

March 31, 2008

2007-2008 Legislative Session

*Legislative News* is a bi-weekly 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](mailto:acm83@scdmh.org), or by phone at (803) 898-8585.

## Budget Update

The House passed the State Appropriations Act (H.4800) for FY 2008-09 on March 13, 2008. DMH received a minor base budget reduction of \$228,734 that should be offset in reduction of CIO charges for data processing and telecommunications.

On the positive side, Section 90.12 provides DMH \$5,358,317 for maintenance of effort costs, including increases in contract costs for the operation of the state's veterans' nursing homes and the forensics program, medical inflation costs, power and fuel cost inflation, computer licensing and maintenance, a community housing rate increase for Homeshare and TLC providers, and replacement of nutritional services equipment. In addition, this section provides \$100,000 for PACE Center of Mental Health America/Piedmont and Carolina Counseling and \$50,000 for Gateway House. This is one-time funding, to be received from the Department of Health and Human Services.

Additionally, Section 21.36 requires the Department of Health and Human Services to provide \$400,000 from carried-forward funds for Charleston/Dorchester Mental Health Center crisis stabilization services.

The House bill also includes proviso 23.16, authorizing DMH to work with the State Treasurer's Office to borrow up to \$24 million for use towards the construction of a new child and adolescent hospital. Approval would be subject to review of the Joint Bond Review committee and the Budget and Control Board.

The Senate Finance committee will consider this bill this week (March 31).

## Senate Bills

### **S 190 Criminal Sexual Contact with Minors (Ritchie and others)**

A bill to require the Department of Mental Health to establish a certification process for sex offender treatment providers and to provide that sex offender treatment ordered by the court or provided by the state must be provided by a certified treatment provider; and to provide that the Department of Mental Health convene a committee to study the Sexually Violent Predator Act to review and evaluate the operation and effectiveness of the Act and submit a report and recommendations to the General Assembly before January 1, 2009. [View full text.](#)  
Referred to Subcommittee on Judiciary.

**S 198 Intervention by School Officials (Ritchie and others)**

A bill relating to the offense of disturbing schools, to provide greater specificity for the types of conduct which constitute the offense and to provide for intervention by school officials prior to referring some cases to court (if a Team Intervention Committee is established, it could include someone from a DMH Community Mental Health Center).

[View full text.](#)

Referred to Subcommittee on Judiciary; favorable with amendment.

**S 353 (Companion Bill to H 3135) A Joint Resolution – Statewide Comprehensive Service Delivery System (Lourie)**

A bill to establish a study committee to develop a statewide comprehensive service delivery system for persons with epilepsy in this state and to provide for the membership, duties, and responsibilities of the study committee. Requires a representative from the Department of Mental Health to serve on the committee. [View full text.](#)

Referred to Committee on Medical Affairs.

**S 372 Rules of Conduct for State Employees (Peeler and others)**

A bill to provide that state agencies that serve as the primary host or sponsorship of an event are prohibited from obtaining sponsorships for the event, and defines specific terms. [View full text.](#)

Referred to Subcommittee on Judiciary.

**S 392 South Carolina Illegal Immigration Reform Act (Ritchie and others)**

This proposed bill will require that every public employer (such as the SCDMH) participate in the Federal Work Authorization Program to verify that those who do work for or receive benefits from these employers have a lawful presence; also, stipulates enforcement authority and penalties for not being in compliance. [View full text.](#)

Passed both bodies and a conference committee has been appointed.

**S 1011 Joint Citizens and Legislative Committee on Children (Jackson and others)**

A bill to establish a Joint Citizens and Legislative Committee on Children composed of three members of the Senate, three members of the House, three Gubernatorial appointees. The Director of the Departments of Juvenile Justice, Mental Health and Social Services would serve as non-voting, ex-officio members. The Committee would study issues related to children as determined by the Committee or as directed by the General Assembly. The Judiciary Committee amended the bill to include the superintendent of Education and director of Disabilities and Special Needs as ex-officio members; added reporting requirements; provided for per diem and mileage for committee members; and authorizes the committee to be funded via the General Appropriations Act or other sources. [View full text.](#)

Reported out favorably as amended.

**S 1168 Technical Changes and Corrections Relating to the Department of Mental Health (Peeler and Alexander)**

A bill relating to service of process on the director of hospitals; dividing DMH into divisions; patient rights grievance procedures; deleting the provision requiring a medical division to be headed by a medical doctor; and repealing the section relating to the Mental Health Commission setting the salaries of officers and employees of mental health facilities.

[View full text.](#)

Read third time in the Senate and sent to the House. Referred to Committee on Medical, Military, Public and Municipal Affairs.

**S 1174 Exemption of Homeshare Enhanced Respite Programs (Peeler and Alexander)**

A bill to exempt Homeshare enhanced respite programs designated by the Department of Mental Health under certain conditions. [View full text.](#)

Read third time in the Senate and sent to the House. Referred to Committee on Medical, Military, Public and Municipal Affairs.

## House Bills

### **H 3024 Establishing the South Carolina Sunset Commission and Sunset Review Division of the Legislative Audit Council (Rice and others)**

A bill to establish procedures providing for the manner in which the programs of certain agencies and departments of state government must be evaluated to determine if they should be continued in existence, modified, or terminated and to establish the procedures relating thereto. [View full text.](#)

Referred to Committee on Ways and Means; favorable with amendment. Read 3<sup>rd</sup> time and sent to Senate.

