

March 27, 2017

2017-2018 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 bills 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](mailto:tracy.lapointe@scdmh.org).

## Budget Update

The Department presented its budget requests to the Senate Finance Health and Human Services Subcommittee December 14, 2016 and to the House Ways & Means Healthcare Subcommittee January 17, 2017.

The following table shows DMH's FY18 budget request side-by-side with recommendations for the Department from the Governor's Office and the House.

	DMH Request	Governor's Recommendation	House Recommendation
<b>RECURRING</b>			
Forensics Annualization	5,490,659	5,490,659	5,490,659
Forensics New Funds	4,740,243	-	4,740,243
Sexually Violent Predators Program	950,460	950,460	950,460
Inpatient Clinical and Medical Services Annualization	1,686,192	1,686,192	-
Long-Term Care Services New Funds	834,430	-	-
Information Technology Annualization	779,125	779,125	-
FLSA-Crisis/On-Call	500,000	500,000	-
Public Safety	1,153,886	-	-
Information Technology New Funds	1,495,253	-	-
Community Housing	300,000	-	-
School-Based Services	250,000	250,000	-
<b>TOTAL RECURRING</b>	<b>18,180,248</b>	<b>9,656,436</b>	<b>11,181,362</b>
<b>NON-RECURRING</b>			
Forensics	145,364	-	-
Inpatient Clinical and Medical Services	861,601	-	-
Long-Term Care Services	361,482	56,222	-
Public Safety	395,484	-	-
Certification of State Match - VA State Homes	10,000,000	-	-
<b>TOTAL NON-RECURRING</b>	<b>11,763,931</b>	<b>56,222</b>	<b>-</b>
<b>CAPITAL</b>			
Harris Hospital Heating and Air Conditioning Renovations	2,200,000	2,200,000	-
NE Campus Electrical Distribution System Renovations	3,600,000	-	-
Anderson-Oconee-Pickens Mental Health Center Construction	10,592,000	-	-
Catawba Mental Health Center Construction	10,580,000	-	-
Community Buildings Deferred Maintenance	3,000,000	-	-
Inpatient and Support Buildings Deferred Maintenance	1,500,000	367,991	-
Columbia Area MHC Phase III Construction	3,500,000	-	-
Campbell Veterans Nursing Home Renovations	1,379,000	-	-
<b>TOTAL CAPITAL</b>	<b>36,351,000</b>	<b>2,567,991</b>	<b>-</b>
<b>GRAND TOTAL REQUEST</b>	<b>66,295,179</b>	<b>12,280,649</b>	<b>11,181,362</b>
Increase in Federal Funds Authorization	3,305,807	3,305,807	3,305,807

[S 55](#) **State Employee Annual Leave – Scott**

This bill would permit state employees earning annual leave at the rate of 30 days a year to receive a lump sum payment for days of annual leave not used or donated by the employee in that calendar year. The bill provides eligibility requirements and specifies that such payments are not considered earnable compensation in the calculation of retirement benefits.

*Pre-filed 12/2016. Referred to Finance Committee, 1/10/17.*

[S 77](#) **Out of Court Statements Made by Children – Young**

This bill, which relates to the inadmissibility of out-of-court statements made by children, adds an exception for statements made to employees or agents of Children's Advocacy Centers.

*Pre-filed 12/2016. Referred to Judiciary Committee, 1/10/17.*

[S 80](#) **Children's Advocacy Centers – Campbell**

This bill sets forth the types of stipulations a court may impose in an order of protection before a Children's Advocacy Center must release records to DSS for the purposes of investigating allegations of child abuse or neglect to ensure the confidentiality of such records.

*Pre-filed 12/2016. Referred to General Committee, 1/10/17.*

[S 173](#) **Crisis Intervention Teams – Sheheen (Sim. H 3466)**

This bill would require law enforcement officers to receive continuing law enforcement education credits in mental health or addictive disorders. It would also create a Crisis Intervention Training (CIT) Center within the Law Enforcement Training Council and Criminal Justice Academy. The CIT Center would govern and supervise CIT training; among other duties. The bill also provides that every county establish at least one Crisis Intervention Team.

