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2021-2022 Legislative Session

*Legislative News* is a publication prepared and distributed by the South Carolina Department of Mental Health (SCDMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the Agency, mental health, healthcare issues, or state employee issues. In addition, we will provide budget information and pertinent general news from the General Assembly. You can also access the complete text of each bill listed by clicking the link at the end of each description, or visiting [www.scstatehouse.gov](http://www.scstatehouse.gov) and searching them by bill number. To learn which legislators represent you, visit [www.scstatehouse.gov/legislatorssearch.php](http://www.scstatehouse.gov/legislatorssearch.php).

This publication is also available on the SCDMH internet and intranet sites. If 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](mailto:tracy.lapointe@scdmh.org).

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

### **S 2 Behavioral and Public Health – Peeler, Malloy, McElveen, Hembree, Senn (Similar [H 3766](#))**

This bill would rename the Department of Health and Environmental Control the "Department of Behavioral and Public Health", make it a Cabinet agency, and transfer environmental responsibilities to the SC Departments of Agriculture and Natural Resources. The bill would abolish the SCDMH and SC Mental Health Commission, as well as the Department of Alcohol and Other Drug Abuse Services, and instead establish a Division of Mental Health and a Division of Alcohol and Other Drug Abuse Services within the Department of Behavioral and Public Health.

*Read third time and sent to the House, 3/17/22.*

### **S 259 Mental Health Transport – Kimpson**

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. Finally, the bill would extend the time a patient may be held under the doctor's certification when safe transport is not possible due to disasters or other conditions.

*Introduced, read first time, and referred to Medical Affairs Committee, 1/12/21.*

### **S 659 Sexually Violent Predator Program – Shealy (Similar [H 4086](#))**

This bill would make several procedural and substantive changes to the "Sexually Violent Predator Act", including, among other things, defining who are qualified evaluators; changing timeframes for completing evaluations, and modifying procedural rules for requesting and participating in periodic evaluations and annual review hearings.

*Received favorable report with amendment from Judiciary Committee, 3/16/22. Read second time 3/22/22.*

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

### **H 3126 Vaccine Mandates – Jones, Burns, Chumley, Magnuson, Taylor, Haddon and others**

This bill would prevent the state of South Carolina or any SC government component from accepting federal funds as the result of enforcing a federally issued mask or vaccine mandate.

*Passed the House 12/10/21. Received a favorable (with amendment) report from Finance Committee 3/1/22.*

### **H 3230 Telepsychiatry Reimbursement – Herbkersman, Hosey, and Caskey**

This bill would require the SC Department of Health and Human Services to reimburse practitioners for mental health services provided via telehealth to patients enrolled in Medicaid.

*Introduced, read first time, and referred to Ways and Means Committee, 1/12/21.*

**H 3773 Restoration Treatment – West, G.M. Smith, Weeks, White (Similar S 79)**

This bill would extend the length of time certain individuals unfit to stand trial may be hospitalized from 60 to 180 days. It would also allow the SCDMH to provide restoration treatment in detention centers and on an outpatient basis, where appropriate.

*Read third time and sent to the Senate 4/21/21; Senate introduced, read first time, and referred to Committee 4/21/21. Received favorable Judiciary subcommittee report with amendments, 3/16/22.*

**H 3888 Mental Health Study Committee – King, Bryant, Cobb-Hunter, Brawley**

This joint resolution would create a study committee to examine the state of mental health of South Carolina residents, to make certain findings, and prepare a report for the General Assembly before January 1, 2023.

*Read third time and sent to the Senate; Senate introduced, read first time, and referred to Medical Affairs Committee 3/03/22.*

**H 4600 Major Medical Treatment Consent – West and Bennett**

This bill would amend the “Rights of Mental Health Patients Act” to as it relates to substitute decisions makers for patients who are unable to make medical decisions, so that the Act conforms to the Adult Healthcare Consent Act, in the probate code law that was changed in 2019.

*Read third time and sent to Senate, introduced, read first time, and referred to Medical Affairs Committee, 2/23/22.*

**H 4997 State Veterans Nursing Homes – Herbkersman, West, B. Cox, Rutherford and others**

This bill would transfer the authority and responsibility for establishing state veterans nursing homes from the Department of Mental Health to the Department of Veterans Affairs.

*Introduced, read first time, and referred to Ways and Means Committee 2/17/22. Requests for debate 3/02/22; Amended and debate adjourned 3/10/22.*

### **Executive Order 2022-02**

On January 12, SC Governor Henry McMaster issued an executive order directing a review SCDMH’s School Mental Health Services Program. Specifically, the Order directs the Department of Health and Human Services to conduct a review and analysis of the DMH’s School Mental Health in order to assess the availability School Mental Health services to children in the State’s schools, identify barriers to access, and determine the most effective manner to use existing funds and any additional funds or resources that may be available. The Order further directs HHS to provide recommendations for improving the School Mental Health Services Program. SCDMH leadership has been meeting with the Department of Health and Human Services leadership on a regular basis since February of this year regarding developing measures to increase the number of mental health therapists in schools.

**Executive Order 2022-2 is posted online at the following address:**

<https://governor.sc.gov/sites/default/files/Documents/Executive-Orders/2022-01-12%20FILED%20Executive%20Order%202022-02%20-%20Review%20of%20School%20Mental%20Health%20Services%20Program.pdf>

### **American Rescue Plan Act (ARPA) Funds Update**

In May of 2021, the Substance Abuse and Mental Health Services Administration (SAMHSA) announced it would be providing additional funds to states in addressing the effects of the COVID 19 pandemic on mental illness and substance use disorders and would do so via states’ Block Grants. SAMHSA allotted \$21,480,779 to SCDMH to be expended over a four-year period. Following discussions with SAMHSA staff and some minor changes, the agency’s proposal was approved. Of the approximately \$5.35 million annually, \$2.5 million was combined with other agency funds to provide a 2% raise for employees. In addition, funds were used to expand the number of law enforcement-embedded SCDMH clinicians. The remainder will be spent on staff training and to expand a variety of community mental health programs (federal Block Grant funds must generally be spent to support the State’s community mental health services).

