

June 7, 2019

2019-2020 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 bill text 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.

Bills that did not cross chambers by April 10 were removed from *Legislative News* but will be included in the 2020 editions.

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

S 132 PA Act of 2019 – Davis, Nicholson, Hutto, M.B. Matthews, Kimpson, Alexander and Scott

This bill would amend several statutes to provide that physician assistants may be considered primary care providers or mental health providers when practicing in the medical specialties requiring physicians to be primary care providers or mental health providers. Further, it would clarify the effect on related working relationships and scopes of practice, among other things.

Signed by Governor 5/13/19; effective 90 days after signature.

S 303 Mental Health Transport – Kimpson, Shealy, Fanning, Davis

This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a “therapeutic transport unit” and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual’s care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport.

Crossed to the House 4/09/19. Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 4/10/19.

S 303 received a favorable recommendation with an amendment in the Medical, Military, Public and Municipal Affairs House Subcommittee. The full “3-M” Committee voted to adjourn debate on the bill 4/30/19, given the number of amendments and the complexity of the issues raised by various speakers at the subcommittee hearing. It appears that S 303 may have stalled in the House; the Bill did not move further during the 2019 legislative session.

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

H 3438 Division of Veterans Affairs – Pitts, McCravy, B. Cox, Huggins, Cobb-Hunter, Hixon, W. Cox, Taylor, Davis, Caskey & Mace

This bill creates a Division of Veterans Affairs to the Executive branch of State Government, the director of which would be appointed by the Governor and confirmed by the General Assembly. It would create the Division’s powers, duties, and functions, which would include cooperation with other governmental units, such as cities and counties, or federal agencies concerned with participation in related federal grants-in-aid programs. The bill would further require the Department to submit a written report describing nursing homes, the number of residents received by and discharged from those homes during the preceding year, occupancy rates, staffing, receipts and expenditures, etc., to the Governor annually.

Ratified 4/25/19, signed by the Governor 4/26/19. Effective July 1, 2019.

H 3602 Patient Consent – Rose and Caskey

This bill relates to individuals who may make healthcare decisions for patients who are unable to consent, adding the category of “a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes.”

Signed by Governor 5/24/19; effective upon signature.

Legislative Oversight Update

In 2014, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. The Senate selected SCDMH for review in 2015, issuing its final report in March of 2016. In 2018, the House of Representatives selected SCDMH for study.

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 Special Programs and Telepsychiatry, will serve as the SCDMH liaison to the House staff conducting the Study, and employees throughout the Agency will work with him to provide information sought by the legislative staff.

Thus far, SCDMH has provided extensive written background information to the House Legislative Oversight Committee (LOC), as requested. The full LOC took comments from the public at a hearing on January 14, 2019, wherein several advocates provided positive feedback about SCDMH. This testimony and all future hearings is available for viewing at the following URL:

www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php

In February, the review began before a four-member sub-committee; SCDMH staff provided in-depth presentations about the Agency’s history and operations. Director Binkley gave an interesting and informative overview of the Agency, its history, and the evolution of mental health care. In subsequent hearings, leadership from the divisions of Inpatient Services and Community Mental Health Services have presented detailed information on SCDMH facilities, programs, and services, which has been well received by the Committee and staff. To date, there have been seven sub-committee hearings, the next of which is scheduled for Thursday, June 20.

Future *Legislative News* editions will include updates on the progress of the Study until its completion.

