

## Session 116 - (2005-2006)

### H 3784 General Bill, By White

#### *Similar (S 0881)*

**Summary:** Medical Examiners Board; Medical Disciplinary Commission

A BILL TO AMEND ARTICLES 1 AND 3, CHAPTER 47 OF TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRACTICE OF PHYSICIANS, SURGEONS, AND OSTEOPATHS, SO AS TO PROVIDE FOR THE COMPOSITION OF THE STATE BOARD OF MEDICAL EXAMINERS AND PROVIDE FOR ITS POWERS AND DUTIES; PROVIDE FOR THE MEDICAL DISCIPLINARY COMMISSION, ITS COMPOSITION, POWERS, AND DUTIES; DEFINE CERTAIN TERMS; PROVIDE THAT OSTEOPATHIC PHYSICIANS AND SURGEONS HAVE THE SAME RIGHTS AND PRIVILEGES AS PHYSICIANS AND SURGEONS OF OTHER SCHOOLS OF MEDICINE WITH RESPECT TO CERTAIN CIRCUMSTANCES; PROVIDE THE RESTRICTIONS ON PRACTICING MEDICINE AND PROVIDE FOR LICENSED AND UNLICENSED PERSONS; PROVIDE REQUIREMENTS FOR LIMITED AND TEMPORARY LICENSES; PROVIDE REQUIREMENTS FOR PERMANENT LICENSES AND EXAMINATIONS AN APPLICANT SHALL PASS; PROVIDE BOARD DISCRETION TO ISSUE A PERMANENT LICENSE TO CERTAIN THIRD YEAR RESIDENTS; PROVIDE REQUIREMENTS FOR AN ACADEMIC LICENSE; PROVIDE REQUIREMENTS FOR A SPECIAL VOLUNTEER LICENSE; PROVIDE FOR A LICENSE REGULATING THE PRACTICE OF AN EXPERT MEDICAL WITNESS; PROVIDE CRIMINAL BACKGROUND CHECKS OF NEW APPLICANTS AND LICENSEES UNDER INVESTIGATION OR IN DISCIPLINARY PROCEEDINGS; PROVIDE FOR CONTINUED PROFESSIONAL COMPETENCY OF PHYSICIANS HOLDING PERMANENT LICENSES AND RENEWAL, REINSTATEMENT, AND REACTIVATION OF CERTAIN PERMANENT LICENSES; PROVIDE THE RENEWAL PROCESS FOR CERTAIN LICENSES; PROVIDE THAT A LICENSEE SHALL NOTIFY THE BOARD REGARDING CERTAIN CHANGES AND REGARDING AN ADVERSE DISCIPLINARY ACTION AND PROVIDE EXCEPTIONS; PROVIDE THE PROCEDURE FOR REACTIVATION OF AN INACTIVE LICENSE; PROVIDE THE PROCEDURE FOR LATE RENEWAL OF A LICENSE; PROVIDE THE PROCEDURE FOR REINSTATEMENT OF A LICENSE AFTER SUSPENSION; PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL REVIEW CERTAIN ACTIONS OF THE BOARD UPON PETITION OF THE APPLICANT OR LICENSEE; PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PROVIDE CERTAIN OPERATIONS AND ACTIVITIES TO THE BOARD; PROVIDE FOR THE FEES THE BOARD SHALL CHARGE; PROVIDE FOR RECORD KEEPING OF THE ADMINISTRATOR AND THE BOARD; PROVIDE THAT PRACTITIONERS SHALL CONDUCT THEMSELVES ACCORDING TO THE CODE OF ETHICS ADOPTED BY THE BOARD; PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS; THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS WHEN TAKING TESTIMONY UPON MATTERS PERTAINING TO THE BUSINESS OR DUTIES OF THE BOARD; PROVIDE THAT RESTRAINING ORDERS AND CEASE AND DESIST ORDERS MAY BE ISSUED PURSUANT TO CERTAIN CIRCUMSTANCES; PROVIDE ADDITIONAL GROUNDS FOR DISCIPLINARY ACTION AND DEFINE WHEN A LICENSEE HAS COMMITTED MISCONDUCT; PROVIDE FOR A LICENSEE WHO HAS BEEN ADJUDGED MENTALLY ILL; PROVIDE THE PROCEDURE FOR HOW THE BOARD SHALL REVOKE, SUSPEND, OR RESTRICT A LICENSE OF LIMIT OR DISCIPLINE A LICENSEE WITH THE RIGHT OF REVIEW BY THE ADMINISTRATIVE LAW COURT; PROVIDE THE PROCEDURE FOR WHEN A PERSON HAS ENGAGED IN CONDUCT WHICH SUBVERTS OR ATTEMPTS TO SUBVERT THE SECURITY OR INTEGRITY OF THE LICENSING EXAMINATION PROCESS; PROVIDE FOR DISCIPLINARY PROCEEDINGS WHEN A LICENSEE COMMITS ACTS OR OMISSIONS CAUSING THE DENIAL, CANCELLATION, REVOCATION, SUSPENSION, OR RESTRICTION OF A LICENSE TO PRACTICE IN ANOTHER STATE; PROVIDE THAT IF A LICENSEE ATTENDS A PATIENT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS HE IS GUILTY OF A MISDEMEANOR; PROVIDE THAT IT IS UNPROFESSIONAL CONDUCT FOR A LICENSEE TO PRESCRIBE DRUGS TO AN INDIVIDUAL WITHOUT FIRST ESTABLISHING A PROPER PHYSICIAN-PATIENT RELATIONSHIP; PROVIDE FOR SUSPENSION OF REVOCATION OF A LICENSE PURSUANT TO CERTAIN CIRCUMSTANCES; PROVIDE FOR A PROFESSIONAL COMPETENCY, MENTAL, OR PHYSICAL EXAMINATION AND THE CONFIDENTIALITY OF THE EXAMINATION; PROVIDE THE JURISDICTION OF THE BOARD; PROVIDE FOR THE PROCEDURE FOR AN INITIAL COMPLAINT AND AN INVESTIGATION REGARDING PROFESSIONAL MISCONDUCT; PROVIDE FOR WHEN A FORMAL COMPLAINT MUST BE ISSUED, WHEN THERE MUST BE A FORMAL HEARING, THE REPORTING AND NOTIFICATION REQUIREMENTS, THE REVIEW BY THE BOARD, ACTIONS THE BOARD MAY TAKE UPON FINAL REVIEW, AND THE PROCEDURE FOR SERVICE OF NOTICE; PROVIDE FOR WHEN DISCOVERY MAY BE PERMITTED; PROVIDE THE ACTIONS A BOARD MAY TAKE UPON THE DETERMINATION THAT GROUNDS FOR DISCIPLINARY ACTION EXIST AND THE MANNER OF AND PROCEDURE FOR DISCIPLINING THE PERSON COMMITTING THE MISCONDUCT; PROVIDE THAT THE PERSON MAY HAVE TO PAY A FINE AND THE COSTS OF THE DISCIPLINARY ACTION; PROVIDE THAT A PERSON WHOSE LICENSE HAS BEEN PERMANENTLY

