

February 25, 2010

2009-2010 Legislative Session

Legislative News is a publication prepared and distributed by the SCDMH Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect 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.net>.

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 Alyce McEachern in the Office of Public Affairs by email at acm83@scdmh.org, or by phone at (803) 898-8585.

Budget Update

The House Ways and Means Committee adopted its budget recommendations on Thursday, February 25, 2010. The Department received a base budget reduction of \$35.1 million (21.76%) and a one-time appropriation of \$12.5 million. Additionally, during FY 2010-11, the Department will receive its enhanced Federal Medical Assistance Percentage (FMAP – enhanced Medicaid reimbursement); this is estimated to be \$5.1 million. With the one-time appropriation and enhanced FMAP the Department's reduction is 10.8%. The House is scheduled to debate the budget the week of March 15th.

Senate Bills

S 4 South Carolina Teacher Protection Act (McConnell and others)

A bill to enact the South Carolina Teacher Protection Act by adding Section 59-25-900, so as to provide that a teacher may bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school-related event. Referred to Committee on Judiciary; passed the Senate February 10, 2009. Introduced into House and referred to Committee on Judiciary.

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S 41 Hate Crimes (Ford)

A bill to add Section 16-3-1900, to establish penalties for non-capital criminal offenses against a person that were motivated by hate. Referred to Committee on Judiciary; referred to Subcommittee.

[View full text.](#)

S 76 Discrimination (Similar to S 39, S 40, S 73, S 75) (Ford)

A bill to add Section 44-7-65 to require health care facilities to establish protocols allowing a patient to designate an individual as an authorized visitor regardless of the blood or legal relationship of the patient to the individual. Referred to Committee on Judiciary; referred to Subcommittee.

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S 109 State Health Plan Amendment (Ryberg)

A bill to add Section 8-1-195 to Chapter 1, title 8 of the 1976 Code to direct the Budget and Control Board to charge state employees who participate in the State health Plan an additional \$25.00 a month if the employee is obese. Referred to Committee on Finance; referred to Subcommittee.

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S 206 Middle Court Processes Act (Companion Bill H 3181) (L. Martin)

A bill to amend Section 24-13-100 relating to the definition of the term “No Parole Offense”, so as to revise the definition to include certain felonies and misdemeanors and to provide an exception related to the Youthful Offender Act. Referred to Committee on Judiciary; referred to Subcommittee.

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S 208 Restructuring Act (Companion Bill H 3147) (L. Martin and others)

A bill to enact the South Carolina Restructuring Act relating to the agencies of the executive branch of State Government by adding the Department of Administration as an agency of the executive branch to be headed by a director appointed by the governor upon advice and consent of the Senate, and to transfer to this newly created department certain offices and divisions of the State Budget and Control Board. Referred to Committee on Judiciary.

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S 212 Change in Retirement Benefits (Ryberg and others)

A bill relating to retirement and early retirement, calculation of benefits, survivors’ annuities, death benefits, and service purchase for purposes of the SC Retirement System, to increase from 28 to 30 years the service credit required for a non-vested member of that system, on the date this Act takes effect, to retire at any age without reduction in benefits, and to make the appropriate conforming amendments. Referred to Committee on Finance; referred to Subcommittee.

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S 242 Closure of the TERI Program (Ryberg and others)

A bill to close the Teacher and Employee Retention Incentive (TERI) Program to new participants effective July 1, 2009. Referred to Committee on Finance; referred to Subcommittee.

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S 361 Adult Abuse (Lourie and others)

A bill relating to requirements of an investigative entity upon receiving a report of adult abuse to include procedures for reporting such abuse and criminal penalties for abuse. Referred to the General Committee.

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S 416 Health Care Accessibility for Young Americans Act (Lourie and others)

A bill to enact the “Health Care Accessibility for Young Americans Act” to provide health insurance coverage under a parent’s policy for certain military personnel on termination of active duty status, among other things. Referred to Committee on Banking and Insurance; Senate read third time and sent to House on April 30; referred to Committee on Labor, Commerce and Industry.

