COMMITTEE REPORT

April 14, 2010

**S. 1120**

Introduced by Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen

S. Printed 4/14/10--S.

Read the first time January 28, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1120) to amend the Code of Laws of South Carolina, 1976, by adding Section 16‑3‑1360 so as to prohibit health care providers from engaging in debt collection activities, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 13, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1360. (A) When a person files a claim pursuant to this article, a health care provider that has received written notice of a pending claim is prohibited from all debt collection activities relating to medical and psychological treatment received by the person in connection with the claim until an award is made on the claim or the claim is determined to be non-compensable and is denied. The statute of limitations for collection of the debt is suspended during the period in which the applicable health care provider is required to refrain from debt collection activities.

(B) For purposes of this section, ‘debt collection activities’ means repeatedly calling or writing to the claimant and threatening to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term does not include routine billing or inquiries about the status of the claim.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Enactment of this bill would have no impact on expenditures of the State’s Medicaid program as administered by the Department of Health and Human Services or the State Health Plan as administered by the Employee Insurance Program.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Article 13, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1360. (A) When a person files a claim pursuant to the provisions of this article, a health care provider that has received written notice of a pending claim is prohibited from all debt collection activities relating to medical treatment received by a person in connection with this claim until an award is made on the claim or until the claim is determined to be noncompensable and is denied. The statute of limitations for collection of this debt is suspended during the period in which the applicable health care provider is required to refrain from debt collection activities as provided in this section.

(B) For the purposes of this section, ‘debt collection activities’ means repeatedly calling or writing to the claimant and threatening to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term does not include routine billing or inquiries about status of the claim.”

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

‑‑‑‑XX‑‑‑‑