**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 529**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Young, Setzler and Massey

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Companion/Similar bill(s): 3825

Introduced in the Senate on February 19, 2019

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Health care decisions for adults unable to make such decisions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2019 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj\20190219.docx))

2/19/2019 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 4](file:///h:\sj\20190219.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=529&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/19/2019](file:///p:\pprever\2019-20\529_20190219.docx)

**A** **BILL**

TO AMEND SECTION 44‑66‑30 OF THE 1976 CODE, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT, TO REVISE THE LIST OF AUTHORIZED DECISION MAKERS; AND TO AMEND SECTIONS 44‑26‑40, 44‑26‑50, AND 44‑26‑60(C) OF THE 1976 CODE, ALL RELATING TO CLIENTS OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS WHO ARE INCOMPETENT TO MAKE THEIR OWN HEALTH CARE DECISIONS, TO MAKE CONFORMING CHANGES.

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

SECTION 1. A. Section 44‑66‑30(A) of the 1976 Code is amended by adding a new item to read:

“(10) a person given authority to make health care decisions for the patient by another statutory provision.”

B. Section 44-66-30(A)(3) of the 1976 Code is amended to read:

“(3) a person given priority to make health care decisions for the patient by another statutory provision, when an agency has taken custody of the patient;”

SECTION 2. Section 44‑26‑40 of the 1976 Code is amended to read:

“Section 44‑26‑40. If a client resides in a facility operated by or contracted to by the department, the determination of that client’s competency to consent to or refuse major medical treatment must be made pursuant to Section 44‑66‑20~~(6)~~(8) of the Adult Health Care Consent Act. The department shall abide by the decision of a client found competent to consent.”

SECTION 3. Section 44‑26‑50 of the 1976 Code is amended to read:

“Section 44‑26‑50. If the client is found incompetent to consent to or refuse major medical treatment, the decisions concerning his health care must be made pursuant to Section 44‑66‑30 of the Adult Health Care Consent Act. An authorized designee of the department may make a health care decision pursuant to Section 44‑66‑30~~(8)~~(10) of the Adult Health Care Consent Act. The person making the decision must be informed of the need for major medical treatment, alternative treatments, and the nature and implications of the proposed health care and shall consult the attending physician before making decisions. When feasible, the person making the decision shall observe or consult with the client found to be incompetent.”

SECTION 4. Section 44‑26‑60(C) of the 1976 Code is amended to read:

“(C) Priority under this section must not be given to a person if a health care provider, responsible for the care of a client who is unable to consent, determines that the person is not reasonably available, is not willing to make health care decisions for the client, or is unable to consent as defined in Section 44‑66‑20~~(6)~~(8) of the Adult Health Care Consent Act.”

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

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