

June 30, 2015

2015-2016 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 [TLL06@scdmh.org](mailto:TLL06@scdmh.org).

## **Legislative Oversight Update**

Last year, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. Starting in 2015, the House and the Senate will each select 5-10 agencies to study. This year SC DMH has been chosen for review by the Senate.

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 the Office of Special Programs, has been appointed as the DMH liaison to the Senate staff conducting the review. During the review process, Mr. Cooner will be asking DMH staff to provide information being sought by the legislative staff.

DMH is working with the Senate and its staff to educate them about the many critical health care services the Department provides to the citizens of South Carolina, through its competent, caring, and outstanding workforce.

## **Budget Update**

The Governor issued vetoes of the FY 16 Budget Tuesday, June 30, one of which concerned DMH. The Legislature will reconvene Monday, July 6 to address the Governor's vetoes.

The table on the following page shows DMH's budget request side-by-side with recommendations for increased funding for the Department from the Governor, House of Representatives, Senate Finance Committee, and Conference Committee.

### SCDMH FY 16 Budget Request

	DMH Req.	Governor's Rec.	House Rec.	Senate Fin. Rec.	House Amended	Conf. Committee
<b>OPERATING REQUEST</b>						
Sustainability of Mental Health Services	\$6,400,000	\$3,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000
Forensics Inpatient Services	\$3,200,000	\$3,200,000	\$3,200,000	\$3,200,000	\$3,200,000	\$3,200,000
School-based Services	\$1,000,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Emergency Dept. Telepsych. Prog. Sustainability	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Information Network Security Required Improv.	\$750,000	\$250,000	-	-	-	-
Increase in Community Supportive Housing	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
<b>OPERATING REQUEST TOTAL</b>	<b>\$12,250,000</b>	<b>\$8,250,000</b>	<b>\$11,000,000</b>	<b>\$11,000,000</b>	<b>\$11,000,000</b>	<b>\$11,000,000</b>
<b>CAPITAL REQUEST</b>						
Santee-Wateree MHC Construction	\$3,347,048	-	-	-		
Anderson-Oconee-Pickens MHC Construction	\$9,592,000	-	-	-		
Catawba MHC Construction	\$10,580,000	-	-	-		
Community Buildings Deferred Maintenance	\$3,385,000	-	-	-		
Inpatient and Support Buildings Deferred Maint.	\$5,237,057	-	-	-		
Columbia Area MHC (Relocation from Bull St.)*	\$3,500,000	-	-	\$500,000	\$1	\$500,000*
Campbell VA Nursing Home Renovations	\$962,500	-	-	-		-
<b>CAPITAL REQUEST TOTAL</b>	<b>\$36,603,605</b>	<b>-</b>	<b>-</b>	<b>\$500,000</b>	<b>\$1</b>	<b>\$500,000</b>
<b>ONE-TIME FUNDING REQUEST</b>						
Replacement of Patient Transport. Vehicles*	\$349,127	\$349,127	\$349,127	\$349,127	\$349,127	\$349,127*
Inpatient Electronic Medical Record*	\$2,743,451	-	\$2,743,451	\$2,743,451	\$2,743,451	\$2,743,451*
Information Network Security Required Improv.*	\$1,045,000	\$350,000	\$250,000	\$250,000	\$250,000	\$250,000*
Facility Deferred Maintenance	-	\$2,000,000	-	-	-	-
Waccamaw MHC - Youth in Transition Prog.*	-	-	-	\$167,000	\$1	\$167,000*
<b>ONE-TIME FUNDING REQUEST TOTAL</b>	<b>\$4,137,578</b>	<b>\$2,699,127</b>	<b>\$3,342,578</b>	<b>\$3,509,578</b>	<b>\$3,342,579</b>	<b>\$3,509,578</b>
<b>DMH TOTAL REQUEST</b>	<b>\$52,991,183</b>	<b>\$10,949,127</b>	<b>\$14,342,578</b>	<b>\$15,009,578</b>	<b>\$14,342,580</b>	<b>\$15,009,578</b>
NAMI - Law Enforcement MHC*	-	-	\$250,000	\$250,000	\$250,000	\$250,000*
Community Supportive Housing (MHA/Pee Dee)*	-	-	-	\$1,800,000	\$1	\$1,800,000*
Lander Equestrian Ctr. for Mental Health Treat.*	-	-	-	-	\$300,000	\$300,000*
<b>TOTAL</b>	<b>\$52,991,183</b>	<b>\$10,949,127</b>	<b>\$14,592,578</b>	<b>\$17,059,578</b>	<b>\$14,892,581</b>	<b>\$17,359,578</b>

Source: Summary Control Document - Conference Report 06/21/15

\* Non-Recurring Proviso 118.14, funding is subject to availability and based on priority. DMH is priority #23.

