~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2009

**S. 168**

Introduced by Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto

S. Printed 5/5/09--S.

Read the first time January 13, 2009.

**THE COMMITTEE ON BANKING AND INSURANCE**

To whom was referred a Bill (S. 168) to amend Section 38‑79‑30, Code of Laws of South Carolina, 1976, relating to medical malpractice insurance so as to provide that a licensed health care provider, etc., respectfully

**REPORT:**

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

DAVID L. THOMAS 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:**

The Department of Insurance and the State Budget and Control Board state that this bill would have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 38‑79‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT’S PROVIDER IN A NON‑EMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER’S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

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

SECTION 1. Section 38‑79‑30 of the 1976 Code is amended to read:

“Section 38‑79‑30. No licensed health care provider, as defined in Section 38‑79‑410, who renders medical services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources is liable for any civil damages for any act or omission resulting from the rendering of the services unless the act or omission was the result of the licensed health care provider’s gross negligence or willful misconduct. The agreement to provide a voluntary, noncompensated service must be made before ~~the~~ rendering ~~of the~~ service ~~by the licensed health care provider~~ in the case of a non‑emergency and may be evidenced by the provider’s giving notice to the patient or to the person responsible for the patient’s care and acting for the patient that the service being rendered is voluntary and without compensation.”

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

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