**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4353**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Barfield

Document Path: l:\council\bills\nbd\11682ac11.docx

Introduced in the House on June 2, 2011

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: State Board of Medical Examiners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

6/2/2011 House Introduced and read first time ([House Journal‑page 67](file:///h:\hj%20archive\2011\06-02-11.docx))

6/2/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 67](file:///h:\hj%20archive\2011\06-02-11.docx))

**VERSIONS OF THIS BILL**

[6/2/2011](file:///p:\pprever\2011-12\4353_20110602.docx)

**A** **BILL**

TO AMEND SECTION 40‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF MEDICAL EXAMINERS, INCLUDING THE APPOINTMENT OF MEMBERS TO THE BOARD, SO AS TO PROVIDE THAT THESE MEMBERS MUST BE ELECTED BY THE GENERAL ASSEMBLY AND SCREENED BY THE BOARD OF MEDICAL EXAMINERS SELECTION COMMISSION, RATHER THAN BEING APPOINTED BY THE GOVERNOR, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 40‑47‑15 SO AS TO CREATE THE BOARD OF MEDICAL EXAMINERS SELECTION COMMISSION AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

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

SECTION 1. Section 40‑47‑10 of the 1976 Code is amended to read:

“Section 40‑47‑10. (A)(1) There is created the State Board of Medical Examiners to be composed of twelve members, who must be elected by the General Assembly and screened by the Board of Medical Examiners Selection Commission for election in compliance with the following: three of whom must be lay members, one of whom must be a doctor of osteopathic medicine, two of whom must be physicians from the State at large, and six of whom must be physicians, each representing one of the six congressional districts. All members of the board must be residents of this State, and each member representing a congressional district shall reside in the district the member represents. All physician members of the board must be licensed by the board, must be without prior disciplinary action or conviction of a felony or other crime of moral turpitude, and must be practicing their profession in this State. All lay members of the board must hold a baccalaureate degree or higher, must not have been convicted of a felony or a crime of moral turpitude, and must not be employed or have a member of their immediate family employed in a health or medically related field.

(2) The members of the board shall serve for terms of four years or until their successors are appointed and qualify. Members of the board may only serve three consecutive terms.

(3) All members of the board have full voting rights.

(4) ~~The one lay member and one physician from the State at large must be appointed by the Governor, with the advice and consent of the Senate. Two lay members must be appointed by the Governor, with the advice and consent of the Senate, one upon the recommendation of the President Pro Tempore of the Senate and one upon the recommendation of the Speaker of the House of Representatives.~~

~~(5)~~ ~~The board shall conduct an election to nominate one physician from the State at large. The election must provide for participation by all physicians currently permanently licensed and residing in South Carolina. To nominate the physicians who will represent the six congressional districts, the board shall conduct an election within each district. These elections must provide for participation by all permanently licensed physicians residing in the particular district. The board shall conduct an election to nominate the doctor of osteopathic medicine from the State at large, and this election must provide for participation by any physician currently permanently licensed in this State as a doctor of osteopathic medicine. The board shall certify in writing to the Governor the results of each election. The Governor may reject any or all of the nominees upon satisfactory showing of the unfitness of those rejected. If the Governor declines to appoint any of the nominees submitted, additional nominees must be submitted in the same manner following another election. Vacancies must be filled in the same manner of the original appointment for the unexpired portion of the term.~~

~~(6)~~ Vacancies that occur when the General Assembly is not in session may be filled by an interim appointment of the Governor in the manner provided by Section 1‑3‑210.

(B) ~~Public and lay members of boards and panels must be appointed in accordance with Section 40‑1‑45.~~

~~(C)~~ Board members and persons authorized by the board to engage in business for the board must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and may be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members or persons acting on behalf of the board.

~~(D)~~(C) The board annually shall elect from among its members a chairman, vice chairman, secretary, and other officers as the board determines necessary. The board may adopt rules and regulations reasonably necessary for the performance of its duties and the governance of its operations and proceedings, for the practice of medicine, for judging the professional and ethical competence of physicians, including a code of medical ethics, and for the discipline of persons licensed or otherwise authorized to practice pursuant to this chapter.

~~(E)~~(D) The board shall meet at least four times a year and at other times upon the call of the chair or a majority of the board.

~~(F)~~(E) A majority of the members of the board constitutes a quorum; however, if there is a vacancy on the board, a majority of the members serving constitutes a quorum.

~~(G)~~(F) A board member is required to attend meetings or to provide proper notice and justification of inability to do so. The Governor may remove members from the board for absenteeism, as well as for other grounds provided for in Section 1‑3‑240.

~~(H)~~(G) The Chairman of the State Board of Medical Examiners, or the chairman’s designee, shall serve as an advisory nonvoting member of the State Board of Nursing to provide consultation on matters requested by the State Board of Nursing. The Board of Nursing shall send written notice at least ten days before meetings that the Board of Nursing wants the Chairman of the State Board of Medical Examiners, or the chairman’s designee, to attend. The Chairman of the State Board of Medical Examiners, or the chairman’s designee, and the State Board of Nursing shall meet at least twice a year and more often as necessary.

~~(I)~~(H) In addition to the powers and duties enumerated in Section 40‑1‑70, the board may:

(1) publish advisory opinions and position statements relating to practice procedures or policies authorized or acquiesced to by any agency, facility, institution, or other organization that employs persons authorized to practice under this chapter to comply with acceptable standards of practice;

(2) develop minimum standards for continued competency of licensees continuing in or returning to practice;

(3) adopt rules governing the proceedings of the board and may promulgate regulations for the practice of medicine and as necessary to carry out the provisions of this chapter;

(4) conduct hearings concerning alleged violations of this chapter;

(5) use minimum standards as a basis for evaluating safe and effective medical practice;

(6) license and renew the authorizations to practice of qualified applicants;

(7) approve temporary licenses, limited licenses, and other authorizations to practice in its discretion as it considers in the public interest;

(8) join organizations that develop and regulate the national medical licensure examinations and promote the improvement of the practice of medicine for the protection of the public;

(9) collect any information the board considers necessary, including social security numbers or alien identification numbers, in order to report disciplinary actions to national databanks of disciplinary information as otherwise required by law;

(10) establish guidelines to assist employers of licensees when errors in practice can be handled through corrective action in the employment setting;

(11) establish an initial fee schedule in regulations.”

SECTION 2. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40‑47‑15. (A) There is created the Board of Medical Examiners Selection Commission for the purpose of screening candidates to be elected by the General Assembly to serve on the Board of Medical Examiners pursuant to Section 40‑47‑10. The commission is composed of:

(1) two members of the House Medical, Military, Public and Municipal Affairs Committee who must be appointed by the chairman of the committee;

(2) two members of the Senate Medical Affairs Committee who must be appointed by the chairman of the committee;

(3) one member of the public who must be appointed by the Speaker of the House of Representatives;

(4) one member of the public who must be appointed by the President Pro Temporare of the Senate;

(5) one member who must be appointed by the Governor upon the recommendation of the South Carolina Medical Association who must submit three candidates to the Governor for consideration.

(B) The term of office of a member of the commission who is not a member of the General Assembly is for four years subject to removal at any time by the appointing authority, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve coterminous with the member’s term in the General Assembly. A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(C) Members of the commission shall receive mileage, per diem, and subsistence as provided by law for members of committees and commissions.

(D) No member of the commission is eligible for nomination and election as a member of the State Board of Medical Examiners while serving on the commission and for a period of one year thereafter.”

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

‑‑‑‑XX‑‑‑‑