**South Carolina General Assembly**

121st Session, 2015-2016

**A75, R105, S250**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Lourie and Young

Document Path: l:\s-res\ks\015medi.eb.ks.docx

Companion/Similar bill(s): 3514, 3648

Introduced in the Senate on January 13, 2015

Introduced in the House on May 5, 2015

Last Amended on June 2, 2015

Passed by the General Assembly on June 4, 2015

Governor's Action: June 8, 2015, Signed

Summary: Release of a child's medical records

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2014 Senate Prefiled

 12/10/2014 Senate Referred to Committee on **Judiciary**

 1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 154](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 154](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 2/13/2015 Senate Referred to Subcommittee: Coleman (ch), Shealy, Turner

 4/15/2015 Senate Committee report: Majority favorable, minority unfavorable **Judiciary** ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2015%5C04-15-15.docx))

 4/29/2015 Senate Amended ([Senate Journal‑page 53](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Read second time ([Senate Journal‑page 53](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Roll call Ayes‑44 Nays‑1 ([Senate Journal‑page 53](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/30/2015 Senate Read third time and sent to House ([Senate Journal‑page 7](file:///h%3A%5CSJ%20Archive%5C2015%5C04-30-15.docx))

 5/5/2015 House Introduced and read first time ([House Journal‑page 18](file:///h%3A%5CHJ%20Archive%5C2015%5C05-05-15.docx))

 5/5/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 18](file:///h%3A%5CHJ%20Archive%5C2015%5C05-05-15.docx))

 5/20/2015 House Committee report: Favorable with amendment **Judiciary**

 5/26/2015 House Amended ([House Journal‑page 31](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/26/2015 House Read second time ([House Journal‑page 31](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/26/2015 House Roll call Yeas‑86 Nays‑0 ([House Journal‑page 33](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/27/2015 House Read third time and returned to Senate with amendments ([House Journal‑page 9](file:///h%3A%5CHJ%20Archive%5C2015%5C05-27-15.docx))

 6/2/2015 Senate House amendment amended ([Senate Journal‑page 54](file:///h%3A%5CSJ%20Archive%5C2015%5C06-02-15.docx))

 6/2/2015 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 54](file:///h%3A%5CSJ%20Archive%5C2015%5C06-02-15.docx))

 6/2/2015 Senate Returned to House with amendments ([Senate Journal‑page 54](file:///h%3A%5CSJ%20Archive%5C2015%5C06-02-15.docx))

 6/4/2015 House Concurred in Senate amendment and enrolled ([House Journal‑page 10](file:///h%3A%5CHJ%20Archive%5C2015%5C06-04-15.docx))

 6/4/2015 House Roll call Yeas‑89 Nays‑0 ([House Journal‑page 11](file:///h%3A%5CHJ%20Archive%5C2015%5C06-04-15.docx))

 6/4/2015 Ratified R 105

 6/8/2015 Signed By Governor

 6/17/2015 Effective date 06/08/15

 6/18/2015 Act No. 75

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**VERSIONS OF THIS BILL**

[12/10/2014](file:///p%3A%5Cpprever%5C2015-16%5C250_20141210.docx)

[4/15/2015](file:///p%3A%5Cpprever%5C2015-16%5C250_20150415.docx)

[4/29/2015](file:///p%3A%5Cpprever%5C2015-16%5C250_20150429.docx)

[5/20/2015](file:///p%3A%5Cpprever%5C2015-16%5C250_20150520.docx)

[5/26/2015](file:///p%3A%5Cpprever%5C2015-16%5C250_20150526.docx)

[6/2/2015](file:///p%3A%5Cpprever%5C2015-16%5C250_20150602.docx)

(A75, R105, S250)

**AN ACT TO AMEND SECTION 63‑7‑380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, IN PART, TO THE RIGHT OF CERTAIN MEDICAL PROFESSIONALS WITHOUT PARENTAL CONSENT TO PERFORM MEDICAL EXAMINATIONS ON AND RELEASE MEDICAL RECORDS ABOUT A CHILD WHO IS THE SUBJECT OF AN ABUSE OR NEGLECT REPORT, SO AS TO IDENTIFY TO WHOM PRIMARY CARE PHYSICIANS, CONSULTING PHYSICIANS, AND HOSPITAL FACILITIES MAY OR MUST RELEASE THE MEDICAL RECORDS; TO AMEND SECTION 63‑7‑1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO ALLOW SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDERS TO HAVE ACCESS TO CERTAIN INFORMATION ABOUT INDICATED CASES AND TO REQUIRE THE DEPARTMENT TO SHARE INFORMATION RELATING TO AN INDICATED CASE WITH A CHILD’S PRIMARY OR SPECIALTY HEALTH CARE PROVIDER; AND TO AMEND SECTION 63‑7‑2000, RELATING TO RETENTION OF RECORDS ON UNFOUNDED CASES OF REPORTED CHILD ABUSE OR NEGLECT, SO AS TO AUTHORIZE THE DEPARTMENT TO RELEASE A SUMMARY OF THE ALLEGATIONS AND INVESTIGATION OUTCOME TO SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDERS.**

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

**Child abuse or neglect, release of medical records by health care providers without parental consent**

SECTION 1. Section 63‑7‑380 of the 1976 Code is amended to read:

 “Section 63‑7‑380. A person required to report under Section 63‑7‑310 may take, or cause to be taken, color photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, a physician may cause to be performed a radiological examination or other medical examinations or tests of the child without the consent of the child’s parents or guardians. Copies of all photographs, negatives, radiological, and other medical reports must be sent to the department at the time a report pursuant to Section 63‑7‑310 is made, or as soon as reasonably possible after the report is made. Upon written request of the consulting care physician or the hospital facility and without consent of the child’s parent or legal guardian, the primary care physician shall release the medical records, radiologic imaging, photos, and all other health information only to the consulting care physician and the hospital facility. The consulting care physician and the hospital facility only may release the records to law enforcement in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. 164.512(b).”

**Child abuse or neglect, access to indicated case records by child advocacy medical response system providers**

SECTION 2. Section 63‑7‑1990(B) of the 1976 Code is amended by adding:

 “(24) a South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee for the evaluation of a child for suspected abuse or neglect.”

**Child abuse or neglect, access to information about indicated cases by child advocacy medical response system providers and certain medical professionals**

SECTION 3. Section 63‑7‑1990 of the 1976 Code is amended by adding:

 “(N) The department is authorized to provide a summary of referrals and the outcome of the referrals made to a contracted service agency or program addressing identified risks affecting the stability of the family to a South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee.

 (O) The department shall notify and share information relating to the outcome of an indicated investigation or other contracted services and programs addressing identified risks affecting the stability of the family with the physicians involved in the ongoing primary or specialty health care of the child.”

**Child abuse or neglect, access to information about unfounded cases by child advocacy medical response system providers**

SECTION 4. Section 63‑7‑2000 of the 1976 Code is amended by adding:

 “(F) The department is authorized to release a summary of the allegations and outcome of an investigation for unfounded cases regarding a child and family to a South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee for evaluation of the child for suspected abuse or neglect.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

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