

March 24 , 2026

Representative Wm. Weston J. Newton
Chairman, House Judiciary Committee
512 Blatt Bldg.
Columbia 29201

Dear Chairman Newton:

On behalf of the South Carolina Physician Alliance (SCPA), which represents physicians from across South Carolina, I write to express our support for House Bill 4544. We are extremely appreciative of the work you and your committee are doing on this critical issue and wanted to take a moment to explain why this is so important to us and offer one area of possible improvement in the bill.

The Unpredictability of Gross Negligence

Every day South Carolina physicians see patients ranging from checkups to providing emergency life saving care. We will be the first to admit that while it is never our intent, we are not perfect and mistakes can be made. If appropriate we are willing to accept those actions may very well require just restitution, but we ask that there be responsible limits and safeguards on that restitution. We are thankful of your committee's amendment to remove gross negligence.

- The inclusion of gross negligence allows for unlimited noneconomic damages and a lack of predictability in results as juries will have to make distinctions as to whether conduct rose to level of gross negligence.
- We are supportive of exceptions for willful, reckless, and wanton behavior and believe that those exceptions cover incidents where a cap exclusion would be appropriate.

Real Life Impact to Doctor of Insurance Judgement Caps

Being a physician and witnessing the pain and trauma we do daily can be extremely stressful and chaotic, and the concern that a mistake could result in life altering financial distress is leading individuals to leave the profession. South Carolina is seeing an explosion in population growth and that is being witnessed every day in our exam rooms, waiting areas, and operating tables. South Carolina cannot afford amidst this population growth to have a legal structure that contributes to the physician recruitment and retention strain we are seeing especially in our rural and underserved communities.

- Large payouts and even the specter of a possible large settlement or property lien is driving well-meaning and well-intentioned physicians from the industry.
- We support a fair adjustment to the non-economic damages caps and are appreciative of the Committee's amendment that did not include indexing of the caps.

- Physicians get into the profession to help patients, and large payouts divert funds hospitals could otherwise be dedicating to expanding and increasing patient care.

The Practical Benefits of a Reworked Definition of Occurrence

We fully endorse the Committee’s revised definition of “occurrence”. The current definition of "occurrence" allows for a seemingly never-ending chain of occurrences when in practical purposes there is a single event that caused the damage or injury. The ability to microanalyze every step in a complex medical procedure or examination as its own independent event is not aligned with how medicine works in our operating and exam rooms. We again acknowledge that none of us are perfect, but potential legal action should be limited to the moment when the harm was actually done.

Request to Remove the Exception for Misrepresentation from the Bill

Our one requested change from the current version of H.4544 would be to remove the exception for misrepresentation. The inclusion of “misrepresentation” raises concerns as there is a lack of specification around the term and it may allow something akin to negligence to enter this consideration. The other exceptions, which we are supportive of, involve forms of intentional wrongdoing and the use of the broad term “misrepresentation” brings in the possibility of a negligent act removing protections in the bill for us as physicians.

We strongly and wholeheartedly ask you to **Vote Yes** on House Bill 4544.

Brent M. Powers, MD, MBA, FACP, FACHE
President
 South Carolina Physician Alliance

Brent M. Powers
Brent M. Powers (Mar 18, 2026 14:52:10 EDT)

Matthew Johnson, MD, MBA
Chair of Physician Policy Council
 South Carolina Physician Alliance

Matthew Johnson

Cc: Members of the House Judiciary Committee