**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3939**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Loftis, Lowe, Willis, T.R. Young, Clyburn, Hosey, Stringer and Wylie

Document Path: l:\council\bills\dka\3706dw09.docx

Introduced in the House on April 22, 2009

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Insurer

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑61

4/22/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑61

**VERSIONS OF THIS BILL**

[4/22/2009](file:///p:\pprever\2009-10\3939_20090422.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑59‑410 SO AS TO PROVIDE PROCEDURES FOR LIMITING THE NUMBER OF MEDICAL SERVICES AND SUPPLIES REQUIRING PREAUTHORIZATION BY AN INSURER.

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

SECTION 1. Chapter 59, Title 38 of the 1976 Code is amended by adding:

“Section 38‑59‑410. (A) An insurer shall limit the number of services and supplies requiring precertification or preauthorization, and shall standardize the services and supplies for which precertification is required within each market, line of business, or product.

(B) Subsection (A) does not make it unlawful for an insurer to require precertification or preauthorization for services and supplies. However, an insurer’s precertification or preauthorization process must be based on response to market conditions, medical technology, or utilization patterns, or a combination of these, and a process must not be based purely on financial considerations.

(C) An insurer’s precertification or preauthorization of services or supplies must guarantee payment for services or supplies.

(D) An insurer shall furnish, upon request, a current list of services and supplies requiring precertification or preauthorization.

(E) An insurer shall post a current list of services and supplies requiring precertification or preauthorization to the insurer’s website.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

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