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COMMITTEE REPORT

April 26, 2017

**S. 234**

Introduced by Senator Massey

S. Printed 4/26/17--H.

Read the first time February 15, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 234) to amend Section 44‑61‑160(a) of the 1976 Code, relating to the confidentiality of the data collected or prepared by emergency medical services, to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑61‑160(A) OF THE 1976 CODE, RELATING TO THE CONFIDENTIALITY OF THE DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES, TO PROVIDE THAT THE IDENTITIES OF PATIENTS AND EMERGENCY MEDICAL TECHNICIANS MENTIONED, REFERENCED, OR OTHERWISE APPEARING IN INFORMATION AND DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES ARE SUBJECT TO SUBPOENA IN ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING.

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

SECTION 1. Section 44‑61‑160(A) of the 1976 Code is amended to read:

“Section 44‑61‑160. (A) The identities of patients and emergency medical technicians mentioned, referenced, or otherwise appearing in information and data collected or prepared by emergency medical services must be treated as confidential. The identities of these persons are not available to the public under the Freedom of Information Act ~~nor are they subject to subpoena in any administrative, civil, or criminal proceeding, and they are not otherwise available except pursuant to court order~~. However, the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. An individual in attendance at a proceeding must not be required to testify as to the identity of a patient except pursuant to court order. A person, medical facility, or other organization providing or releasing information in accordance with this article must not be held liable in a civil or criminal action for divulging confidential information unless the individual or organization acted in bad faith or with malicious purpose. However, the name of emergency medical technicians, and information and data collected or prepared by emergency medical services must be released to the patient upon his request. In the event the patient is incapacitated or deceased, the name of emergency medical technicians, information, and data collected or prepared by emergency medical services must be released to the patient’s immediate family, the patient’s legal guardian, or the patient’s legal representative upon their request.”

SECTION 2. Section 44-61-340 of the 1976 Code is amended to read:

“Section 44‑61‑340. (A) The identities of patients and emergency medical technicians mentioned, referenced, or otherwise appearing in information or data collected or prepared by the EMSC Program must be treated as confidential. The identities of these persons are not available to the public under the Freedom of Information Act ~~nor are they subject to subpoena in any administrative, civil, or criminal proceeding, and they are not otherwise available except pursuant to court order~~. However, the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. An individual in attendance at a proceeding shall not be required to testify as to the identity of a patient except pursuant to court order. A person, medical facility, or other organization providing or releasing information in accordance with this article ~~shall~~ must not be held liable in a civil or criminal action for divulging confidential information unless the individual or organization acted in bad faith or with malicious purpose. However, the name of emergency medical technicians, and information and data collected or prepared by emergency medical services must be released to the patient or the patient's legal guardian upon request. In the event the patient is incapacitated or deceased, the name of emergency medical technicians, information, and data collected or prepared by emergency medical services must be released to the patient's immediate family, the patient's legal guardian, or the patient's legal representative upon their request.”

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

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