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S 486 Commission on Disabilities and Special Needs (Peeler and others)

A bill to amend Section 44-20-210 specifically relating to the creation and responsibilities of the Department of Disabilities and Special Needs, so as to delete the provision transferring the responsibility for Autistic Services from the Department of Mental Health to the Department of Disabilities and Special Needs. Referred to Committee on Medical Affairs; read third time and sent to House Judiciary Committee. Senate introduced and referred to Committee on Judiciary.

[View full text.](#)

S 931 Sexually Violent Predators 931 (Companion Bill H 4199) (L. Martin)

A bill to amend Section 44-48-40 relating to the effective date of parole or conditional release of sexually violent predators, to provide that written notice must be given 275 days rather 100 days. Referred to Committee on Judiciary, referred to Subcommittee.

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House Bills

H 3115 Residential Care Facilities (Kirsh)

A bill to amend Section 44-7-350 relating to Community Residential Care Facilities, to provide that DHEC may not remove a resident from such a facility if the resident, the resident's family, the resident's physician, and the facility agree to the resident's continued stay and the facility is capable of providing or obtaining necessary services for the resident. Referred to Committee on Medical, Military, Public and Municipal Affairs.

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H 3147 Restructuring Act (Companion Bill S 208) (G.R. Smith and others)

A bill to enact the South Carolina Restructuring Act relating to the agencies of the executive branch of State Government by adding the Department of Administration as an agency of the executive branch to be headed by a director appointed by the governor upon advice and consent of the Senate, and to transfer to this newly created department certain offices and divisions of the State Budget and Control Board. Referred to Committee on Judiciary; read third time and sent to Senate Judiciary; referred to Subcommittee.

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H 3166 Middle Court Processes Act (Companion Bill S 206) (G.M. Smith)

A bill to amend Section 24-13-100 relating to the definition of the term "No Parole Offense", so as to revise the definition to include certain felonies and misdemeanors and to provide an exception related to the Youthful Offender Act. Referred to Committee on Judiciary.

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H 3170 Creation of the Joint Electronic Health Information Study Committee (Gunn and others)

A Joint Resolution to create the Joint Electronic Health Information Study Committee to examine the feasibility of increasing the use of health information technology and electronic personal health records. Referred to Committee on Medical, Military, Public and Municipal Affairs; read third time and sent to Senate Committee on Medical Affairs.

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H 3192 Sunset Commission (Rice and others)

A bill to add Chapter 24 to Title 1 to establish the SC Sunset Commission and a Sunset Review Division of the Legislative Audit Council, to establish procedures providing for the manner in which programs of certain agencies and departments of state government must be evaluated to determine if they should be continued, modified, or terminated. Referred to Committee on Judiciary; recalled from Committee on Judiciary on February 17, 2010.

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H 3199 Behavioral Health Services Act of 2009 (Harrison and others)

A bill to amend Section 1-30-10 relating to the departments in the executive branch of state government to add the Department of Behavioral Health Services and delete the Department of Alcohol and Other Drug Abuse Services and the Department of Mental Health and transfer them to the Department of Behavioral Health Services. Referred to Committee on Judiciary. House read third time on May 20, 2009, and sent to Senate Committee on Medical Affairs.

The Restructuring Subcommittee has recommended that the Department of Alcohol and Other Drug Abuse Services (DAODAS) and the Continuum of Care not become a part of the Behavioral Services Department, and that DMH alone become a Cabinet agency. The Full Medical Affairs Committee met on January 21, 2010, and carried over the bill for future consideration.

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H 3201 Child's Right to Counsel (Whipper)

A bill to add Section 63-19-1050 to provide that a child or the child's parent or guardian may not waive the child's right to counsel when the Family Court proceeding may result in detention or confinement of the child. Referred to Committee on Judiciary.

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H 3314 Disabilities and Special Needs Department (Harrison)

A bill specifically relating to Section 44-20-240, which states: There is created the South Carolina Department of Disabilities and Special Needs which has authority over all of the state's services and programs for the treatment and training of persons with mental retardation, related disabilities, head injuries, and spinal cord injuries. This authority does not include services delivered by other agencies of the State as prescribed by statute. The department must be comprised of a Mental Retardation Division, an Autism Division, and a Head and Spinal Cord Injuries Division. The department may be divided into additional divisions and named as may be determined by the director. Responsibility for all autistic services is transferred from the Department of Mental Health to the Department of Disabilities and Special Needs. Referred to Committee on Judiciary; read third time and sent to Senate Medical Affairs.

