AMENDED

May 23, 2013

**H. 3971**

Introduced by Reps. Stringer and Willis

L. Printed 5/23/13--S. [SEC 5/24/13 3:36 PM]

Read the first time April 23, 2013.

**A** **BILL**

TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES, AS DESIGNATED IN ACT 1285 OF 1966, IS CHANGED TO THE GREENVILLE HEALTH SYSTEM BOARD OF TRUSTEES.

Amend Title To Conform

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

SECTION 1. Section 4 of Act 432 of 1947, as last amended by Act 379 of 2008, is further amended to read:

“Section ~~4~~ 1. (A) For the purpose of operating and at all times maintaining adequate hospital facilities for the residents of Greenville County, including those residents in the City of Greenville and as otherwise provided by law, including, but not limited to, Section 44‑7‑78 of the Code of Laws of South Carolina, 1976, there is established the Greenville ~~Hospital~~ Health System (formerly known as the Greenville Hospital System) which must be governed by a Board of Trustees selected pursuant to this section.

(B)(1) The board of trustees shall consist of not fewer than twelve or more than seventeen members ~~to~~. A membership above twelve must be first requested by the board of trustees and then approved by the Greenville County Legislative Delegation. Members must be appointed by the Greenville County Legislative Delegation pursuant to this section. All members must be qualified electors. Members filling house district residency seats, as provided for in this subsection, ~~shall~~ must, at the time of their appointment and throughout their term of office, ~~reside in a~~ be residents of Greenville County residing in specified house ~~district~~ districts~~, which constitutes~~ that constitute a part of the specific house district residency seat. Six of the ~~twelve~~ members must be considered as filling house district residency seats, with one seat being filled by a person residing in House District 17 ~~or~~, 18, or 36; one residing in House District 10 or 19 ~~or 26,~~; one residing in House District 20 ~~or~~, 21, or 35; one residing in House District 22 or 24~~,~~; one residing in House District 23 or 25~~,~~; and one residing in House District 16, 27, or 28. ~~Six of the twelve~~ The remaining members must be at large, at least four of whom must reside in Greenville County~~, and two of whom may reside within or without Greenville County~~. Two of the members ~~serving at large and residing in Greenville County~~ must reside in the City of Greenville, but no more than three of the ~~twelve~~ members may reside in the city limits of a single municipality~~; provided, however, that four members may reside in the city limits of a single municipality during the period ending October 1, 2011, in which the members specified in subsection (D) shall continue to serve~~. Appointment of ~~at‑large~~ members who are residents of the City of Greenville must be submitted for review by the City of Greenville as provided in subsection (B)(3)~~(a)~~. Members shall represent all communities served by the Greenville ~~Hospital~~ Health System regardless of residency and shall make decisions in the best ~~interests~~ interest of the Greenville ~~Hospital~~ Health System as a whole and all those it serves.

(2)(a) Except as provided for in subsection (B)(2)(c) and subsection (D), members shall serve terms of ~~six~~ three years, which expire on October first of the appropriate year, and until their successors are appointed and qualify; however, under no circumstance may a member continue to serve longer than six months after the expiration of his term. If the Greenville County Legislative Delegation has not filled a seat within six months of the expiration of the term, the member serving in that seat shall cease serving and the seat is vacant until filled in accordance with this section. Members may not serve more than ~~one six‑year term~~ two terms, except that a member who fills a ~~partial~~ term of one year or less ~~than three years or the term provided for in subsection (E)(3)~~ may be reappointed to serve ~~one six‑year term~~ two terms. ~~If the Greenville County Legislative Delegation has not filled a seat within six months of the expiration of the term, the member serving in that seat shall cease serving and the seat is vacant until filled in accordance with this section.~~

(b) Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. Appointments must be filed in the office of the Clerk of Court for Greenville County, who shall certify their appointment to the Governor of South Carolina, who shall commission the member for the term provided.

(c) Members appointed to fill a new seat on the board, if any, must be appointed for a term beginning October first, with the length of the initial term being of a duration that results in approximately one‑third of the members of the board being appointed annually.

