

February 7, 2020

2019-2020 Legislative Session

Legislative News is a publication prepared and distributed by the South Carolina Department of Mental Health (DMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the DMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bill text online by clicking the link at the end of each description, OR visiting <http://www.scstatehouse.gov>.

This publication is also available on the DMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact the Office of Public Affairs at (803) 898-8582 or tracy.lapointe@scdmh.org.

Senate Bills – click on the bill number for full text.

S 8 Behavioral and Public Health – Peeler

This bill would rename the Department of Health and Environmental Control the "Department of Behavioral and Public Health", make it a Cabinet agency, and create within it a Division of Public Health (and transfer environmental-related responsibilities to the Department of Agriculture). The bill would abolish the SCDMH and SC Mental Health Commission, as well as the Department of Alcohol and Other Drug Abuse Services, and transfer the responsibilities of both to the Division of Public Health.

Introduced, read first time, and referred to Medical Affairs Committee, 1/08/19.

S 197 Department of Aging and Vulnerable Adult Services – Shealy, Climer

This bill would require the Department of Aging, the Department of Social Services' Adult Protective Services program, the Governor's Division on Aging, or the Lieutenant Governor's Office on Aging to establish a Department of Aging and Vulnerable Adult Services.

Introduced, read first time, and referred to Family and Veterans' Services Committee, 1/08/19.

S 303 Mental Health Transport (similar [H 3592](#)) – Kimpson, Shealy, Fanning, Davis

This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a "therapeutic transport unit" and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual's care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport.

S 303 received a favorable recommendation with an amendment in the Medical, Military, Public and Municipal Affairs House Subcommittee. The full "3-M" Committee voted to adjourn debate on the bill 4/30/19, given the number of amendments and the complexity of the issues raised by various speakers at the subcommittee hearing. It appears that S 303 may have stalled in the House; the Bill did not move further during the 2019 legislative session. The bill was last amended April 9, 2019.

S 797 Sexually Violent Predators Act – Shealy

This bill would revise Sexually Violent Predator Act of 1999 provisions related to multidisciplinary teams procedures and membership; assessment of probable cause to believe a person satisfies the definition of a sexually violent predator; petitions for release, hearings, and trials to consider release; and providing for evaluations by DMH-designated evaluators and others, within a certain time period and under certain conditions, among others.

Introduced, read first time, and referred to Judiciary Committee 4/30/19.

S 896 EMT Certificate and Educational Standards – Shealy
This bill would make changes to the Law Enforcement Training Council and Criminal Justice Academy, requiring the Council develop minimum standards and regulations for a mandatory mental health training program for law enforcement certification, including continuing education credits in mental health or addictive disorders. It would also require the Department of Health and Environmental Control develop minimum standards and regulations for a mandatory mental health training program for emergency medical technician certification.
Introduced, read first time, and referred to Judiciary Committee, 1/14/2020.

S 990 Certificate of Need – Climer, Hembree, Grooms, Loftis, Campbell, Turner, Peeler, Davis, Bennett, Senn, Campsen, Rice, Corbin
This bill relates to the regulation of health care facilities in the state; it would eliminate references to certificate of need requirements and make multiple changes to the Certificate of Need Program, including renaming it the “State Health Facility Licensure Act”.
Introduced, read first time, and referred to Medical Affairs Committee 1/14/2020.

S 1018 SC Juvenile Justice Reform Act – Malloy, Hutto, Gregory, Shealy and Talley
This bill would create the “SC Juvenile Justice Reform Act of 2020”, which would establish and revise policies regarding care and guidance of children in the DJJ system, emphasizing diversion, early and least restrictive intervention. The bill includes a section that clarifies existing law, which prohibits commitment to DJJ of juveniles who are so severely handicapped by mental illness or a developmental disability that they cannot be properly cared for in DJJ facilities. The bill permits the court to order an evaluation and hold a hearing regarding whether the child must be committed to the supervision of the Department of Mental Health or the Department of Disabilities and Special Needs under existing commitment procedures.
Introduced, read first time, and referred to Judiciary Committee 1/16/2020; referred to subcommittee 1/17/2020.

House Bills – click on the bill number for full text.

H 3273 Vulnerable Adult Maltreatment Registry Act – G.R. Smith, Bernstein, Clary, V.S. Moss, Cobb-Hunter, Burns, Huggins, Long
This bill would create a “Vulnerable Adult Maltreatment Registry”, requiring the South Carolina Law Enforcement Division and the South Carolina Department Of Social Services to determine whether reports of vulnerable adult abuse, neglect, or exploitation are indicated, whether there is a known perpetrator of the maltreatment. It would place certain persons determined to have abused, neglected, or exploited a vulnerable adult on the Registry, and limit access to the Registry and prohibit release of reports, with exceptions.
Introduced, read first time, and referred to Judiciary Committee, 1/08/19.

H 3257 Comprehensive Health Education
This bill would require the State Board of Education to develop instructional units and coursework concerning mental health and wellness, including one, elective unit of study in mental health to seventh and ninth grade students.
Passed by House and sent to Senate 1/22/2020. Introduced, read first time, and referred to Senate Education Committee 1/23/2020.

H 4249 Working Retirees (similar H 3260) – Daning
This bill would eliminate the earnings limitation for State government retirees returning to positions covered under the SC Retirement System and Police Officer Retirement System.
Introduced, read first time, and referred to Ways & Means Committee, 3/19/19.

