**South Carolina General Assembly**

119th Session, 2011-2012

**A128, R145, H3750**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Viers and Vick

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Introduced in the House on February 24, 2011

Introduced in the Senate on May 12, 2011

Last Amended on February 8, 2012

Passed by the General Assembly on February 22, 2012

Governor's Action: March 13, 2012, Signed

Summary: Autopsy

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/24/2011 House Introduced and read first time ([House Journal‑page 11](file:///h%3A%5Chj%20archive%5C2011%5C02-24-11.docx))

 2/24/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 12](file:///h%3A%5Chj%20archive%5C2011%5C02-24-11.docx))

 4/26/2011 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 69](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 House Read second time ([House Journal‑page 57](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 House Roll call Yeas‑112 Nays‑0 ([House Journal‑page 57](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 House Read third time and sent to Senate ([House Journal‑page 14](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 5/12/2011 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h%3A%5Csj%20archive%5C2011%5C05-12-11.docx))

 5/12/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h%3A%5Csj%20archive%5C2011%5C05-12-11.docx))

 1/9/2012 Senate Referred to Subcommittee: Knotts (ch), Massey, Coleman

 2/1/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 23](file:///h%3A%5Csj%20archive%5C2012%5C02-01-12.docx))

 2/8/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C02-08-12.docx))

 2/8/2012 Senate Amended ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C02-08-12.docx))

 2/8/2012 Senate Read second time ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C02-08-12.docx))

 2/8/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C02-08-12.docx))

 2/9/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 10](file:///h%3A%5Csj%20archive%5C2012%5C02-09-12.docx))

 2/22/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 175](file:///h%3A%5Chj%20archive%5C2012%5C02-22-12.docx))

 2/22/2012 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 175](file:///h%3A%5Chj%20archive%5C2012%5C02-22-12.docx))

 3/7/2012 Ratified R 145

 3/13/2012 Signed By Governor

 3/15/2012 Effective date 03/13/12

 3/15/2012 Act No. 128

**VERSIONS OF THIS BILL**

[2/24/2011](file:///p%3A%5Cpprever%5C2011-12%5C3750_20110224.docx)

[4/26/2011](file:///p%3A%5Cpprever%5C2011-12%5C3750_20110426.docx)

[2/1/2012](file:///p%3A%5Cpprever%5C2011-12%5C3750_20120201.docx)

[2/8/2012](file:///p%3A%5Cpprever%5C2011-12%5C3750_20120208.docx)

(A128, R145, H3750)

**AN ACT TO AMEND SECTION 17‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AND BY WHOM AN AUTOPSY MAY BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY‑FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED; AND TO AMEND SECTION 43‑35‑520, AS AMENDED, RELATING TO INVESTIGATIONS OF DEATHS IN FACILITIES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT IF THE CORONER RULES A DEATH RESULTED FROM NATURAL CAUSES IN A VETERANS’ NURSING HOME UNDER THE DEPARTMENT OF MENTAL HEALTH, THE STATE LAW ENFORCEMENT DIVISION IS NOT REQUIRED TO CONDUCT AN INVESTIGATION OF THE DEATH.**

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

**Autopsies**

SECTION 1. Section 17‑5‑530(E) of the 1976 Code, as last amended by Act 226 of 2010, is further amended to read:

 “(E) If the coroner or medical examiner orders an autopsy upon review of a death pursuant to item (8) of subsection (A), the autopsy must not be performed:

 (1) at the health care facility where the death occurred;

 (2) by a physician who treated the patient; or

 (3) by a physician who is employed by the health care facility in which the death occurred;

unless the coroner or medical examiner certifies that no reasonable alternative exists.”

**Death investigations**

SECTION 2. Section 43‑35‑520 of the 1976 Code, as last amended by Act 223 of 2010, is further amended to read:

 “Section 43‑35‑520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23‑3‑810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44‑7‑130, contracted for operation by the Department of Mental Health, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43‑35‑35(A). In the event that a coroner rules that the death of an individual in a veterans’ nursing home under the authority of the Department of Mental Health results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual’s death.”

**Time effective**

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

Ratified the 7th day of March, 2012.

Approved the 13th day of March, 2012.

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