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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.

Senate Bills – click on the bill number for full text.	
S 55	<p>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. <i>Pre-filed 12/2016. Referred to Finance Committee, 1/10/17.</i></p>
S 77	<p>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. <i>Pre-filed 12/2016. Referred to Judiciary Committee, 1/10/17.</i></p>
S 80	<p>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. <i>Pre-filed 12/2016. Referred to General Committee, 1/10/17.</i></p>
S 180	<p>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. <i>Pre-filed 12/2016. Referred to Medical Affairs Committee, 1/10/17.</i></p>
S 778	<p>Domestic Violence – Senn and Setzler This bill relates to protections from domestic abuse, amending the definition of "household member" to include all persons who are cohabiting or formerly have cohabited. <i>Prefiled 12/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i></p>
S 805	<p>Children's Advocacy Department (similar S 794, S 795, S 797, S 798) – Shealy, Sheheen, Young, McLeod, McElveen and Climer This bill creates the Department of Children's Advocacy, to be headed by the state child advocate and composed of deputy child advocates, investigators, and other staff. The state child advocate would be responsible for ensuring that children receive adequate protection and care from services or programs offered by other child serving agencies, including DMH. The state child advocate would have authority to: perform independent investigations of critical incidents; establish a single, statewide, toll-free child abuse hotline to receive all reports of suspected child abuse or neglect. The Advocate would administer the Guardian ad Litem program, the Division for Review of the foster care of children, the Continuum of Care, and the State Child Fatality Advisory Committee, among other changes. <i>Prefiled 12/2017; introduced, read first time, and referred to General Committee, 1/09/18.</i></p>
S 940	<p>Mental Health Month – Alexander This concurrent resolution designates the month of May 2018 as "Mental Health Month" in SC, to raise awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness. <i>Introduced, referred to Medical Affairs Committee, 1/30/18.</i></p>

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

H 3112	<p>Juvenile Justice Reform Study Committee – Alexander and Robinson-Simpson This joint resolution would create a study committee (3 members of the House and 3 from the Senate) to determine the need to reform the SC Juvenile Justice System. The Committee would make recommendations to the General Assembly regarding proposed changes to state laws and to 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. <i>Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.</i></p>
H 3118	<p>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. <i>Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.</i></p>
H 3120	<p>Residential Care Facilities – Gilliard This bill makes several changes to the requirements for operating a community residential care facility, including:</p> <ul style="list-style-type: none"> • 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. <p><i>Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.</i></p>
H 3131	<p>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:</p> <ul style="list-style-type: none"> • 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; and • changing the stated purpose of the Certificate of Need program; among several other changes. <p><i>Prefiled 12/2016. Referred to Ways and Means Committee 1/10/17.</i></p>
H 3325	<p>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. <i>Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.</i></p>
H 3829	<p>Fitness to Stand Trial – G.R. Smith This bill extends the timeframe for restoring a person's competency to six months. <i>Introduced, read first time, and referred to Judiciary Committee, 2/22/17.</i></p>
H 4396	<p>Freedom of Information Act Review Office – Taylor and B. Newton, Sim. (S 99, S 481, H 3352, H 3482) This bill creates the Office of Freedom of Information Act Review within the Administrative Law Court, to provide related general functions, powers, and duties of the office and the court, among other things, to provide applicable procedures relating to equitable remedies available to the public to enforce provisions of the Act. The bill would also exempt data from video or audio recordings made by law enforcement vehicle mounted recording devices or</p>

	dashboard cameras. <i>Prefiled 11/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i>
H 4413	Central registry of vulnerable adult abuse – G.R. Smith, Henegan, Henderson-Myers and Funderburk This bill creates a central registry of vulnerable adult abuse, neglect, and exploitation, and requires the Department of Health and Environmental Control to establish and maintain a central registry of individuals who have abused, neglected, or exploited a vulnerable adult. It also requires certain state agencies and authorities to notify DHEC when there is a determination that an individual has abused, neglected, or exploited a vulnerable adult. <i>Prefiled 11/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i>
H 4529	Nurse Practice Act – G.M. Smith This bill relates to definitions in the Nurse Practice Act, to provide that advanced practice registered nurses and physician assistants may perform delegated medical acts by means of telemedicine, and to define "telemedicine". <i>Introduced, read first time, and referred to Medical, Military, Public & Municipal Affairs Committee, 1/09/18.</i>

Budget Update

The Department presented its budget requests to the Senate Finance Health and Human Services Subcommittee November 29, 2017 and to the House Ways & Means Healthcare Subcommittee January 23, 2018.

The following table shows DMH's FY19 budget request side-by-side with recommendations from the Governor's Office.

	DMH Request	Governor's Recommendation
RECURRING		
Supported Community Housing Expansion	4,452,017	-
Child and Adolescent Intensive Community and Residential Services	2,000,000	-
Public Safety Officers Recruitment/Retention	1,633,756	-
First Episode Psychosis (FEP) Programs	800,000	-
School-Based Services	250,000	250,000
Crisis Stabilization	500,000	-
Inpatient Clinical and Medical Services - Salary Adjustment	1,094,026	-
Inpatient Clinical and Medical Services - CRCF Adjustment	91,000	-
Contractual Adjustment - Inpatient Services	1,362,527	1,362,527
Sexually Violent Predators Program	512,728	512,728
Information Technology	2,274,378	-
Contract Monitoring Unit	400,000	-
Annualization - Central Office	270,000	-
Annualization - Administrative Services	300,000	-
Annualization - Other Support Areas	1,852,294	1,852,294
Long Term Care - Vaccinations	53,200	53,200
TOTAL RECURRING	17,845,926	4,030,749
NON-RECURRING		
Community Mental Health Services - Outpatient Electronic Health Record	4,500,000	-
Inpatient Medical Equipment and Vehicle Replacement	895,245	-
Record Scanning Project	500,000	-
Long-Term Care	308,282	-
TOTAL NON-RECURRING	6,203,527	-
CAPITAL		
NE Campus Electrical Distribution System Renovations	3,600,000	-
Anderson-Oconee-Pickens Mental Health Center Construction	12,430,000	-
Catawba Mental Health Center Construction	12,430,000	-
Community Buildings Deferred Maintenance	3,000,000	1,000,000
Columbia Area MHC Phase III Construction	4,000,000	-
Campbell Veterans Nursing Home Renovations	3,940,000	2,000,000
Tucker Center (Roddey Flooring, Laundry & Nurse Call Renovations)	2,000,000	-
TOTAL CAPITAL	41,400,000	3,000,000
GRAND TOTAL REQUEST	65,449,453	7,030,749