

From: Bryan Kost <kostbr@scdhhs.gov>
To: Baker, JoshJoshBaker@gov.sc.gov
Soura, ChristianChristianSoura@gov.sc.gov
Date: 12/11/2012 5:26:44 PM
Subject: FW: House Pre-filed Bills

Bryan Kost
Deputy Chief of Staff
SCDHHS
803.429.3201 - cell
803.898.2865 - desk

From: Bryan Kost
Sent: Tuesday, December 11, 2012 5:26 PM
To: Jennifer Lynch; Anthony Keck; Deirdra Singleton; Melanie Giese; John Supra; Ruth Johnson; Roy Hess; SAM WALDREP; Byron Roberts
Cc: Kim Cox; Jan Polatty; brooke bailey; joshelyn james
Subject: RE: House Pre-filed Bills

151 bills introduced on this first day (of four) prefile days. Yikes.

Didn't see one about the Medicaid expansion.

Jenny will get them into the machine, but here's a quick look at a few of interest:

[H. 3017 \(Word version\)](#) -- Rep. Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-275 SO AS TO PROVIDE THAT IF THE BOARD OF ECONOMIC ADVISORS ADJUSTS ITS FORECAST FOR THE NEXT FISCAL YEAR AFTER THE HOUSE OF REPRESENTATIVES GIVES THIRD READING TO THE ANNUAL GENERAL APPROPRIATIONS ACT, ANY INCREASE IN PROJECTED REVENUE ONLY MAY BE APPROPRIATED TO THE STATE NON-FEDERAL AID HIGHWAY FUND.

[H. 3028 \(Word version\)](#) -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-240 SO AS TO CREATE THE IDENTITY THEFT PROTECTION FUND TO PROVIDE IDENTITY THEFT PROTECTION FOR CERTAIN TAXPAYERS, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT NECESSARY TO THE FUND FOR THE NEXT FIVE FISCAL YEARS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

[H. 3054 \(Word version\)](#) -- Rep. G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BEHAVIORAL HEALTH SERVICES ACT OF 2013" BY ADDING CHAPTER 12 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES, TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES ADVISORY COMMITTEE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ADVISORY COMMITTEE AND FOR THE MEMBERSHIP OF THE ADVISORY COMMITTEE, TO AUTHORIZE THE NEWLY CREATED DEPARTMENT TO PROMULGATE REGULATIONS, AND TO PROVIDE FOR THE DEPARTMENT'S ADMINISTRATIVE POWERS; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND MAKE CONFORMING CHANGES; BY ADDING SECTION 1-30-68 SO AS TO TRANSFER ALL NECESSARY ENTITIES FROM THE DEPARTMENT OF ALCOHOL AND DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT

OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 9, TITLE 44, RELATING TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES AND TO THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO RESTRUCTURE THE MENTAL HEALTH COMMISSION INTO AN ADVISORY BOARD; AND TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION.

[H. 3096 \(Word version\)](#) -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE HEALTH CARE FREEDOM ACT" BY ADDING SECTION 38-71-285 SO AS TO NOT ELECT TO ESTABLISH OR OPERATE AN AMERICAN HEALTH BENEFIT EXCHANGE AS PROVIDED FOR IN THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT" OF 2010.

[H. 3098 \(Word version\)](#) -- Rep. Spires: A BILL TO AMEND SECTION 44-81-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF LONG-TERM CARE FACILITY RESIDENTS, SO AS TO REQUIRE A RESIDENT OR HIS REPRESENTATIVE TO PROVIDE THE ADMINISTRATOR OF THE FACILITY CERTAIN NOTICE OF THE INTENT OF THE RESIDENT TO VOLUNTARILY RELOCATE TO ANOTHER FACILITY, AND TO PROVIDE THE FACILITY MAY CHARGE THE RESIDENT THE EQUIVALENT OF THIRTY DAYS OCCUPANCY FOR FAILURE TO GIVE THIS NOTICE.

[H. 3101 \(Word version\)](#) -- Rep. Chumley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT" BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO RENDER NULL AND VOID CERTAIN UNCONSTITUTIONAL LAWS ENACTED BY THE CONGRESS OF THE UNITED STATES TAKING CONTROL OVER THE HEALTH INSURANCE INDUSTRY AND MANDATING THAT INDIVIDUALS PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT CERTAIN INDIVIDUALS FROM ENFORCING OR ATTEMPTING TO ENFORCE SUCH UNCONSTITUTIONAL LAWS; AND TO ESTABLISH CRIMINAL PENALTIES AND CIVIL LIABILITY FOR VIOLATING THIS ARTICLE.

