INTRODUCED

March 18, 2021

**H. 4103**

Introduced by Reps. Hill and G.M. Smith

S. Printed 3/18/21--H.

Read the first time March 18, 2021.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑89‑55 SO AS TO REQUIRE BIRTHING CENTERS TO REGISTER ON‑CALL AGREEMENTS AND TRANSFER POLICIES WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 89, Title 44 of the 1976 Code is amended by adding:

“Section 44‑89‑55. (A) A licensed birthing center must register an on‑call agreement and hospital transfer policies with the department as set forth in this section.

(B) A birthing center on‑call agreement must contain provisions which provide that the on‑call physician, or another physician designated by the on‑call physician, is readily available to provide medical assistance either in‑person, or by telecommunication or other electronic means. For purposes of this section, ‘readily available to provide medical assistance’ means the physician must be within a thirty‑minute drive of the birthing center or hospital, must be licensed in the State of South Carolina, must have hospital admitting or consulting privileges, and must provide consultation and advice to the birthing center at all times the birthing center is serving the public.

(C) A birthing center must document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by:

(1) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and

(2) admitting or consulting privileges at one or more hospitals with appropriate obstetrical and newborn services by a consulting physician of the birthing center.

(D) The department shall charge a twenty‑five dollar registration fee upon receipt and review of the agreements and policies required pursuant to this section.

(E) Acute care hospitals licensed by the department must negotiate in good faith and fair dealing effort with any licensed birthing center within a fifty‑mile radius to establish a written transfer agreement pursuant to this section. Birthing centers registering on‑call agreements and transfer policies in accordance with this section must be deemed by the department to be in compliance with Section 44‑89‑60(3) and any implementing regulations.”

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

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