## Budget Update

SCDMH presented its FY 23 Budget Request to the Governor's Office/Executive Budget Office in October of 2021, the House Ways & Means Healthcare Subcommittee 1/19/2022, and the Senate Finance Committee 3/16/2022.

\*SCDMH amended its FY 23 request to include Capital Request funds for State Nursing Homes 12/17/21, and a Psychiatric Residential Treatment Facility for DJJ-involved Youth 2/24/22.

The table below shows the amended SCDMH budget request side-by-side with recommendations from the Governor's Office and the House Ways & Means Committee.

<b>SCDMH FY23 BUDGET REQUEST</b>	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>	<b>House W&amp;M Rec.</b>
<b>RECURRING</b>			
Sustainability of Workforce DIS	\$ 8,942,635	-	-
Sexually Violent Predator Treatment Program	\$ 1,353,530	\$ 1,353,530	\$ 1,353,530
State Veterans Nursing Homes	\$ 4,259,334	\$ 4,259,334	\$ 4,259,334
Psychiatric Hospitals and Other Facilities	\$ 5,355,681	-	-
Sustainability of Workforce CMHCs	\$11,004,232	-	-
Suicide Crisis Hotline	\$ 5,500,000	\$ 5,500,000	-
Recurring Proviso 118.18 Funding	\$14,843,000	-	-
Homeshare Stipend Increase	\$ 200,000	-	-
CRCF Daily Bed Rate Increase	\$ 300,000	\$ 300,000	-
Crisis Stabilization Units (CSUs)	\$ 9,650,000	-	-
Embedding Clinicians in Law Enforcement	\$ 2,015,000	-	-
School Mental Health	\$ 750,000	-	-
Sustainability of Workforce Administrative and Support Areas	\$ 1,454,225	-	-
Recurring Funds Requests for Administrative & Support Areas	\$ 5,617,125	-	-
Insurance Premium Increase	\$ 1,000,000	-	-
Appointed Civil Commitment Proceedings Council	\$ 200,000	\$ 200,000	-
Emergency Telepsychiatry	\$ 250,000	-	-
Law Enforcement Recruitment & Retention	-	-	\$ 456,418
<b>TOTAL RECURRING</b>	<b>\$72,694,762</b>	<b>\$11,612,864</b>	<b>\$6,069,282</b>
<b>CAPITAL</b>			
Spartanburg Area MHC Lobby Renovation	\$ 250,000	-	-
Florence MHC Boiler and Chiller Replacement	\$ 575,000	-	-
Aiken-Barnwell HVAC Replacement	\$ 350,000	-	-
Anderson-Oconee-Pickens MHC Construction	\$12,430,000	-	-
Catawba MHC Construction	\$12,430,000	-	-
Columbia Area MHC Construction, Phase III	\$ 8,050,000	-	-
CFSH Campus Road, Parking Lot Repairs and Pavement	\$ 1,400,000	-	-
Morris Village Infirmary	\$ 750,000	-	-
Roddey Nursing Home Floor Replacement	\$ 1,000,000	-	-
CFSH Campus Demolition of Four Vacant Buildings	\$ 2,000,000	-	-
Morris Village Nursing Station Renovations	\$ 450,000	-	-
Bryan Guardhouse Construction	\$ 450,000	-	-
CFSH Campus Guardhouse Generator	\$ 150,000	-	-
Charleston Building Purchase	\$ 8,000,000	-	-
Bryan Modular Building Purchase	\$ 1,000,000	-	-
Stone VA Nursing Home HVAC Improvements	\$ 500,000	-	-
Roddey Support Building HVAC Replacement	\$ 350,000	-	-

	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>	<b>House W&amp;M Rec.</b>
<b>CAPITAL, cont.</b>			
Columbia Area MHC Fire Alarm Replacements	\$ 750,000	-	-
Harris Hospital Utility Building Emergency Generator Install	\$ 1,000,000	-	-
CFSH Campus Vehicle Mgmt. Garage Improvements	\$ 250,000	-	-
Gaffney MHC Interior Redesign	\$ 350,000	-	-
CMHC HVAC Replacement Phase II	\$ 2,219,280	-	-
CMHC Roof Replacement Phase II	\$ 630,699	-	-
Crafts-Farrow/Columbia Area Fire Alarm Replacement	\$ 750,000	-	-
Roddey Domestic and HVAC Piping and Flooring Phase III	\$ 1,200,000	-	-
CFSH Campus Building 17, Public Safety Renovation	\$ 1,680,000	-	-
Veterans Victory House Whole Facility Generator	\$ 1,500,000	-	-
CFSH Campus Fisher Auditorium	\$ 250,000	-	-
State Nursing Home Construction (Orangeburg)	\$30,600,000	-	\$30,600,000
Deferred Maintenance and Care of State-owned Property	-	\$15,000,000	-
Psychiatric Residential Care Facility	\$20,000,000	-	-
<b>TOTAL CAPITAL</b>	<b>\$111,314,979</b>	<b>\$15,000,000</b>	<b>\$30,600,000</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$184,009,741</b>	<b>\$26,612,864</b>	<b>\$36,669,282</b>
Transfer Alzheimer's Funding to Department on Aging	-	(\$778,706)	(\$778,706)

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