**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4661**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bradley, Clyburn and Hosey

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Introduced in the House on January 14, 2020

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

Summary: Optometry, Board of Examiners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/20/2019 House Prefiled

11/20/2019 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

12/6/2019 Scrivener's error corrected

1/14/2020 House Introduced and read first time ([House Journal‑page 59](file:///h:\hj\20200114.docx))

1/14/2020 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 59](file:///h:\hj\20200114.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4661&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/20/2019](file:///p:\pprever\2019-20\4661_20191120.docx)

[12/6/2019](file:///p:\pprever\2019-20\4661_20191206.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑37‑35 SO AS TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY TO ISSUE RESTRICTED SPECIAL VOLUNTEER LICENSES TO OPTOMETRISTS WHO ARE NOT LICENSED IN THIS STATE BUT WERE PREVIOUSLY LICENSED IN ANOTHER STATE AND SATISFY CERTAIN CRITERIA, TO PROVIDE THESE LICENSES ONLY MAY BE USED TO PROVIDE FREE OPTOMETRIC SERVICES IN CERTAIN CLINICS TO PATIENTS WHO HAVE NO INSURANCE OR ARE NOT ELIGIBLE FOR FINANCIAL ASSISTANCE, TO PROVIDE FOR THE DURATION AND RENEWAL OF THESE LICENSES, AND TO PROVIDE OPTOMETRISTS WHO HOLD THESE LICENSES ARE SUBJECT TO CERTAIN PROVISIONS OF LAW APPLICABLE TO OPTOMETRISTS LICENSED BY THE BOARD; AND TO AMEND SECTION 38‑79‑30 AND SECTION 40‑30‑310, RELATING TO IMMUNITY FROM CIVIL LIABILITY FOR MEDICAL SERVICES PROVIDED BY CERTAIN VOLUNTEER HEALTH CARE PROVIDERS, BOTH SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Chapter 9, Title 40 of the 1976 Code is amended by adding:

“Section 40‑37‑35. (A) The State Board of Examiners in Optometry may issue a restricted volunteer license to an optometrist who:

(1) has held the corresponding license in any state as a licensee in good standing;

(2) has passed an examination as prescribed by the board;

(3) has not failed the corresponding clinical examination of the state that issued the license within the past five years; and

(4) must have at least five years of clinical practice in the field for which he is seeking the license.

(B) A person holding a restricted volunteer license under this section:

(1) only may practice in clinics prescribed by the board in regulation;

(2) only may treat patients who have no insurance or who are not eligible for financial assistance for optometric services; and

(3) may not receive remuneration directly or indirectly for providing optometric services.

(C) An optometrist with a restricted volunteer license issued under this section shall, every thirty days, review the cases of all patients he treated during the preceding thirty‑day period with the medical director of the clinic.

(D) A license issued under this section is valid for two years from the date of issue but may be renewed pursuant procedures established by the board in regulation.

(E) An optometrist who holds a restricted volunteer license issued pursuant to this section is subject to the provisions of this chapter and regulations promulgated pursuant to this chapter except as otherwise provided in this section.”

SECTION 2. Section 38‑79‑30(C) of the 1976 Code is amended to read:

“(C) For purposes of this section, a health care provider includes a dentist maintaining a restricted volunteer license pursuant to Section 40‑15‑177, a practitioner maintaining a special volunteer license pursuant to Section 40‑47‑34, an optometrist who maintains a special volunteer license pursuant to Section 40‑37‑35, and a chiropractor maintaining a special volunteer license pursuant to Section 40‑9‑85.”

SECTION 3. Section 44‑30‑310 of the 1976 Code is amended to read:

“Section 44‑30‑310. If ~~a health care provider, licensed pursuant to the laws of this State, informs his or her patient in writing, which may include use of an electronic medical record device, before treatment that~~ the treatment to be rendered by the health care provider will be provided free of charge, the health care provider is not liable for any civil damages for any personal injury as a result of any act or omission by the health care provider rendering treatment free of charge or failure to act to provide or arrange for further treatment, except acts or omission amounting to gross negligence or wilful or wanton misconduct. For purposes of this section, a health care provider includes a dentist maintaining a restricted volunteer license pursuant to Section 40‑15‑177, a practitioner maintaining a special volunteer license pursuant to Section 40‑47‑34, an optometrist who maintains a special volunteer license pursuant to Section 40‑37‑35, and a chiropractor maintaining a special volunteer license pursuant to Section 40‑9‑85.”

SECTION 4. This act takes effect upon approval of the Governor.

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