~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 9, 2018

**H. 4698**

Introduced by Rep. G.M. Smith

S. Printed 5/9/18--S.

Read the first time April 9, 2018.

**A** **BILL**

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.

Amend Title To Conform

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

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, South Carolina Department of Health and Environmental Control, South Carolina Department of Mental Health, ~~or~~ 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, ~~or~~ the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.”

SECTION 2. A. Section 9‑1‑1540(B)(1) of the 1976 Code, as last amended by Act 278 of 2012, is further 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 ~~ninety days~~ 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 ~~ninety days~~ one year before the date of filing.”

B. Section 9‑9‑65(1) of the 1976 Code, as last amended by Act 162 of 2010, is further 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 ~~ninety days prior to~~ one year before the date of filing.”

C. Section 9‑11‑80(1) of the 1976 Code, as last amended by Act 278 of 2012, is further 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 ~~ninety days~~ 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.

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

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