AMENDED--NOT PRINTED IN THE HOUSE

Amt. No.2A (3602C003.NL.SD10)

May 9, 2019

**H. 3602**

Introduced by Reps. Rose, Caskey and Weeks

S. Printed 5/8/19--S.

Read the first time April 2, 2019.

**A** **BILL**

TO AMEND SECTION 44‑66‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT, SO AS TO ADD AN ADDITIONAL CATEGORY OF PERSONS.

Amend Title To Conform

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

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

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

(11) if, after good faith efforts, the hospital or other health care facility determines that the persons listed in items (1) through (10) are unavailable to consent on behalf of the patient, a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient’s wishes but who is not a paid caregiver or a provider of health care services to the patient. For the purposes of this item, a person with an established relationship is an adult who has exhibited special care and concern for the patient, who is generally familiar with the patient’s health care views and desires, and who is willing and able to become involved in the patient’s health care decisions and to act in the patient’s best interest. The person with an established relationship shall sign and date a notarized acknowledgement form, provided by the hospital or other health care facility in which the patient is located, for placement in the patient’s records, setting forth the nature and length of the relationship and certifying that he meets such criteria. Along with the notarized acknowledgment form, the hospital or other health care facility shall include in the patient’s medical record documentation of its effort to locate persons with higher priority under this statute as required by Section 44‑66‑30(B).”

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

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