Referred to Subcommittee on Judiciary.

### **H 3073 Restructuring Bill of 2007 (W.D. Smith and others)**

A bill to establish the Department of Behavioral Health Services and to establish within this department the divisions of Alcohol and Other Drug Abuse Services, Continuum of Care, Disabilities and Special Needs, and Mental Health by transferring to the Department of Behavioral Health Services the operations of the Department of Alcohol and Other Drug Abuse Services, the operations of the Department of Disabilities and Special Needs, the operations of the Continuum of Care for Emotionally Disturbed Children from the Governor's Office, and the operations of the Department of Mental Health. [View full text.](#)

Referred to Committee on Ways and Means.

### **H 3120 Determination of Capacity to Stand Trial of Persons Charged with a Crime or Civil Contempt (Kirsh)**

A bill to provide a procedure to suspend and reinstate a person's driver's license or privilege to drive if the person is unable to stand trial because of a mental condition. [View full text.](#)

Referred to Committee on Judiciary.

### **H 3279 Establishing the Mobility Development Authority as a Division within the State Budget and Control Board (Scott)**

A bill to delete the Mass Transit Division. All public transportation duties, responsibilities, and funding of the State Department of Social Services, the State Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, and the State Department of Health and Human Services are devolved upon the Mobility Development Authority. [View full text.](#)

House read third time and sent to Senate. Referred to Committee on Transportation.

### **H 3376 Moving the Care and Treatment of Sexually Violent Predators from the Department of Mental Health to the Department of Corrections (Lucas and Cooper)**

A bill relating to the commitment, treatment, and periodic review of persons determined to be sexually violent predators to provide that the responsibility for the housing, control, care, and treatment of these persons is the responsibility of the Department of Corrections rather than the Department of Mental Health. [View full text.](#)

Referred to Committee on Judiciary.

### **H 3797 Licensure of Health Facilities (Chalk)**

A bill to amend Section 44-7-130, Code of Laws of South Carolina, 1976, relating to definitions used in connection with the licensure of health facilities, so as to add a definition for an "in-home care service provider"; and to amend Section 44-7-260, relating to requirements for licensure of a health facility, so as to make the licensure requirements applicable to an "in-home care service provider." [View full text.](#)

Referred to Committee on Medical, Military, Public and Municipal Affairs.

### **H 3879 Community Residential Care Facilities (Kirsh and Pinson)**

A bill to amend Section 44-7-350, Code of Laws of South Carolina, 1976, relating to community residential care facilities, so as to provide that the Department of Health and Environmental Control 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 if the facility is capable of providing or obtaining necessary services for the resident. [View full text.](#)

Referred to Committee on Medical, Military, Public and Municipal Affairs.

**H 3936 Reporting Death of Vulnerable Adults to SLED (White)**

A bill to amend Section 43-35-35, as amended, Code of Laws of South Carolina, 1976, relating to requirements for reporting deaths of vulnerable adults to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, so as to exempt reporting deaths of vulnerable adult residents in nursing homes contracted for operation by the Department of Mental Health. [View full text.](#)  
Referred to Committee on Judiciary.

**\*H 3964 Concealable Weapons Permit (Duncan and others)**

A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 23-31-250 so as to provide that a person who possesses a concealable weapons permit may carry a concealable weapon on his person while on the premises or property of a public educational institution. [View full text.](#)  
Referred to Committee on Judiciary. An amendment was introduced in the House Criminal Laws Subcommittee on 5/16/07 by adding, in part: *Section 23-21-245. Notwithstanding another provision of law, if a person is involuntarily committed to the Department of Mental Health pursuant to Chapter 17 of Title 44, documents concerning the involuntary commitment filed with any department or division of the State, must be transmitted to SLED to be utilized by SLED when determining, pursuant to federal law or any other provision of law, whether a person is qualified to obtain a concealable weapons permit.* [View full text.](#)  
House recommitted to Committee on Judiciary.

**H 4059 Optional Alcohol Exclusion Provision (Gullick)**

A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 3-71-380 so as to provide that the optional alcohol exclusion provision contained in certain insurance policies that require the replication of exact language as provided in Section 38-71-370 does not apply to a medical expense policy, and to define medical expense policy. [View full text.](#)  
Referred to Committee on Labor, Commerce and Industry.

**H4400 Illegal Aliens and Public Employment (Harrell and others)**

A bill to amend the Code of Laws of South Carolina, 1976, by adding Article 13 to Chapter 11 of Title 9, relating to illegal aliens and public employment. Would require SLED to sign an agreement with the Department of Homeland Security that would allow its agents to carry out federal immigration laws. [View full text.](#)  
Passed House and referred to Senate Subcommittee on Judiciary.

**H 4737 Restructuring of the Department of Mental Health (Harrison)**

A bill to restructure the Department of Mental Health into a Cabinet agency. This bill would provide that the director be appointed by the Governor and the Mental Health Commission would become advisory in nature. The Commission would consist of seven members appointed by the Governor with the advice and consent of the Senate. [View full text.](#)  
Referred to Committee on Judiciary.