CAUSE BASED ON THE AVAILABLE EVIDENCE AT THE TIME OF THE FILING OF THE AFFIDAVIT.

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

SECTION 1. Section 15‑36‑100(B) of the 1976 Code, as added by Act 32 of 2005, is amended to read:

“(B) Except as provided in Section 15‑79‑125, in an action for damages alleging professional negligence against a professional licensed by or registered with the State of South Carolina and listed in subsection (G) or against any licensed health care facility alleged to be liable based upon the action or inaction of a health care professional licensed by the State of South Carolina and listed in subsection (G), the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify ~~at least one~~ each negligent act or omission claimed to exist, the damages proximately caused from each negligent act or omission, and the factual basis for each ~~claim~~ negligent act or omission, damages, and proximate cause based on the available evidence at the time of the filing of the affidavit.”

SECTION 2. This act takes effect upon approval by the Governor.

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