**South Carolina General Assembly**

125th Session, 2023-2024

**S. 312**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McLeod, Shealy, Matthews, Senn, Gustafson and Jackson

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate Committee on **Finance**

Summary: State Health Care Plan and PEBA

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2022 Senate Prefiled

12/7/2022 Senate Referred to Committee on **Finance**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 191](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Finance** ([Senate Journal‑page 191](h:\sj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/07/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/312_20221207.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 1‑11‑790 so as to REQUIRE THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO CONSULT WITH TREATING PHYSICIANS AND MEDICAL PROFESSIONALS WHEN PROPOSING CHANGES TO A CURRENT STATE HEALTH CARE PLAN; by amending Section 9‑4‑10, relating to THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY BOARD, so as to CHANGE CERTAIN QUALIFICATIONS; and by amending Section 9‑4‑10, relating to board composition, so as to PROVIDE THAT AT LEAST Five MEMBERS APPOINTED TO THE BOARD MUST BE LICENSED PHYSICIANS AND AT LEAST five MEMBERS APPOINTED TO THE BOARD MUST BE FEMALE.

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

SECTION 1. Article 5, Chapter 11, Title 1 of the S.C. Code is amended by adding:

Section 1‑11‑790. (A) Any State Employee Insurance Program, authorized representative that assists the State Health Plan Division, or PEBA shall consult with treating physicians and medical professionals of an insured patient when determining changes or modifications to current health care plan or treatment and shall provide medical reasons for any proposed plan changes.

(B) Any Public Employee Benefit Authority, authorized representative that assists the State Health Plan Division, or PEBA may not override or modify any medically necessary, reasonable, and customary items of service, including a patient’s procedure, prescription drugs, and medical supplies before or during a medical procedure or treatment or while prescribing medication if the patient’s treating physician determines that the prescribed procedure, treatment, or medication is the best medical option for the patient.

SECTION 2. A. Section 9‑4‑10(C)(1)(b) of the S.C. Code is amended to read:

(b) at least twelve years academic medical experience as a licensed physician and holds a bachelor’s or higher degree from a college or university as classified by the Carnegie Foundation;

B. Section 9‑4‑10(C) of the S.C. Code is amended by adding:

(3) At least five members appointed to The State Employee Insurance Program board must be licensed physicians and at least five members appointed to the board must be female.

C. This SECTION takes effect on July 1, 2023, and the board shall consist of members appointed pursuant to Section 9‑4‑10, as amended by this SECTION. The individuals making the new appointments shall indicate which of their other appointments are being removed by July 1, 2023. New members beginning service on July 1, 2023, as a result of the amendments made to Section 9‑4‑10, shall serve the remaining terms of the previous appointees.

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

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