(3)~~(a)~~ The board of trustees shall publicize vacancies, and recommendations may be made to the board from any individual, organization, or group. The board shall submit ~~at least two nominees~~ a nominee for each vacancy to the Greenville County Legislative Delegation~~, except as provided for in subsection (B)(3)(b)~~. The board shall provide the legislative delegation with biographical information on ~~the~~ nominees and must be available to discuss the recommendations and shall make ~~the nominees~~ each nominee available, if requested by the legislative delegation, to meet with the delegation. The legislative delegation with a quorum present and by majority‑weighted vote shall ~~select one nominee from the nominees submitted~~ vote to appoint a nominee for each vacancy. However, if after the board has submitted its initial ~~nominees~~ nominee, the delegation requests an additional ~~nominees~~ nominee, the board has one hundred twenty days to submit the additional ~~nominees~~ nominee. If the board does not submit an additional ~~nominees~~ nominee within one hundred twenty days of the request, the legislative delegation has sixty days to appoint a qualified ~~members~~ member to fill the vacancy without considering nominations from the board. If the board does submit ~~one~~ an additional ~~set of nominees~~ nominee within the one hundred twenty days and the delegation by vote does not ~~select one of the nominees~~ appoint the nominee, the delegation has sixty days to appoint a qualified ~~members~~ member to fill the vacancy without considering the nominations from the board. An individual selected by the delegation ~~to fill the seat of an at‑large member~~ who is a resident of the City of Greenville must be submitted by the legislative delegation to the City Council of the City of Greenville for concurrence, and the city council shall act timely on the request for concurrence. If the city council does not concur in the appointment, the board ~~must~~ shall submit ~~two nominees~~ an additional nominee to the legislative delegation to fill the seat and the legislative delegation shall ~~select from the nominees another individual and~~ vote to appoint the nominee or request an additional nominee, and upon approval of the nominee shall submit that nominee to the City of Greenville for concurrence. The board is committed to maintaining a diverse board, believing that diversity is a source of strength and that the skills needed in building health communities can best be developed through exposure to widely diverse people, culture, ideas, and leadership. All recommendations, nominations, and appointments to the board shall take into account race, gender, expertise, and other qualifications as may be pertinent to service on the board so that ~~such~~ members are mindful, to the greatest extent possible, of the needs of all segments of the population of Greenville County and those served by the Greenville ~~Hospital~~ Health System.

~~(b)~~ ~~Notwithstanding the provisions of subsection (B)(3)(a) requiring the board to submit two nominees to the Greenville County Legislative Delegation for each vacancy, when the term expires of a member serving an unexpired portion of a term of less than three years, the board may elect to nominate only that member to fill the vacancy occurring at the expiration of the member’s partial term.~~

(C)(1) The board shall elect from among its members a chairman, vice chairman, and secretary.

(2) Members shall serve on the board of trustees without compensation.

(D) Members ~~serving on this act’s effective date~~ shall continue to serve until their terms expire and until their successors are appointed and qualify. ~~The House District Residency Seat for House District 20 or 21 initially must be filled by Mr. Frank Landgraff, a currently serving member whose term will expire October 1, 2009. The House District Residency Seat for House District 22 or 24 initially must be filled by Mr. Harry Chapman, a currently serving member whose term will expire October 1, 2011. An at‑large seat initially must be filled by Ms. Frances Ellison, a currently serving member whose term will expire October 1, 2011. An at‑large seat initially must be filled by Mr. Jack Shaw, a currently serving member whose term will expire October 1, 2009. An at‑large seat must be filled by Ms. Rita McKinney, who had been approved by the City of Greenville but who had not been commissioned by the Governor, for a term to expire October 1, 2011. On the expiration of these members’ terms, new members must be appointed in accordance with this section for one six‑year term to fill the vacancies created by the expiration of these terms.~~

~~(E)(1)~~ ~~In addition to the members provided for in subsection (D), these new members must be appointed in 2008:~~