REVOKED MUST NOT BE READMITTED TO PRACTICE IN THIS STATE; PROVIDE THAT A LICENSEE MAY RELINQUISH AN AUTHORIZATION TO PRACTICE INSTEAD OF FURTHER DISCIPLINARY PROCEEDINGS SUBJECT TO CERTAIN CONDITIONS; PROVIDE FOR FINAL ORDERS OF THE BOARD; PROVIDE THAT DISCIPLINARY ACTIONS ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT; PROVIDE THAT THE BOARD MAY DENY LICENSURE ON THE SAME GROUNDS FOR WHICH THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST THE PERSON PROVIDE THAT THE BOARD MAY DENY A LICENSE BASED ON A PERSON'S CRIMINAL RECORD PURSUANT TO CERTAIN CIRCUMSTANCES; PROVIDE THAT A PERSON MAY NOT PRACTICE UNTIL FINAL ACTION IN THE DISCIPLINARY MATTER IF HE VOLUNTARILY SURRENDERS HIS AUTHORIZATION TO PRACTICE WHILE UNDER INVESTIGATION OF A VIOLATION; FINAL DECISION BY THE BOARD MAY BE REVIEWED BY THE ADMINISTRATIVE LAW COURT; PROVIDE THAT A PERSON FOUND IN VIOLATION MAY BE REQUIRED TO PAY COSTS SUBJECT TO COLLECTION AND ENFORCEMENT PROVISIONS; PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION RELATED TO PROCEEDINGS AND CERTAIN COMMUNICATIONS UNTIL FILED; PROVIDE THAT THE DEPARTMENT SHALL PROVIDE WRITTEN ACKNOWLEDGEMENT OF EACH INITIAL COMPLAINT AND NOTIFY THE COMPLAINANT OF THE OUTCOME; PROVIDE A PROCEDURE FOR BREACH OF CONFIDENTIALITY; PROVIDE WHEN A LICENSEE MAY SUPERVISE ANOTHER PRACTITIONER AND THE RESPONSIBILITIES OF THE SUPERVISING PHYSICIAN; PROVIDE PENALTIES FOR UNLAWFUL PRACTICE OF MEDICINE; AND PROVIDE THAT THE DEPARTMENT, IN ADDITION TO INSTITUTING A CRIMINAL PROCEEDING, MAY INSTITUTE A CIVIL ACTION THROUGH THE ADMINISTRATIVE LAW COURT FOR INJUNCTIVE RELIEF AGAINST A PERSON OR ENTITY FOR CERTAIN VIOLATIONS AND PROVIDE A PENALTY.

**03/16/05 House Introduced and read first time HJ-34**

**03/16/05 House Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-34**