**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑75 SO AS TO PROVIDE CERTAIN PROFESSIONALS REGULATED BY A BOARD OR COMMISSION ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL OBTAIN CERTAIN MINIMUM COVERAGE AMOUNTS OF PROFESSIONAL LIABILITY INSURANCE OR GENERAL LIABILITY INSURANCE, TO PROVIDE RELATED REQUIREMENTS, AND TO PROVIDE THAT IF A BOARD OR COMMISSION REQUIRES ITS LICENSEES TO HAVE SUCH COVERAGE IN GREATER AMOUNTS THAN REQUIRED IN THIS ACT, THE GREATER AMOUNT APPLIES.

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

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

“Section 40‑1‑75. (A) A person authorized to practice one of the following professions regulated by a board administered by the Department of Labor, Licensing and Regulation under Section 40‑1‑40(B) shall obtain either professional liability insurance as a prerequisite to licensure, or renewal of licensure by the board in the following amounts:

(1) chiropractors licensed by the Board of Chiropractic examiners: $500,000;

(2) licensees of the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho‑Educational Specialists: $500,000;

(3) dentists licensed by the State Board of Dentistry: $1,000,000;

(4) physicians licensed by the Board of Medical Examiners: $1,000,000;

(5) licensees of the Board of Long Term Health Care Administrators: $1,000,000;

(6) pharmacists licensed by the State Board of Pharmacy: $1,000,000; and

(7) psychologists licensed by the State Board of Examiners in Psychology: $500,000.

(B) Professional liability insurance required pursuant to this section must be purchased through an insurer authorized to do business in this State. The insurance carrier shall certify to the appropriate board by a standard certificate of insurance executed by a licensed insurance agent that the required coverage is in effect within ten business days after issuing the coverage. The insurance carrier may not cancel the insurance without at least thirty days’ notice to the appropriate board by registered mail. If the coverage lapses, the insurance carrier shall notify the appropriate board of the lapse within ten business days. An insurance carrier that fails to comply with the provisions of this subsection is subject to administrative penalties by the Department of Insurance as provided in Chapter 2, Title 38 for violations of the insurance laws of this State. A violation of the provisions of this subsection by an insurance carrier is a violation of the insurance laws of this State.

(C) A licensee shall notify the appropriate board within five business days if the coverage required under this section is cancelled or lapses.

(D) A board may not grant licensure or renew licensure without receiving a certificate of insurance provided in subsection (B). A board shall suspend the license of a licensee who fails to maintain coverage required under this section but may reinstate the license if the licensee obtains appropriate coverage and the insurer provides certification of this coverage as provided in subsection (B) within sixty days of the suspension. A board may charge a reinstatement fee. On the sixty‑first day after the suspension, the licensee may be subject to additional requirements by a board to have his license reinstated.

(E) The provisions of this section apply notwithstanding another provision of law; provided, however, that if a board or commission requires its licensees to have professional liability insurance coverage or general liability insurance coverage in an amount greater than five hundred thousand dollars, then the greater amount of coverage applies to its licensees.”

SECTION 2. This act takes effect January 1, 2021, and applies to applications for licensure and applications for licensure renewal submitted to the Department of Labor, Licensing and Regulation on or after that date.

‑‑‑‑XX‑‑‑‑