**South Carolina General Assembly**

122nd Session, 2017-2018

**A221, R263, H4698**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. G.M. Smith

Document Path: l:\council\bills\nbd\11206vr18.docx

Introduced in the House on January 24, 2018

Introduced in the Senate on April 9, 2018

Last Amended on May 9, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 18, 2018, Signed

Summary: Medical licenses, examination requirements, exceptions, disability retirement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2018 House Introduced and read first time ([House Journal‑page 72](file:///h:\hj\20180124.docx))

1/24/2018 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 72](file:///h:\hj\20180124.docx))

4/3/2018 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 58](file:///h:\hj\20180403.docx))

4/4/2018 House Read second time ([House Journal‑page 24](file:///h:\hj\20180404.docx))

4/4/2018 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 24](file:///h:\hj\20180404.docx))

4/5/2018 House Read third time and sent to Senate ([House Journal‑page 15](file:///h:\hj\20180405.docx))

4/9/2018 Senate Introduced and read first time ([Senate Journal‑page 14](file:///h:\sj\20180409.docx))

4/9/2018 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 14](file:///h:\sj\20180409.docx))

5/3/2018 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 5](file:///h:\sj\20180503.docx))

5/9/2018 Senate Amended ([Senate Journal‑page 103](file:///h:\sj\20180509.docx))

5/9/2018 Senate Read second time ([Senate Journal‑page 103](file:///h:\sj\20180509.docx))

5/9/2018 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 103](file:///h:\sj\20180509.docx))

5/10/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 153](file:///h:\sj\20180510.docx))

5/10/2018 House Concurred in Senate amendment and enrolled ([House Journal‑page 122](file:///h:\hj\20180510.docx))

5/10/2018 House Roll call Yeas‑93 Nays‑0 ([House Journal‑page 122](file:///h:\hj\20180510.docx))

5/14/2018 Ratified R 263

5/18/2018 Signed By Governor

5/25/2018 Effective date 05/18/18

5/31/2018 Act No. 221

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**VERSIONS OF THIS BILL**

[1/24/2018](file:///p:\pprever\2017-18\4698_20180124.docx)

[4/3/2018](file:///p:\pprever\2017-18\4698_20180403.docx)

[5/3/2018](file:///p:\pprever\2017-18\4698_20180503.docx)

[5/9/2018](file:///p:\pprever\2017-18\4698_20180509.docx)

(A221, R263, H4698)

**AN ACT TO AMEND SECTION 40‑47‑32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS TO OBTAIN A LICENSE TO PRACTICE MEDICINE IN THE STATE, SO AS TO WAIVE CERTAIN ADDITIONAL EXAMINATION REQUIREMENTS FOR APPLICANTS WHO ARE TO PRACTICE IN A POSITION WITHIN THE DISABILITY DETERMINATION SERVICES UNIT OF THE STATE AGENCY OF VOCATIONAL REHABILITATION; AND TO AMEND SECTIONS 9‑1‑1540, 9‑9‑65, AND 9‑11‑80, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION FOR DISABILITY RETIREMENT IS FILED IF THE LAST DAY THE MEMBER WAS EMPLOYED IN THE SYSTEM OCCURRED NOT MORE THAN ONE YEAR BEFORE THE DATE OF FILING.**

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

**Medical license examination requirements, exceptions**

SECTION 1. Section 40‑47‑32(E) of the 1976 Code is amended to read:

“(E) The additional examination required pursuant to subsection (D) must be waived if the applicant is to practice in a position within the South Carolina Department of Corrections, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation. A license issued pursuant to this waiver is immediately invalid if the individual leaves that position or acts outside the scope of employment within the department. A change in agency may be approved upon presentation to the board of a copy of a contract in which the individual has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.”

**Disability retirement**

SECTION 2. A. Section 9‑1‑1540(B)(1) of the 1976 Code is amended to read:

“(1) Upon the application of a member in service or of the member’s employer received by the system after December 31, 2013, a member in service who has the earned service required for the member’s class pursuant to Section 9‑1‑1510, or who is disabled as a result of an injury arising out of and in the course of the performance of the member’s duties regardless of length of membership, may be retired by the board if the member is determined to be disabled pursuant to subsection (B)(2) of this section. For purposes of this section, a member is considered to be in service on the date the application is filed if the last day the member was employed by a covered employer in the system occurred not more than one year before the date of filing and, if the member has retired on a service retirement allowance, the member’s date of retirement occurred not more than one year before the date of filing.”

B. Section 9‑9‑65(1) of the 1976 Code is amended to read:

“(1) Upon the application of a member in service or of the State, any member in service on or after July 1, 1977, who has five or more years of credited service or any contributing member who is disabled as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership on or after July 1, 1985, may be retired by the board not less than thirty days nor more than ninety days next following the date of filing the application on a disability retirement allowance if the system, after a medical examination of the member, shall certify that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. For purposes of this section, a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member held office as a member of the General Assembly occurred not more than one year before the date of filing.”

C. Section 9‑11‑80(1) of the 1976 Code is amended to read:

“(1) On the application of a member in service or the member’s employer, a member who has the years of earned service required for the member’s class pursuant to Section 9‑11‑60(1) or any contributing member who is disabled as a result of an injury arising out of and in the course of the performance of the member’s duties regardless of length of membership, may be retired by the retirement board not less than thirty days and not more than nine months next following the date of filing the application on a disability retirement allowance if the system, after a medical examination of the member, certifies that the member is mentally or physically incapacitated for the further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. For purposes of this section, a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member was employed by a covered employer in the system occurred not more than one year before the date of filing.

The South Carolina Retirement System may contract with the Department of Vocational Rehabilitation to evaluate the medical evidence submitted with the disability application relative to the job being performed and make recommendations to the system. The system may approve a disability retirement subject to the member participating in vocational rehabilitation with the Department of Vocational Rehabilitation. Upon determination by the department that a member retired on disability is able to reenter the job market and work is available, the retirement system may adjust the benefit paid by the system in accordance with Sections 9‑1‑1580, 9‑1‑1590, 9‑9‑60, and 9‑11‑90.”

D. This SECTION takes effect upon approval by the Governor and applies to members who retire after December 31, 2016. A member whose one year deadline has expired or will expire in less than ninety days from the date of the Governor’s approval has ninety days from the Governor’s approval of this act to file an application for disability retirement.

**Time effective**

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

Ratified the 14th day of May, 2018.

Approved the 18th day of May, 2018.

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