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COMMITTEE REPORT

May 20, 2015

**S. 250**

Introduced by Senators Shealy, Lourie and Young

S. Printed 5/20/15--H.

Read the first time May 5, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 250) to amend Section 63‑7‑380 of the 1976 Code, to provide for the release of a child’s medical records without parental consent to a South Carolina Children’s Advocacy, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 63‑7‑380 of the 1976 Code is amended to read:

“Section 63‑7‑380. A person required to report under Section 63‑7‑310 may take, or cause to be taken, color photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, a physician may cause to be performed a radiological examination or other medical examinations or tests of the child without the consent of the child’s parents or guardians. Copies of all photographs, negatives, radiological, and other medical reports must be sent to the department at the time a report pursuant to Section 63‑7‑310 is made, or as soon as reasonably possible after the report is made. Upon written request of the consulting child abuse physician or the hospital facility and without consent of the child’s parent or legal guardian, the primary care physician shall release the medical records, radiologic imaging, photos, and all other health information only to the consulting care physician and the hospital facility. The consulting physician and the hospital facility only may release the records in accordance with the Health Insurance Portability and Accountability Act, Section CFR 164.512(b).” /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 63‑7‑380 OF THE 1976 CODE, TO PROVIDE FOR THE RELEASE OF A CHILD’S MEDICAL RECORDS WITHOUT PARENTAL CONSENT TO A SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER FOR EVALUATING THE CHILD FOR SUSPECTED ABUSE OR NEGLECT; TO ADD SECTION 63‑7‑1990(B)(24) TO ALLOW A SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER ACCESS TO RECORDS OF INDICATED CASES OF CHILD ABUSE OR NEGLECT; TO AMEND SECTION 63‑7‑1990 BY ADDING SUBSECTION (N) TO ALLOW FOR A SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER TO RECEIVE A SUMMARY OF REFERRALS AND OUTCOMES OF CASES OF SUSPECTED ABUSE OR NEGLECT SENT TO A CONTRACTED SERVICE AGENCY OR PROGRAM; TO AMEND SECTION 63‑7‑1990 BY ADDING SUBSECTION (O) TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL SHARE INFORMATION RELATING TO AN INDICATED INVESTIGATION OF CHILD ABUSE OR NEGLECT WITH A CHILD’S PRIMARY OR SPECIALTY HEALTH CARE PROVIDER; TO AMEND SECTION 63‑7‑2000 BY ADDING SUBSECTION (F) TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO RELEASE A SUMMARY OF ALLEGATIONS AND THE INVESTIGATION OUTCOME OF UNFOUNDED CASES OF CHILD ABUSE OR NEGLECT WITH A SOUTH CAROLINA CHILDREN’S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER.

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

SECTION 1. Section 63‑7‑380 of the 1976 Code is amended to read:

“Section 63‑7‑380. A person required to report under Section 63‑7‑310 may take, or cause to be taken, color photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, a physician may cause to be performed a radiological examination or other medical examinations or tests of the child without the consent of the child’s parents or guardians. Upon written request and without consent of the child’s parent or legal guardian, the primary care physician must release the medical records, radiologic imaging, photos, and all other health information to only the consulting care physician and the hospital facility. The consulting physician and the hospital facility may not release the records to any party other than law enforcement without the consent of the child’s parent or legal guardian. Copies of all photographs, negatives, radiological, and other medical reports must be sent to the department at the time a report pursuant to Section 63‑7‑310 is made, or as soon as reasonably possible after the report is made.”

SECTION 2. Section 63‑7‑1990(B) of the 1976 Code is amended by adding:

“(24) A South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee for the evaluation of a child for suspected abuse or neglect.”

SECTION 3. Section 63‑7‑1990 of the 1976 Code is amended by adding:

“(N) The department is authorized to provide a summary of referrals and the outcome of the referrals made to a contracted service agency or program addressing identified risks affecting the stability of the family to a South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee.

(O) The department shall notify and share information relating to the outcome of an indicated investigation or other contracted services and programs addressing identified risks affecting the stability of the family with the physicians involved in the ongoing primary or specialty health care of the child.”

SECTION 4. Section 63‑7‑2000 of the 1976 Code is amended by adding:

“(F) The department is authorized to release a summary of the allegations and outcome of an investigation for unfounded cases regarding a child and family to a South Carolina Children’s Advocacy Medical Response System child abuse health care provider or his designee for evaluation of the child for suspected abuse or neglect.”

SECTION 5. This act takes effect upon approval by the Governor.

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