~~(a)~~ ~~new members whose terms expire October 1, 2013:~~

~~(i)~~ ~~the member residing in House District 17 or 18;~~

~~(ii)~~ ~~the member residing in House District 19 or 26;~~

~~(iii)~~ ~~the member residing in House District 23 or 25; and~~

~~(iv)~~ ~~the member residing in House District 16, 27, or 28;~~

~~(b)~~ ~~one new at‑large member whose term expires October 1, 2011;~~

~~(c)~~ ~~two new at‑large members whose terms expire October 1, 2009.~~

~~(2)~~ ~~On the expiration of the members’ terms appointed pursuant to item (a) or (b) of subsection (E)(1), new members must be appointed in accordance with this section for one six‑year term to fill the vacancies created by the expiration of these terms.~~

~~(3)~~ ~~Of the members appointed pursuant to subsection (E)(1), only the two members appointed pursuant to item (c) of subsection (E)(1) may be reappointed to serve one six‑year term. If the board wishes to reappoint the member appointed pursuant to item (c) of subsection (E)(1), the board may elect to nominate only that one person to fill the vacancy in that at‑large seat for one six‑year term.~~”

SECTION 2. Section 5 of Act 432 of 1947, as last amended by Act 1285 of 1966, is further amended to read:

“Section ~~5~~ 2. The Greenville ~~Hospital~~ Health System ~~Board of Trustees~~ ~~shall be~~ is authorized and empowered to do all things necessary or convenient for the establishment and maintenance of adequate ~~hospital~~ health care facilities for ~~Greenville County~~ the communities it serves and, without limiting in any way the generality of the foregoing, ~~shall be~~ is empowered ~~as follows~~ to:

(1) ~~To~~ adopt and use a corporate seal;

(2) ~~To~~ amend its name as determined by the board of trustees after receiving input from the Greenville County Legislative Delegation;

(3) ~~To~~ adopt ~~such~~ ~~by‑laws~~ bylaws, rules, and regulations for the conduct of its business and expenditure of its funds, as it may deem advisable, including establishing committees of the board of trustees, which may include community and professional representatives;

~~(3)~~(4) ~~To~~ operate the hospital conveyed to it by the City of Greenville, and such other hospitals, health care facilities, clinics, programs, and services as it may lease, acquire, ~~or~~ construct, or develop;

~~(4)~~(5) ~~To~~ acquire by gift, purchase, ~~lease,~~ or otherwise, all kinds and descriptions of real and personal property;

~~(5)~~(6) ~~To~~ accept gifts, grants, donations, devises, and bequests;

~~(6)~~(7) ~~To~~ enlarge and improve any ~~hospital building~~ facility that it may acquire or construct;

~~(7)~~(8) ~~To~~ adequately staff and equip any ~~hospital~~ health care facility that it may operate;

~~(8)~~(9) ~~To~~ provide and operate outpatient departments and services;

~~(9)~~(10) ~~To~~ establish and operate ~~such~~ clinics ~~as the Board may deem~~ deemed necessary by the board of trustees to the health of the residents of Greenville County and the communities served;

~~(10)~~(11) ~~To~~ provide teaching and instruction programs and schools for physicians, nurses, ~~hospital technicians, hospital employees, medical students and physicians during internship and residency~~ allied health professionals, pharmacists, case workers, administrators, and other persons;

~~(11)~~(12) ~~To~~ employ ~~such~~ personnel as ~~it~~ may ~~deem~~ be necessary for ~~the~~ its efficient operation ~~of the several facilities maintained by the board~~;

~~(12)~~(13) ~~To~~ establish and promulgate ~~reasonable~~ rates for the use of ~~the~~ its services and facilities ~~afforded by the Board~~;

~~(13)~~(14) ~~To~~ provide ~~reasonable~~ regulations concerning the use of ~~the~~ its facilities ~~maintained by the board~~ and access to its programs and services, including ~~reasonable~~ rules governing the conduct of physicians, nurses ~~and~~, technicians, allied health professionals, social workers, and others while on duty or practicing their profession in ~~the~~ its facilities ~~maintained by the Board~~ and patients and visitors using its services and facilities; the determination of whether patients presented to the health system for treatment are subject for charity; and to fix compensation to be paid by patients and others utilizing its services;

~~(14)~~(15) ~~To define eligibility requirements for patients for charity services, to operate and maintain necessary services for such patients, to contract with third parties for reimbursement for services rendered to such patients, and to collect partial payment from patients unable to pay the rates established by the Board~~ provide free or discounted services for residents of the county and the communities it serves;