H 4662 Behavioral Health Services for Public School Students – Clemmons and Clyburn
This bill provides that school boards may not prohibit behavioral health providers from providing behavioral health services to students at public schools during school hours upon parental request, and require school boards to adopt certain related policies.
Introduced, read first time, and referred to Education and Public Works Committee 1/14/2020.

H4938 Electronic Prescriptions – Ridgeway
This bill would make technical changes to new electronic prescription requirements, including an exemption to electronic prescribing requirements for SCDMH prescribers.
Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 1/15/2020.

Legislative Oversight Update

In 2014, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. The Senate selected SCDMH for review in 2015, issuing its final report in March of 2016. In 2018, the House of Representatives selected SCDMH for study.

The purpose of these reviews is to inform the Legislature in detail about an agency's programs and operations and to ensure the Agency is operating as the State intended. Stewart Cooner, director of Special Programs and Telepsychiatry, will serve as the SCDMH liaison to the House staff conducting the Study, and employees throughout the Agency will work with him to provide information sought by the legislative staff.

Thus far, SCDMH has provided extensive written background information to the House Legislative Oversight Committee (LOC), as requested. The Subcommittee held its 17th meeting with SCDMH December 9, 2019, to discuss its recommendations. All testimony at the hearings and other information related to SCDMH submitted to the LOC is available for viewing at this URL:

www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php.

According to Committee Standard Practice, the Subcommittee study will be placed on the agenda for a full Committee meeting following notice from the Subcommittee Chair. During a meeting of the full Committee, the Subcommittee study will be discussed, and the Committee may vote to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available. SCDMH is awaiting word of the Committee's review of the Subcommittee's study.

For budget update, see next page.

Budget Update

SCDMH presented its FY 2021 Budget Request to the Governor's Office/Executive Budget Office 10/29/2019, to the Senate Finance Subcommittee 12/11/2019, and to the House Ways & Means Subcommittee 1/22/2020. [*On January 29, the Joint Bond Review Committee supported the Agency increasing its budget request in order to move forward with construction of a new VA home in Horry County, bringing the total requested amount to \\$46,788,352.](#)

The table below shows SCDMH's FY21 original budget request side-by-side with recommendations from the Governor's Office, and the Agency's amended request.

SCDMH FY21 Budget Request	DMH Req.	Governor's Rec.	DMH Amended Req.*
RECURRING			
Sustainability of Workforce	\$7,982,500	\$3,500,000	\$7,982,500
Sustainability of Services	\$8,768,173	-	\$8,768,173
Out of Home Placement funds for High Risk Adolescents	\$750,000	\$750,000	\$750,000
Contractual Adjustment - Inpatient Services	\$2,587,946	-	\$2,587,946
Sexually Violent Predator Program	\$625,897	\$625,897	\$625,897
Appointed Counsel in Civil Commitment Proceedings	\$400,000	-	\$400,000
Long-Term Care Division	\$250,000	\$250,000	\$250,000
Emergency Department Telepsychiatry	\$400,000	\$400,000	\$400,000
Crisis Stabilization Units	\$1,000,000	\$750,000	\$1,000,000
Community Supportive Housing	\$500,000	-	\$500,000
School Mental Health	\$600,000	\$1,100,000	\$600,000
Young Adult Intervention Services	\$600,000	\$300,000	\$600,000
Clinicians in Law Enforcement	\$325,000	\$325,000	\$325,000
MIRCI Pass Through Funding	\$250,000	-	\$250,000
Transfer Alzheimer's funding to Dept. on Aging	-	- \$778,706	-
TOTAL RECURRING	\$25,039,516	\$7,222,191	\$25,039,516
NON-RECURRING			
Outpatient Electronic Health Record	\$4,500,000	-	\$4,500,000
VA Nursing Home Furnishings	\$2,500,000	\$2,500,000	\$2,500,000
TOTAL NON-RECURRING	\$7,000,000	\$2,500,000	\$7,000,000
CAPITAL			
Deferred Maintenance & Revitalization: veterans nursing homes, hospitals, & facilities agency-wide	-	\$4,000,000	-
Suicide Prevention - Ligature resistant fixtures	\$8,605,645	\$2,000,000	\$8,605,645
NE campus electrical distribution system renovations	\$3,600,000	-	\$3,600,000
Veterans Victory House chiller replacement	\$815,000	-	\$815,000
Richard M. Campbell renovations	\$3,940,000	-	\$3,940,000
Catawba Mental Health Center construction	\$12,430,000	-	\$12,430,000
Anderson-Oconee-Pickens MHC construction	\$12,430,000	-	\$12,430,000
Community buildings deferred maintenance	\$3,500,000	-	\$3,500,000
Columbia Area MHC phase III construction	\$8,050,000	-	\$8,050,000
Roddey Pavilion renovations	\$1,000,000	-	\$1,000,000
Crafts Farrow Campus & Tucker Center laundries	\$3,300,000	-	\$3,300,000
Certification of State Match (2 add'l VA nursing homes)	\$37,888,352	\$37,888,352	\$46,788,352
TOTAL CAPITAL	\$95,558,997	\$43,888,352	\$104,458,997
GRAND TOTAL REQUEST	\$127,598,513	\$53,610,543	\$136,498,513