**South Carolina General Assembly**

118th Session, 2009-2010

**A153, R179, S168**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto

Document Path: l:\s-jud\bills\cleary\jud0004.js.docx

Introduced in the Senate on January 13, 2009

Introduced in the House on May 12, 2009

Passed by the General Assembly on May 5, 2010

Governor's Action: May 11, 2010, Signed

Summary: Medical malpractice insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Banking and Insurance**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑150

1/13/2009 Senate Referred to Committee on **Banking and Insurance** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑150

5/5/2009 Senate Committee report: Favorable **Banking and Insurance** [SJ](file:///h:\SJ%20Archive\2009\05-05-09.docx)‑14

5/6/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\05-06-09.docx)‑18

5/7/2009 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2009\05-07-09.docx)‑24

5/12/2009 Senate Read third time and sent to House

5/12/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-12-09.docx)‑9

5/12/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\05-12-09.docx)‑9

3/4/2010 House Committee report: Favorable with amendment **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2010\03-04-10.docx)‑2

3/8/2010 Scrivener's error corrected

3/10/2010 House Debate adjourned [HJ](file:///h:\HJ%20Archive\2010\03-10-10.docx)‑16

3/11/2010 House Debate adjourned until Tuesday, March 23, 2010 [HJ](file:///h:\HJ%20Archive\2010\03-11-10.docx)‑12

3/23/2010 House Debate adjourned until Wednesday, March 24, 2010 [HJ](file:///h:\HJ%20Archive\2010\03-23-10.docx)‑45

3/24/2010 House Debate adjourned until Thursday, March 25, 2010 [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑34

3/25/2010 House Debate adjourned until Tuesday, March 30, 2010 [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑32

4/13/2010 House Debate adjourned until Tuesday, May 4, 2010 [HJ](file:///h:\HJ%20Archive\2010\04-13-10.docx)‑46

5/4/2010 House Committee Amendment Tabled [HJ](file:///h:\HJ%20Archive\2010\05-04-10.docx)‑38

5/4/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\05-04-10.docx)‑38

5/5/2010 House Read third time and enrolled [HJ](file:///h:\HJ%20Archive\2010\05-05-10.docx)‑9

5/6/2010 Ratified R 179

5/11/2010 Signed By Governor

5/21/2010 Effective date 05/11/10

5/25/2010 Act No. 153

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\168_20081210.docx)

[5/5/2009](file:///p:\pprever\2009-10\168_20090505.docx)

[3/4/2010](file:///p:\pprever\2009-10\168_20100304.docx)

[3/8/2010](file:///p:\pprever\2009-10\168_20100308.docx)

(A153, R179, S168)

**AN ACT TO AMEND SECTION 38‑79‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE, SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT’S PROVIDER IN A NONEMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER’S GROSS NEGLIGENCE OR WILFUL MISCONDUCT.**

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

**Civil liability, health care provider under certain conditions immune from**

SECTION 1. Section 38‑79‑30 of the 1976 Code is amended to read:

“Section 38‑79‑30. 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 before rendering service in the case of a nonemergency and may be evidenced by the provider’s giving notice 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.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 6th day of May, 2010.

Approved the 11th day of May, 2010.

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