~~(15)~~(16) contract directly or in conjunction with insurers, employers, and individuals for the provision of health care services on a population risk or episodic basis and to expend the proceeds derived from ~~the charges made for the use of the services and facilities of the hospital for the operation and maintenance thereof~~ these activities to support its programs and services;

~~(16)~~(17) ~~To~~ determine the fiscal year upon which ~~the~~ its affairs ~~of the board shall~~ must be conducted;

~~(17)~~(18) ~~To~~ expend any funds received in any manner, and the proceeds derived from ~~the issue~~ issuance of bonds, ~~hereinafter authorized~~ to defray any costs incident to establishing, constructing, equipping, and maintaining ~~any hospital~~ its facilities and services;

~~(18)~~(19) ~~To~~ apply to the federal government and state agencies and any other governmental ~~agency~~ agencies, industries, and philanthropic programs for a grant of ~~moneys~~ monies to aid in ~~the construction and equipment of any hospital~~ providing any health care facility or program, conducting research, and providing health care services;

~~(19)~~(20) ~~To~~ dispose of any property, real or personal, that it may possess~~, provided always that it shall not dispose of the hospital building, and the site thereof and the land adjacent thereto, which shall be conveyed to it by the City of Greenville, without the consent of the City Council of the City of Greenville~~;

~~(20) To enter into contracts for the construction and repair of hospitals and hospital facilities and to contract for equipment and supplies for such hospitals;~~

(21) conduct periodic investigations into hospital, medical, and health conditions and needs in Greenville County and the communities it serves;

~~(21)~~(22) ~~To~~ exercise the power of eminent domain ~~for the purpose of acquiring property for purposes of expansion, and to that end it may avail itself of the~~, in the manner provided by the general laws of the State of South Carolina for procedure ~~prescribed for the exercise of eminent domain~~ by any county, municipality, or authority created by or organized under the laws of this State~~,~~ or by the ~~State Highway~~ Department~~,~~ of Transportation or by railroad ~~corporation~~ corporations; ~~and~~

~~(22)~~(23) ~~To~~ borrow money from banking or other lending institutions in such amounts and on such terms as the board may determine is for the best interest to the board for the operation of the hospital or for the acquisition of real or personal property~~,~~ or to enlarge or improve any hospital facilities and to secure such loan or loans by pledge of revenues;

(24) enter into affiliation, cooperation, territorial management, joint operation, and other similar agreements with other providers for the:

(a) sharing, dividing, allocating, or exclusive furnishing of services, referral of patients, management of facilities, and other similar activities; or

(b) reducing or eliminating duplicative services in a market in order to improve quality or reduce cost; and

(25) exercise all powers now or hereinafter granted to regional health service districts pursuant to Articles 15 and 16, Chapter 7, Title 44 of the Code of Laws of South Carolina, 1976.”

SECTION 3. Section 6 of Act 432 of 1947 is amended to read:

“Section ~~6~~ 3. ~~(1)~~(A) ~~Said~~ The board shall at all times keep full and accurate account of its actings and doings and of its receipts and expenditures, and at least once within four ~~(4)~~ months following the close of its fiscal year, a complete audit of its affairs ~~shall~~ must be made by a qualified public accountant. Copies of the ~~same shall~~ audit must be filed with the Clerk of Court for Greenville County, the Clerk of the City Council of the City of Greenville, and with the Secretary or Acting Secretary of the Greenville County Delegation to the General Assembly.

~~(2)~~(B) ~~Whenever~~ If a petition, containing the authentic signatures of more than ten ~~(10%) per centum~~ percent of the qualified electors of any incorporated town or any district now in existence or hereafter created, lying wholly within Greenville County or partly within Greenville County and any adjoining county, ~~shall ask~~ asks the board to establish additional hospital facilities~~,~~ to be located in ~~said~~ the town or district, ~~said~~ the board ~~shall~~ promptly shall investigate the need of additional hospital facilities and if ~~it shall find~~ the board finds that such need exists, ~~it~~ the board shall cause plans and specifications to be made for the type of facilities that the board ~~shall determine~~ determines is needed~~, and~~. If the town or district ~~shall make~~ makes available to the board not less than fifty ~~per centum (50%)~~ percent of the total of the estimated cost of the construction and equipment of such facilities, ~~it~~ the board shall cause the ~~same~~ facility to be promptly constructed, and upon its completion the ~~same shall~~ facility must be operated as a part of its general hospital.”