[H. 3126 \(Word version\)](#) -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-1-310 SO AS TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO IMPLEMENT AUTOMATED PAYMENT, DETECTION, AND RECOVERY PROCEDURES TO ENSURE THAT MEDICAID IS BILLED FOR ELIGIBLE CORRECTIONAL INPATIENT HOSPITAL AND HEALTH CARE PROFESSIONAL SERVICES; TO REQUIRE THE DEPARTMENT TO IMPLEMENT CERTAIN TECHNOLOGY TO IMPROVE HEALTH CARE CLAIM ACCURACY, TO PREVENT AND IDENTIFY ERRORS IN OVERBILLING, AND TO RECOVER VALID CLAIM OVERPAYMENTS; TO REQUIRE THE DEPARTMENT TO CONTRACT FOR SERVICES TO PERFORM THE REQUIREMENTS OF THIS ACT; AND TO PROVIDE THAT SAVINGS GENERATED BY THIS ACT MUST BE USED, TO THE EXTENT POSSIBLE, TO SECURE THE TECHNOLOGY SERVICES USED IN CARRYING OUT THE REQUIREMENTS OF THIS ACT.

[H. 3142 \(Word version\)](#) -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-35-14 SO AS TO PROVIDE THAT A FACILITY CONSIDERING THE ADMITTANCE OF A PERSON AS A RESIDENT OF THE FACILITY SHALL DETERMINE WHETHER THE PERSON IS A REGISTERED SEX OFFENDER BY FOLLOWING CERTAIN PROCEDURES, AND THAT IF THE FACILITY DETERMINES THE PERSON IS A REGISTERED SEX OFFENDER IT MUST PROVIDE CERTAIN NOTICE TO THE OTHER RESIDENTS OF THE FACILITY OR, IF APPLICABLE, THEIR LEGAL GUARDIANS, AND THAT FAILURE TO COMPLY WITH EITHER OF THESE REQUIREMENTS CONSTITUTES A KNOWING AND WILFUL NEGLECT OF THE SAFETY OF THE VULNERABLE ADULTS RESIDING IN THE FACILITY; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS RELATING TO THE PROTECTION OF VULNERABLE ADULTS, SO AS TO INCLUDE A PENALTY FOR A VIOLATION OF THE REQUIREMENTS OF SECTION 43-35-14.

[H. 3151 \(Word version\)](#) -- Rep. Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 71, TITLE 38 SO AS TO ENACT THE "PHARMACY PATIENT PROTECTION ACT", TO PROVIDE FOR

THE LICENSURE AND REGISTRATION OF PHARMACY BENEFIT MANAGERS, PROVIDE FOR THE REQUIREMENTS OF A CERTIFICATE OF REGISTRATION, AND PROVIDE FOR THE CONDITIONS UNDER WHICH A PRESCRIPTION BENEFITS MANAGER SHALL OPERATE; TO REQUIRE CERTAIN FINANCIAL AND UTILIZATION INFORMATION BE MADE AVAILABLE FOR REVIEW; TO PROVIDE REQUIREMENTS FOR RECORD KEEPING; TO PROVIDE FOR PRICING GUIDELINES THAT MUST BE USED; TO PROVIDE THAT A PHARMACY BENEFITS MANAGER MAY NOT DISCRIMINATE WHEN CONTRACTING WITH PHARMACIES ON THE BASIS OF COPAYMENTS OR DAYS OF SUPPLY; AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO MAKE RULES AND PROMULGATE REGULATIONS TO IMPLEMENT THIS ARTICLE.

... plus several more related to either elections integrity or the latest breach issue.

... oh, and then there's this one:

[H. 3049 \(Word version\)](#) -- Rep. G. M. Smith: A BILL TO AMEND SECTION 16-17-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COCKFIGHTING, SO AS TO INCREASE THE PENALTIES FOR THE OFFENSE.

Bryan Kost
Deputy Chief of Staff
SCDHHS
803.429.3201 - cell
803.898.2865 - desk

From: Jennifer Lynch
Sent: Tuesday, December 11, 2012 5:05 PM
To: Anthony Keck; Deirdra Singleton; Melanie Giese; John Supra; Ruth Johnson; Roy Hess; SAM WALDREP
Cc: Bryan Kost
Subject: House Pre-filed Bills

Today was the first pre-file day and they just posted the bills: <http://www.scstatehouse.gov/html-pages/pref13h1.htm> We'll look through it and get bill summaries for those that affect us.

Jenny Lynch
Legislative Affairs
SC Department of Health and Human Services
Office: (803) 898-3965
Cell: (803) 351-5673
Fax: (803) 255-8235

Confidentiality Note

This message is intended for the use of the person or entity to which it is addressed and may contain information, including health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED.

If you have received this in error, please notify us immediately and destroy the related message.