**South Carolina General Assembly**

122nd Session, 2017-2018

**A47, R68, S234**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Massey

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Introduced in the Senate on January 10, 2017

Introduced in the House on February 15, 2017

Last Amended on May 11, 2017

Passed by the General Assembly on May 11, 2017

Governor's Action: May 19, 2017, Signed

Summary: Medical information confidentiality

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 119](file:///h%3A%5Csj%5C20170110.docx))

 1/10/2017 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 119](file:///h%3A%5Csj%5C20170110.docx))

 2/7/2017 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 19](file:///h%3A%5Csj%5C20170207.docx))

 2/9/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170209.docx))

 2/9/2017 Senate Read second time ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170209.docx))

 2/9/2017 Senate Roll call Ayes‑36 Nays‑0 ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170209.docx))

 2/14/2017 Senate Read third time and sent to House ([Senate Journal‑page 21](file:///h%3A%5Csj%5C20170214.docx))

 2/15/2017 House Introduced and read first time ([House Journal‑page 21](file:///h%3A%5Chj%5C20170215.docx))

 2/15/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 21](file:///h%3A%5Chj%5C20170215.docx))

 4/26/2017 House Committee report: Favorable **Judiciary** ([House Journal‑page 117](file:///h%3A%5Chj%5C20170426.docx))

 5/2/2017 House Debate adjourned until Wed., 5‑3‑17 ([House Journal‑page 45](file:///h%3A%5Chj%5C20170502.docx))

 5/3/2017 House Debate adjourned until Thur., 5‑4‑17 ([House Journal‑page 13](file:///h%3A%5Chj%5C20170503.docx))

 5/4/2017 House Amended ([House Journal‑page 18](file:///h%3A%5Chj%5C20170504.docx))

 5/4/2017 House Read second time ([House Journal‑page 18](file:///h%3A%5Chj%5C20170504.docx))

 5/4/2017 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 20](file:///h%3A%5Chj%5C20170504.docx))

 5/9/2017 House Read third time and returned to Senate with amendments ([House Journal‑page 60](file:///h%3A%5Chj%5C20170509.docx))

 5/11/2017 Senate Non‑concurrence in House amendment ([Senate Journal‑page 62](file:///h%3A%5Csj%5C20170511.docx))

 5/11/2017 Senate Roll call Ayes‑0 Nays‑39 ([Senate Journal‑page 62](file:///h%3A%5Csj%5C20170511.docx))

 5/11/2017 House House insists upon amendment and conference committee appointed Reps. Murphy, DC Moss, Bernstein ([House Journal‑page 15](file:///h%3A%5Chj%5C20170511.docx))

 5/11/2017 Senate Conference committee appointed Massey, Nicholson, Corbin ([Senate Journal‑page 64](file:///h%3A%5Csj%5C20170511.docx))

 5/11/2017 House Conference report adopted ([House Journal‑page 69](file:///h%3A%5Chj%5C20170511.docx))

 5/11/2017 House Roll call Yeas‑85 Nays‑0 ([House Journal‑page 71](file:///h%3A%5Chj%5C20170511.docx))

 5/11/2017 Senate Conference report received and adopted ([Senate Journal‑page 64](file:///h%3A%5Csj%5C20170511.docx))

 5/11/2017 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 65](file:///h%3A%5Csj%5C20170511.docx))

 5/11/2017 Senate Ordered enrolled for ratification ([Senate Journal‑page 67](file:///h%3A%5Csj%5C20170511.docx))

 5/15/2017 Ratified R 68

 5/19/2017 Signed By Governor

 5/25/2017 Effective date 5/19/17

 5/31/2017 Act No. 47

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=234&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/10/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170110.docx)

[2/7/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170207.docx)

[2/9/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170209.docx)

[4/26/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170426.docx)

[5/4/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170504.docx)

[5/11/2017](file:///p%3A%5Cpprever%5C2017-18%5C234_20170511.docx)

(A47, R68, S234)

**AN ACT TO AMEND SECTION 44‑61‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONFIDENTIALITY OF INFORMATION AND DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES, SO AS TO MAKE THE IDENTITIES OF PATIENTS AND EMERGENCY MEDICAL TECHNICIANS SUBJECT TO SUBPOENA IN JUDICIAL PROCEEDINGS; AND TO AMEND SECTION 44‑61‑340, AS AMENDED, RELATING TO THE CONFIDENTIALITY OF INFORMATION AND DATA COLLECTED AS PART OF THE EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM, SO AS TO MAKE CONFORMING CHANGES.**

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

**Emergency medical services, subpoena exception to data confidentiality**

SECTION 1. Section 44‑61‑160(A) of the 1976 Code, as last amended by Act 157 of 2010, is further amended to read:

 “(A) The identities of patients and emergency medical technicians mentioned, referenced, or otherwise appearing in information and data collected or prepared by emergency medical services must be treated as confidential. The identities of these persons are not available to the public under the Freedom of Information Act. However, the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. An individual in attendance at a proceeding must not be required to testify as to the identity of a patient except pursuant to court order. A person, medical facility, or other organization providing or releasing information in accordance with this article must not be held liable in a civil or criminal action for divulging confidential information unless the individual or organization acted in bad faith or with malicious purpose. However, the name of emergency medical technicians, and information and data collected or prepared by emergency medical services must be released to the patient upon his request. In the event the patient is incapacitated or deceased, the name of emergency medical technicians, information, and data collected or prepared by emergency medical services must be released to the patient’s immediate family, the patient’s legal guardian, or the patient’s legal representative upon their request.”

**Emergency Medical Services for Children Program, subpoena exception to data confidentiality**

SECTION 2. Section 44‑61‑340(A) of the 1976 Code, as last amended by Act 157 of 2010, is further amended to read:

 “(A) The identities of patients and emergency medical technicians mentioned, referenced, or otherwise appearing in information or data collected or prepared by the EMSC Program must be treated as confidential. The identities of these persons are not available to the public under the Freedom of Information Act. However, the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. An individual in attendance at a proceeding shall not be required to testify as to the identity of a patient except pursuant to court order. A person, medical facility, or other organization providing or releasing information in accordance with this article must not be held liable in a civil or criminal action for divulging confidential information unless the individual or organization acted in bad faith or with malicious purpose. However, the name of emergency medical technicians, and information and data collected or prepared by emergency medical services must be released to the patient or the patient’s legal guardian upon request. In the event the patient is incapacitated or deceased, the name of emergency medical technicians, information, and data collected or prepared by emergency medical services must be released to the patient’s immediate family, the patient’s legal guardian, or the patient’s legal representative upon their request.”

**Time effective**

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

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017.

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