SECTION 4. Section 8 of Act 432 of 1947 is amended to read:

“Section ~~8~~ 4. All bonds, revenues, or general obligations~~,~~ issued pursuant to the provisions of this act ~~shall, when issued in compliance with the provisions of this act, be~~ are deemed incontestable and valid and binding obligations, according to their tenor and effect, notwithstanding the provisions of other statutes.”

SECTION 5. An undesignated section of Act 432 of 1947, as added by Act 312 of 2010, is designated and amended to read:

“Section 5. (A)(1) The ~~Board of Trustees of the~~ Greenville ~~Hospital~~ Health System may establish a police department and appoint and employ police and security officers to carry out the functions of the department. While on duty, uniformed police and security officers shall wear distinctive uniforms prescribed by the board of trustees or its designees.

(2) The police officers must be commissioned as constables pursuant to Section 23‑1‑60 of the Code of Laws of South Carolina, 1976, and take the oath of office prescribed by law and the State Constitution for those officers.

(3) The jurisdiction of a police officer is limited to the grounds and streets and roads through and contiguous to the property of the Greenville ~~Hospital~~ Health System and not more than one hundred yards beyond its boundary.

(B) While performing his duties, a Greenville ~~Hospital~~ Health System police officer has all the powers of municipal and county law enforcement officers to make arrests for both felonies and misdemeanors and possess all of the common law and statutory powers, privileges, and immunities of police officers. A Greenville ~~Hospital~~ Health System police officer shall:

(1) preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the hospital grounds and protect all persons and property located there from injury, harm, and damage;

(2) enforce and assist hospital officials in the enforcement of the laws of the State ~~and~~, county and municipal ordinances, and the lawful regulations of the institution~~,~~ and assist and cooperate with other law enforcement agencies and officers.

(C) The jurisdiction of police officers of the Greenville ~~Hospital~~ Health System does not extend beyond the boundaries set by the provisions of subsection (A)(3) ~~of this section~~, and these police officers may not arrest a person outside these boundaries. If the person leaves these boundaries, the police officer shall contact the appropriate law enforcement agency to effectuate an arrest.

(D) Greenville ~~Hospital~~ Health System police officers may designate and operate emergency vehicles and patrol cars in the manner provided by law for municipal and county law enforcement officers. These regular assigned patrol vehicles or units must bear distinctive and conspicuous lettering and markings on the sides and rear of the vehicle which provide clear identification of the institution. The chief law enforcement executive for the Greenville ~~Hospital~~ Health System may designate unmarked vehicles assigned to administrative, special, or investigative duties which must be operated in the manner provided by law for municipal and county law enforcement officers.

(E) The chief law enforcement executive or other appropriate official, with the approval of the board of trustees, shall establish within the police department a system of ranks and grades and a promotion policy to ~~insure~~ ensure efficient operation of the department and the establishment of responsibility within it.

(F) The police department may install, maintain, and operate radio systems on radio frequencies under licenses issued by the Federal Communications Commission, or its successor.

(G) It is unlawful for a person to:

(1) falsely represent himself to be a Greenville ~~Hospital~~ Health System police officer~~,~~ or agent~~,~~ or an employee of its police department and to act upon ~~its~~ this representation to arrest, detain, search, or question ~~the~~ a person or the property of a person~~, nor may a person~~;

(2) without the authority of the board of trustees, to wear ~~its~~ the official uniform, insignia, badge, or identification of the Greenville Health System police department.

(H) A person arrested by a Greenville ~~Hospital~~ Health System police or security officer must be processed in the manner in which a person arrested is processed by municipal and county law enforcement officers.”

SECTION 6. Sections 2, 3, and 7 of Act 432 of 1947, Act 1013 of 1948, Acts 555 and 558 of 1961, Act 1286 of 1966, and Act 744 of 1967 are repealed.

SECTION 7. This act takes effect upon approval by the Governor.

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