**South Carolina General Assembly**

121st Session, 2015-2016

**A189, R207, H4999**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Goldfinch, Merrill, Clemmons, Ridgeway, G.M. Smith, Yow, Erickson and Long

Document Path: l:\council\bills\bh\26412vr16.docx

Companion/Similar bill(s): 357

Introduced in the House on February 25, 2016

Introduced in the Senate on May 3, 2016

Last Amended on April 28, 2016

Passed by the General Assembly on May 17, 2016

Governor's Action: May 25, 2016, Signed

Summary: Immunity from Liability for Providing Free Health Care Services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/25/2016 House Introduced and read first time ([House Journal‑page 69](file:///h:\HJ%20Archive\2016\02-25-16.docx))

2/25/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 69](file:///h:\HJ%20Archive\2016\02-25-16.docx))

4/27/2016 House Member(s) request name added as sponsor: Yow, Erickson, Long

4/27/2016 House Recalled from Committee on **Judiciary** ([House Journal‑page 64](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/28/2016 House Amended ([House Journal‑page 24](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Read second time ([House Journal‑page 24](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 27](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/29/2016 House Read third time and sent to Senate ([House Journal‑page 1](file:///h:\HJ%20Archive\2016\04-29-16.docx))

5/3/2016 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2016\05-03-16.docx))

5/3/2016 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2016\05-03-16.docx))

5/4/2016 Senate Recalled from Committee on **Medical Affairs** ([Senate Journal‑page 2](file:///h:\SJ%20Archive\2016\05-04-16.docx))

5/12/2016 Senate Read second time ([Senate Journal‑page 27](file:///h:\SJ%20Archive\2016\05-12-16.docx))

5/12/2016 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 27](file:///h:\SJ%20Archive\2016\05-12-16.docx))

5/17/2016 Senate Read third time and enrolled ([Senate Journal‑page 15](file:///h:\SJ%20Archive\2016\05-17-16.docx))

5/24/2016 Ratified R 207

5/25/2016 Signed By Governor

5/27/2016 Effective date 05/25/16

5/31/2016 Act No. 189

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**VERSIONS OF THIS BILL**

[2/25/2016](file:///p:\pprever\2015-16\4999_20160225.docx)

[4/27/2016](file:///p:\pprever\2015-16\4999_20160427.docx)

[4/28/2016](file:///p:\pprever\2015-16\4999_20160428.docx)

[5/4/2016](file:///p:\pprever\2015-16\4999_20160504.docx)

(A189, R207, H4999)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED “IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES” AND TO PROVIDE IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES, WITH EXCEPTIONS; TO REENTITLE CHAPTER 30, TITLE 44 AS “HEALTH CARE PROFESSIONALS”; TO DESIGNATE SECTIONS 44‑30‑10 THROUGH 44‑30‑90 AS ARTICLE 1, CHAPTER 30, TITLE 44, ENTITLED “HEALTH CARE PROFESSIONAL COMPLIANCE ACT”; TO AMEND SECTION 38‑79‑30, RELATING TO LIABILITY OF HEALTH CARE PROVIDERS WHEN PROVIDING FREE MEDICAL CARE, SO AS TO REQUIRE A WRITTEN AGREEMENT OF PROVISION OF THE VOLUNTARY, UNCOMPENSATED CARE AND TO ALLOW THE WRITTEN AGREEMENT TO BE AN ELECTRONIC RECORD; AND TO ENABLE HEALTH CARE PROVIDERS TO FULFILL CERTAIN CONTINUING EDUCATION REQUIREMENTS BY PROVIDING FREE HEALTH CARE SERVICES.**

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

**Free health care services, immunity from liability**

SECTION 1. Chapter 30, Title 44 of the 1976 Code is amended by adding:

“Article 3

Immunity from Liability

for Providing Free Health Care Services

Section 44‑30‑310. If a health care provider, licensed pursuant to the laws of this State, informs his or her patient in writing, which may include use of an electronic medical record device, before treatment that the treatment to be rendered by the health care provider will be provided free of charge, the health care provider is not liable for any civil damages for any personal injury as a result of any act or omission by the health care provider rendering treatment free of charge or failure to act to provide or arrange for further treatment, except acts or omission amounting to gross negligence or wilful or wanton misconduct. For purposes of this section, a health care provider includes a dentist maintaining a restricted volunteer license pursuant to Section 40‑15‑177, a practitioner maintaining a special volunteer license pursuant to Section 40‑47‑34, and a chiropractor maintaining a special volunteer license pursuant to Section 40‑9‑85.”

**Chapter name and article designation**

SECTION 2. A. Chapter 30, Title 44 of the 1976 Code is reentitled “Health Care Professionals”.

B. Sections 44‑30‑10 through 44‑30‑90 are designated as Article 1, Chapter 30, Title 44 and entitled “Health Care Professional Compliance Act”.

**Code Commissioner directive concerning conforming changes**

SECTION 3. When, at the time of printing the Code of Laws, it is practically and economically feasible, the Code Commissioner shall change references to “chapter” in Sections 44‑30‑10 through 44‑30‑90 of the 1976 Code to “article”.

**Agreements for free medical services**

SECTION 4. Section 38‑79‑30 of the 1976 Code is amended to read:

“Section 38‑79‑30. (A) No licensed health care provider, as defined in Section 38‑79‑410, who renders medical services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources is liable for any civil damages for any act or omission resulting from the rendering of the services unless the act or omission was the result of the licensed health care provider’s gross negligence or wilful misconduct. The agreement to provide a voluntary, noncompensated service must be made in writing, which may include use of an electronic medical record device, before rendering service in the case of a nonemergency and may be evidenced by the provider’s giving notice in writing, which may include use of an electronic medical record device, to the patient or to the person responsible for the patient’s care and acting for the patient that the service being rendered is voluntary and without compensation.

(B) For purposes of this section, a health care provider includes a dentist maintaining a restricted volunteer license pursuant to Section 40‑15‑177, a practitioner maintaining a special volunteer license pursuant to Section 40‑47‑34, and a chiropractor maintaining a special volunteer license pursuant to Section 40‑9‑85.”

**Health care professionals, continuing education**

SECTION 5. Any licensed health care provider who renders medical services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources may fulfill one hour of continuing education for each hour of volunteer medical services rendered, up to a maximum of twenty‑five percent of the provider’s required continuing education credits for the licensure period.

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 24th day of May, 2016.

Approved the 25th day of May, 2016.

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