**A** **BILL**

TO AMEND SECTION 38-79-30 OF THE 1976 CODE, RELATING TO VOLUNTEER HEALTH CARE PROVIDERS, TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION OR THE EXPECTATION OR PROMISE OF COMPENSATION AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES TO AT LEAST TEN PERCENT OF HIS PATIENTS IN A CALENDAR YEAR SHALL NOT BE LIABLE IN ANY ACTION FOR NONECONOMIC DAMAGES ALLEGING MEDICAL MALPRACTICE IN AN AMOUNT THAT EXCEEDS TWO HUNDRED FIFTY THOUSAND DOLLARS.

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. (A) 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 wilful misconduct. The agreement to provide a voluntary, noncompensated service must be made before rendering service in the case of a nonemergency 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.

(B)(1) Notwithstanding the provisions of Section 15‑32‑220, a licensed health care provider who renders medical services as described in subsection (A) to at least ten percent of his patients in a calendar year shall not be liable in any action for noneconomic damages alleging medical malpractice against that health care provider in an amount that exceeds two hundred fifty thousand dollars. The two hundred fifty thousand dollar limit shall apply to cases arising out of medical services provided by the health care provider during the calendar year following the year the uncompensated care described in this subsection was provided.

(2) The State Board of Medical Examiners shall adopt rules and regulations that establish procedures for:

(a) health care providers to report, document, and certify the uncompensated medical services provided in a calendar year and the total number of patients who received medical services from the health care provider during that year;

(b) the board to verify that the reported uncompensated medical services were provided to more than ten percent of the health care provider’s patients; and

(c) the board to notify the health care provider and the Department of Insurance that the health care provider qualifies for the medical malpractice insurance limit.

(3) Upon receipt of notification pursuant to subsection (B)(2), the health care provider may submit the notification to the health care provider’s medical malpractice insurer and inform the insurer that the health care provider is subject to a limit of two hundred fifty thousand dollars in noneconomic damages for the calendar year.”

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

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