**Senate Bills – Click the bill number for full text.**

**11 Notice of Meetings for Public Bodies (L. Martin, Malloy, Peeler, Courson, Campsen and Johnson)**

This bill requires each public body to provide an agenda for all regularly scheduled meetings and requires that items not be added to agendas less than 24 hours prior a meeting without a 2/3 vote of the body. **RATIFIED 6/04/15.**

**426 Mental Health Court Program Act (Sheheen)**

This bill establishes a Mental Health Court Program to divert mentally ill offenders to appropriate treatment programs rather than incarceration, set parameters for eligibility to participate in mental health court, to provide that each solicitor must establish a program, and requires that solicitors who accept state funding for the program establish it within 180 days. **RATIFIED 5/28/15.**

**250 Release of a Child's Medical Records (Shealy, Lourie and Young)**

This bill provides for the release of a child's medical records without parental consent to a South Carolina Children's Advocacy Medical Response System (CAMRS) child abuse health care provider for evaluating the child for suspected abuse or neglect; allows a access to records of indicated cases of child abuse or neglect; allows for a CAMRS to receive a summary of referrals and outcomes of cases of suspected abuse or neglect sent to a contracted service agency or program; requires that DSS share information relating to an indicated investigation of child abuse or neglect with a child's primary or specialty health care provider; and allows DSS to release a summary of allegations and the investigation outcome of unfounded cases to a CAMRS. **RATIFIED 6/04/15.**

**474 Patient's Rights (O'Dell)**

This bill adds and defines the term "Authorized Health Care Provider," allows an Authorized Health Care Provider to perform required initial examinations, and allows an Authorized Health Care Provider to authorize medications and treatment given or administered to patients in DMH facilities. **RATIFIED 5/28/15.**

**House Bills – Click the bill number for full text.**

**3191 Office of Freedom of Information Act Review (Newton, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Pope, and others.)**

This legislation creates the Office of Freedom of Information Act Review within the Administrative Law Court. *Sent to Senate, 2/19/15. Senate referred to Subcommittee: Campsen (ch), Bright, Scott, Allen, Young, 4/24/15.*

**3250 Certificate of Need Program (G.M. Smith, Clyburn, Merrill and Anthony)**

This bill provides comprehensive revisions for the Department of Health and Environmental Control's Certificate of Need Program which requires providers of health care services, such as hospitals and nursing homes, to obtain department approval for additions to, or significant expansions of, their facilities and services. The legislation includes: new provisions governing new and emerging technology for diagnosis or treatment that has not yet received approval by the federal Food and Drug Administration; elimination of State Health Plan provisions; and revisions to certificate of need review procedures. *Senate introduced, read first time, and referred to Committee on Medical Affairs (5/4/15); received Majority favorable, minority unfavorable report, 6/4/2015.*

**3374 State Aid to Subdivisions Act (Merrill and White)**

This bill revises the State Aid to Subdivisions Act by: changing the name of the Local Government Fund to the Local Government Revenue Sharing Fund; eliminating the requirement that the fund receive not less than four and one half percent of the general fund revenues of the latest completed fiscal year; eliminating a provision regarding midyear cuts, to provide that the fund must be increased by two percent if revenues are projected to increase by at least four percent; providing that the two percent increase, if applicable, be included in all stages of the budget process; revising the distribution percentage of the fund; and, eliminating a provision requiring amendments to the State Aid to Subdivisions Act be included in separate legislation. *Sent to Senate 3/05/15; Senate read first time and referred to Committee on Finance, 3/10/15.*

**3768 SC Able Savings Program (G.M. Smith and Johnson)**

This bill enacts the "South Carolina ABLE Savings Program" to establish savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts. *Senate introduced, read first time, and referred to Committee on Finance, 5/04/15.*