**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4499**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.R. Smith

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Require assisted living facilities to maintain certain liability insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/6/2011 House Prefiled

12/6/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/10/2012 House Introduced and read first time ([House Journal‑page 62](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 62](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[12/6/2011](file:///p:\pprever\2011-12\4499_20111206.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑275 SO AS TO PROVIDE AN ASSISTED LIVING FACILITY SHALL MAINTAIN CERTAIN LIABILITY INSURANCE; TO AMEND SECTION 44‑7‑130, AS AMENDED, RELATING TO DEFINITIONS PERTAINING TO THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO MODIFY A DEFINITION; AND TO AMEND SECTION 44‑7‑270, AS AMENDED, RELATING TO APPLICATIONS FOR LICENSURE OF CERTAIN HEALTH CARE FACILITIES, SO AS TO PROVIDE AN ASSISTED LIVING FACILITY SHALL FURNISH PROOF OF LIABILITY INSURANCE COVERAGE TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WHEN FILING AN APPLICATION FOR LICENSURE.

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

SECTION 1. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑275. An applicant for licensure as an assisted living facility or community residential care facility as defined in Section 44‑7‑130(6) shall maintain general liability insurance coverage of at least one million dollars on the facility at all times. The department may not grant or renew a license for a community assisted living facility or residential care facility to an applicant who has not furnished proof of coverage required by this section.”

SECTION 2. Section 44‑7‑130(6) of the 1976 Code is amended to read:

“(6) ‘Community residential care facility’ or ‘Assisted living facility’ means a facility ~~which~~ that offers room and board and provides a degree of personal assistance for two or more ~~persons~~ people eighteen years old or older.”

SECTION 3. Section 44‑7‑270 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44‑7‑270. (A) ~~Applicants~~ An applicant for a license shall file annually, or as may be provided for in regulation, applications under oath with the department upon prescribed forms. An application must be signed by the owner, if an individual or a partnership, or in the case of a corporation by two of its officers, or in the case of a government unit by the head of the governmental department having jurisdiction over it. The application must set forth the full name and address of the facility for which the license is sought, as applicable, and the full name and address of the owner, the names of the ~~persons~~ people in control, and additional information as the department ~~may require~~ requires, including affirmative evidence of ability to comply with standards and regulations adopted by the department. ~~Each~~ An applicant shall pay a license fee prior to issuance of a license as established by regulation. The department may charge an inspection fee.

(B) In addition to the other provisions of this chapter, a community residential care facility or assisted living facility must furnish proof of liability insurance required pursuant to Section 44‑7‑130 with the application for a new license or a renewal license provided in subsection (A).”

SECTION 4. This act takes effect upon approval by the Governor.

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