

## Session 116 - (2005-2006)

### **S 0115 General Bill, By Ritchie, Richardson and Bryant**

**Summary:** Medical Negligence Fairness Act of 2005

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "MEDICAL NEGLIGENCE FAIRNESS ACT OF 2005"; BY ADDING ARTICLE 1, CHAPTER 32 TO TITLE 15 SO AS TO PROVIDE FOR LIMITATIONS ON NONECONOMIC DAMAGES IN A MEDICAL MALPRACTICE ACTION AND TO DEFINE THE TERMS "HEALTH CARE PROVIDER", "HEALTH CARE INSTITUTION", AND "MEDICAL MALPRACTICE"; BY ADDING SECTION 15-35-400 TO PROVIDE FOR PROCEDURES BY WHICH A PARTY MAY MAKE AN OFFER OF JUDGMENT IN A DOMESTIC OR CIVIL ACTION AND TO PROVIDE FOR CONSEQUENCES OF NON-ACCEPTANCE; BY ADDING SECTION 15-36-100 SO AS TO ESTABLISH THE REQUIREMENT FOR AN AFFIDAVIT OF AN EXPERT WITNESS IN A PROFESSIONAL MALPRACTICE ACTION; BY ADDING SECTION 15-80-510 SO AS TO REQUIRE THE PARTIES TO A MEDICAL MALPRACTICE ACTION TO PARTICIPATE IN MEDIATION BEFORE THE ACTION IS BROUGHT TO TRIAL; BY ADDING SECTION 38-79-40 SO AS TO PROHIBIT A PERSON WHO SERVES ON THE BOARD OF THE JOINT UNDERWRITING ASSOCIATION OR THE BOARD OF GOVERNORS OF THE PATIENTS' COMPENSATION FUND FROM BEING EMPLOYED BY THE JOINT UNDERWRITING ASSOCIATION OR PATIENTS' COMPENSATION FUND; TO AMEND SECTION 38-79-460, RELATING TO THE PATIENTS' COMPENSATION FUND, SO AS TO DELETE THE REQUIREMENT THAT THE FUND BE HELD IN TRUST AND PROVIDE IT IS TO BE MANAGED BY THE BOARD ACCORDING TO ITS PLAN OF OPERATION; TO AMEND SECTION 38-79-470 RELATING TO THE PATIENTS' COMPENSATION FUND, SO AS TO DELETE THE REQUIREMENT THAT MONIES FROM THE FUND CAN ONLY BE WITHDRAWN UPON WRITTEN WARRANTS OF THE COMPTROLLER GENERAL; AND TO AMEND SECTION 40-47-211, AS AMENDED, RELATING TO THE MEDICAL DISCIPLINARY COMMISSION, SO AS TO INCREASE THE MEMBERSHIP FROM THIRTY-SIX TO FORTY-TWO MEMBERS AND CHANGE THE MAKEUP OF THE COMMISSION.

**12/15/04 Senate Prefiled**

**12/15/04 Senate Referred to Committee on Judiciary**

**01/11/05 Senate Introduced and read first time SJ-140**

**01/11/05 Senate Referred to Committee on Judiciary SJ-140**