*Read third time and sent to House. Introduced, read first time, and referred to House Judiciary Committee 3/22/17.*

[S 180](#) **Department of Disabilities and Special Needs – Scott**

This bill provides that DDSN would be headed and governed by a director appointed by the Governor with the advice and consent of the Senate and that the SC Commission on Disabilities and Special Needs would serve as an advisory board to the director.

*Pre-filed 12/2016. Referred to Medical Affairs Committee, 1/10/17.*

[S 325](#) **Protection and Advocacy – Sheheen (Sim. H 3617)**

This bill would transfer the Client Assistance Program from the Department of Administration to Protection & Advocacy for People with Disabilities, Inc.

*Amendment by Committee on Medical Affairs adopted. Read third time and sent to House 3/23/17.*

[S 354](#) **Certification of Need & Crisis Stabilization Units – Alexander and Verdin (Sim. H 3666)**

This bill creates definitions for the State Certification of Need and Health Facilities Licensure Act, to define a crisis stabilization unit facility; to make the certificate of need process inapplicable to Crisis Stabilization Unit facilities; and to require crisis stabilization unit facilities obtain a license from DHEC.

*Amendment by Medical Affairs Committee adopted. Read third time and sent to House 3/23/17.*

[S 394](#) **SC Retirement System – Sheheen, Jackson, Nicholson, Scott, Bennett & Gambrell (Sim. H 3726)**

This bill would amend section 9-1-1085, relating to the South Carolina Retirement System (SCRS). It would:

- change future employer and employee contribution rates and require that the unfunded liabilities of the system must be on a certain amortization schedule;
- change the assumed rate of return to 7.25% and provide that the assumed rate of return expires every four years;
- change the term from two to five years for PEBA board members and to require the Board to employ an executive director;
- require PEBA to be audited every four years;
- provide that certain reports must contain a schedule of net manager fees and expenses;
- change certain members of the Retirement System Investment Commission (RSIC), to add qualifications, and to require the Commission to employ an executive director;
- allow certain delegations of investment decisions to the chief investment officer, and require the investment

- plan to include the final authority to invest made by the Commission;
- provide that the RSIC be audited every four years;
- place certain restrictions on lobbyists and prohibit the Commission from making certain investments;
- change a trustee from the state Fiscal Accountability Authority to the RSIC;
- change the custodian of assets from the State Treasurer to the board of directors of PEBA;
- amend section 1-3-240, relating to the removal of officers by the governor, so as to add the SCRS Investment Commission members and PEBA members.

*Senate read third time and sent to House 3/02/17; House introduced, read first time, and referred to Ways & Means Committee, 3/07/17.*

### **S 498 Mental Health Month – Alexander**

A concurrent resolution designating the month of May 2017 as "Mental Health Month" in South Carolina, in order to raise awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness.

*Introduced, read first time and referred to Medical Affairs Committee 3/02/17.*

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

### **H 3112 Juvenile Justice Reform Study Committee – Alexander and Robinson-Simpson**

This is a joint resolution to create a study committee with 3 members of the House and 3 from the Senate to determine the need to reform the SC Juvenile Justice System, and to make recommendations to the General Assembly regarding proposed changes to state laws and to the policies, practices, and programs of agencies and other public institutions whose roles and responsibilities impact children at risk of entering, or who have entered, the Juvenile Justice System.

*Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.*

### **H 3118 Nursing Home Staffing – Gilliard**

This bill would increase the minimum number of staff required to provide nursing care during all shifts at nursing homes in the state.

*Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.*

### **H 3120 Residential Care Facilities – Gilliard**

This bill makes several changes to the requirements for operating a community residential care facility, including:

- establishing minimum staff-resident ratio requirements;
- requiring mandatory training of staff and volunteers on certain topics;
- requiring a written assessment of needs on each resident at the time of admission;
- requiring an individual care plan for each resident that addresses specific issues, with regular reviews and changes based on changes in the resident's physical or behavioral health;
- requiring facilities to enroll certain residents in the Alzheimer's Association Safe Return program; and
- requiring facilities to create and maintain a physical environment that ensures the safety of residents with a history of unsafe wandering or elopement.

*Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.*

### **H 3131 DHEC – G.M. Smith, Loftis, G.R. Smith and Burns**

This bill makes multiple changes to the certificate of need process at the Department of Health and Environmental Control (DHEC), including:

- requiring accreditation or certification for certain medical equipment;
- eliminating the review of Certificate of Need decisions the DHEC board;
- revising Certificate of Need program definitions;
- allowing DHEC to retain all certificate of need fees;
- changing the circumstances under which a Certificate of Need is required;
- adding new exemptions and make changes to existing exemptions;
- eliminating the Health Planning Committee and the role of the Board in reviewing the plan;
- changing certain requirements relating to the Certificate of Need application review process;
- amending sections relating to judicial review of a Certificate of Need decision, to provide for the award of attorney fees and costs and the right to file an offer of judgment;
- eliminating the role of the Board in granting extensions relating to the one-year validity of a certificate of need;
- amending sections relating to licensing of health care facilities and services, so as to eliminate freestanding or

mobile technology;

- changing the right to challenge a DHEC decision relating to approval of hospital bonds;
- changing the stated purpose of the Certificate of Need program; among several other changes.

*Prefiled 12/2016. Referred to Ways and Means Committee 1/10/17.*

**H 3325 Department of Mental Health – Wheeler**

This bill relates to hearings on the fitness of a person to stand trial and would require DMH to reimburse a sheriff or a county or municipal government for certain costs of incarceration of persons determined to be unfit to stand trial.

*Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.*

**H 3466 Law Enforcement Training – Hamilton, Burns, Bedingfield, and others (Sim. S 173)**

This bill would require law enforcement officers to receive continuing law enforcement education credits in mental health or addictive disorders. The bill also would create a CIT Center within the Law Enforcement Training Council and Criminal Justice Academy. The CIT Center would govern and supervise Crisis Intervention Team (CIT) training, among other duties. The bill also provides that every county establish at least one CIT.

*Introduced, read first time, and referred to Judiciary Committee, 1/12/17.*

**H 3617 Protection and Advocacy – Collins and J.E. Smith (Sim. S 325)**

This bill would transfer the Client Assistance Program from the Department of Administration to Protection & Advocacy for People with Disabilities, Inc.

*Introduced, read first time, and referred to Judiciary Committee, 1/31/17.*

**H 3666 Certificate Of Need & Crisis Stabilization Units – G.M. Smith (Sim. S 354)**

This bill creates definitions for the State Certification of Need and Health Facilities Licensure Act, to define a crisis stabilization unit facility; to make the Certificate of Need process inapplicable to Crisis Stabilization Unit facilities; and to require crisis stabilization unit facilities obtain a license from DHEC.

*Amendment by Ways and Means Committee adopted. Read third time and sent to Senate 3/24/17.*

**H 3726 SC Retirement System –Herbkersman, Cobb-Hunter, Anthony, and others (Sim. S 394)**

This bill would amend section 9-1-1085, relating to the South Carolina Retirement System (SCRS). It would:

- change future employer and employee contribution rates;
- require that the unfunded liabilities of the system must be on a certain amortization schedule;
- change the assumed rate of return to 7.25% and provide that the assumed rate of return expires every four years;
- change the term of members of the PEBA board of directors from two to five years and to require the Board to employ an executive director;
- require PEBA to be audited every four years;
- provide that certain reports must contain a schedule of net manager fees and expenses;
- change certain members of the Commission, to add qualifications, and to require the Commission to employ an executive director;
- amend relating to certain statements of actuarial assumptions and investment objectives, so as to allow for certain delegations to the chief investment officer, and to require the investment plan to include the final authority to invest made by the Commission;
- place certain restrictions on lobbyists and prohibit the Commission from making certain investments;
- change a trustee from the State Fiscal Accountability Authority to the Retirement System Investment Commission;
- change the custodian of the assets from the State Treasurer to the board of directors of PEBA;

*Read third time and returned to House with amendments, 3/10/17. Debate adjourned until 3/29/17.*

**H 3824 Prescription Drug Monitoring Program –Henderson, Bedingfield, Fry, Huggins, and others**

This bill would require health care practitioners to review a patient's controlled substance prescription history, as maintained in the prescription drug monitoring program, before prescribing a schedule II controlled substance, with exceptions

*Introduced, read first time, and referred to Medical, Military, Public & Municipal Affairs Committee, 2/22/17.*

**H 3829 Fitness to Stand Trial – G.R. Smith and Clary**

This bill extends the timeframe for restoring a person's competency to six months.

*Introduced, read first time, and referred to Judiciary Committee, 2/22/17.*