The Senate Medical Affairs Committee met January 21, 2010, and will report the bill out favorably with amendments. Senate committee amended and adopted.

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H 3487 State Employees Leave Transfer Program (J.E. Smith)

A bill to provide that a leave donor under the State Employees Leave Transfer Program may donate sick leave or annual leave or both to a specific leave recipient rather than to the leave pool account. Referred to Committee on Ways and Means.

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H 3532 Long-Term Care Income Tax Credit Act (T.R. Young and others)

A bill enacting the "Long-Term Care Income Tax Credit Act" by allowing a state individual income tax credit of 25 percent of the total amount of premiums paid by a taxpayer pursuant to a long-term care insurance contract, up to \$1,000 for each taxable year for each contract, to prohibit a double benefit, and to make this credit retroactive for taxable years beginning after 2007. Referred to Committee on Ways and Means.

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H 3488 Issues Affecting Veterans (J.E. Smith and others)

A Joint Resolution to establish a committee to study certain issues affecting veterans and provide for related matters including, but not limited to, committee membership and duties, filling of vacancies, committee meetings, and staffing. House read third time; introduced in the Senate; Senate read third time and enrolled for ratification January 19, 2010. House concurred in Senate amendment and enrolled for ratification February 17, 2010; signed by Governor February 24, 2010.

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H 3554 Federal Stimulus Funds (Mitchell)

A bill to provide that pursuant to the American Recovery and Reinvestment Act of 2009, the General Assembly accepts the use of Federal Stimulus Funds provided to this State in this Act if the Governor within the required 45 day period fails to certify that he will request and use these funds for this state and the agencies and entities thereof in the manner provided in the Federal Act, and to provide for the manner of distribution of these funds. Referred to Committee on Ways and Means.

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Tobacco Tax Bills - H 3584 (Harrell and others); H 3470 (Skelton); H3471 (Chalk); H 3486 (J.E. Smith)

A bill to impose a surtax on each cigarette (amount varies per Bill) and provide the crediting of the revenue from the surtax to the Smoking Prevention and Cessation Trust Fund as well as creating other Trust Funds to receive the credit. H. 3471 creates the Community Mental Health Fund for the SCDMH and provides its sources of revenue to provide for the uses of fund revenues, to provide a tax credit for an individual who maintains a qualifying health savings account. All referred to Committee on Ways and Means. House Bill 3584 passed House April 2, 2009, and sent to Senate on April 3; referred to Committee on Finance April 4; favorable with amendment on May 7.

[House 3584 - View full text.](#)

[House 3470 - View full text.](#)

[House 3471 - View full text.](#)

[House 3486 - View full text.](#)

H 4199 Sexually Violent Predators (Companion Bill S 931)) (Harrison and Kirsch)

A bill to amend Section 44-48-40 relating to the effective date of parole or conditional release of sexually violent predators, to provide that written notice must be given 275 days rather 100 days. Referred to Committee on Judiciary.

[View full text.](#)

H 4413 Licensure of In-Home Care Provider Act (Similar H 3186) (Chalk and others)

A bill to amend the Code of Laws of SC by adding Chapter 70 to Title 44 to enact the “Licensure of In-Home Care Provider Act” so as to require a business to be licensed to provide, or to make provisions for in-home care services through its employees or agents or through contractual arrangements; to provide that DHEC shall promulgate regulations for licensure. Referred to Committee on Medical, Military, Public and Municipal Affairs.

[View full text.](#)

H 4538 South Carolina Health Information Exchange Council (SCHIEX) (Crawford)

A bill to amend the Code of Laws of South Carolina by adding Chapter 140 to Title 44 so as to establish the South Carolina Health Information Exchange (SCHIEX) to establish the South Carolina Health Information Exchange (SCHIEX), to establish the South Carolina Health Information Exchange Council as the governing body of SCHIEX to oversee and govern the exchange of health-related information among health care organizations, to provide for the council’s powers and duties, and to further provide for the electronic movement of health-related information among health care organizations in the state. Referred to Committee on Labor, Commerce and Industry.

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