

February 6, 2014

2013-2014 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) 898-8581 [TLL06@scdmh.org](mailto:TLL06@scdmh.org).

## Budget Update

Governor Haley released her State budget recommendations January 14th. The following shows DMH's request side-by-side with the Governor's recommendations for increased funding for the Department.

	DMH Budget Request	Governor's Rec.
<b>OPERATING REQUEST</b>		
Sustainability of Mental Health Services	\$ 16,900,000	\$ 5,000,000
Forensics Inpatient Services	\$ 2,800,000	\$ 1,450,000
School Based Services	\$ 1,000,000	\$ -
Assessment and Resource Center (ARC)	\$ 200,000	\$ 200,000
Community Supportive Housing Placement	\$ 1,500,000	\$ 800,000
Center-to-Center Telepsychiatry	\$ 250,000	\$ 250,000
Crisis Services	\$ 300,000	\$ 300,000
Telepsychiatry Program Sustainability	\$ 500,000	\$ 500,000
Sexually Violent Predator Treatment Program	\$ 1,000,000	\$ 600,000
Information Network Security Improvements	\$ 250,000	\$ -
<b>OPERATING REQUEST TOTAL</b>	<b>\$ 24,700,000</b>	<b>\$ 9,100,000</b>
<b>CAPITAL REQUEST</b>		
Santee-Wateree MHC Construction	\$ 9,856,000	\$ -
Anderson-Oconee-Pickens MHC Construction	\$ 9,592,000	\$ -
Catawba MHC Construction	\$ 10,580,000	\$ -
Community Buildings Deferred Maintenance	\$ 3,663,630	\$ 500,000
Harris HVAC Renovations	\$ 8,100,000	\$ -
Inpatient and Support Buildings Deferred Maint.	\$ 7,564,000	\$ 1,000,000
Columbia Area MHC Construction	\$ 2,500,000	\$ -
Campbell VA Nursing Home Renovations	\$ 962,500	\$ -
<b>CAPITAL REQUEST TOTAL</b>	<b>\$ 52,818,130</b>	<b>\$ 1,500,000</b>
<b>ONE-TIME FUNDING REQUEST</b>		
Physical Plant Replacement of Vehicles	\$ 694,114	\$ -
Inpatient Electronic Medical Record	\$ 4,905,000	\$ -
Pharmaceutical Automated Dispensing Machine	\$ 1,000,000	\$ 1,000,000
Law Enforcement Vehicles	\$ 176,407	\$ -
<b>ONE-TIME FUNDING REQUEST TOTAL</b>	<b>\$ 6,775,521</b>	<b>\$ 1,000,000</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$ 84,293,651</b>	<b>\$ 11,600,000</b>

The state director presented the Department's budget requests to a sub-committee of the House Ways & Means committee at a legislative hearing Wednesday, January 15th. The agency's request was well received by the sub-committee. However, there are numerous other competing requests for funding from other State agencies, as well as K-12 and higher education.

With respect to the Department's request for additional funds for "Information Network Security Improvements," because of additional standards and recommendations for State agencies promulgated over the past few months by the Division of State Information Technology (DSIT) and Deloitte Touche, LLP – the State's contractor hired to advise the State on improved information security measures – the Department's request is in the process of being increased from \$250,000 recurring, to \$728,000 recurring, with a further request for \$1,928,000 in one-time funds. This increase was discussed during the committee hearing.

## **Senate Bills (with companion House bills) – Click the bill number to view full text.**

### **249 School Resource Officers (Setzler, Courson, Malloy, Fair, Lourie, Matthews, Jackson, Johnson, McGill, Rankin, Campsen, Williams, Nicholson, McElveen and L. Martin)**

This bill would require, beginning with the 2013-2014 appropriations act and each year thereafter, the General Assembly to appropriate funds to employ at least one school resource officer in every school of every public school district in the state

*Referred to Finance Committee, 1/16/13.*

### **290 Telemedicine Insurance Reimbursement Act**

#### **H 3779**

This bill provides definitions and requires coverage of telemedicine services by the state public employee benefit program. It also would establish the Telemedicine Advisory Council.

*S290 – Passed the Senate, 4/23/13; House referred to Committee on Labor, Commerce and Industry, 4/24/13.*

*H3779 – Referred to Committee on Labor, Commerce and Industry, 3/7/13.*

### **662 Long Term Care Facilities (Thurmond)**

This bill would authorize electronic monitoring of long-term care facility residents' rooms under certain conditions.

*Referred to Medical Affairs Committee, 4/30/13.*

### **695 Mental Health Services (Campbell, Hutto, Peeler, Gregory, Hembree and Bennett)**

#### **H 4260**

This bill would provide exemptions for a change in the existing bed complement of a general hospital, through the addition of one or more beds to be used exclusively for mental health services, or change in the classification of licensure of one or more general hospital beds to beds to be used exclusively for mental health services.

*S695 Referred to Committee on Medical Affairs, 5/14/13.*

*H4260 Referred to Committee on Medical, Military, Public and Municipal Affairs, 5/30/13.*

### **764 Vulnerable Adult Guardian Ad Litem Program (Alexander, Cromer and Malloy)**

#### **H 4349**

This bill would create a Vulnerable Adult Guardian ad Litem program within the Office on Aging to recruit, train, and supervise volunteers to serve as court appointed guardians ad litem for vulnerable adults in abuse, neglect, and exploitation proceedings.

*S764 Referred to the General Committee, 6/04/13.*

*H 4349 Referred to Judiciary Committee, 1/14/14.*

**845 Certificate of need program (Lourie)**

This joint resolution would require DHEC to expend funds among appropriated revenues to operate and administer the Certificate of Need program.

*Referred to Committee on Medical Affairs, 1/14/14.*

**853 Tort Claims (Coleman and Hutto)**

This bill would amend the South Carolina Tort Claims Act by deleting the per occurrence cap of \$600,000 and the one \$1,200,000 per occurrence cap for any tort caused by a licensed physician or dentist employed by a governmental entity.

*Referred to Committee on Judiciary, 1/14/14.*

**864 Children's Advocacy Medical Response System Act (L. Martin, Lourie and Shealy)**

**H 4347**

These bills would create the South Carolina Children's Advocacy Medical Response System, which will provide coordination and medical service resources statewide to agencies and entities that respond to victims of child abuse and neglect.

*S864 Referred to Judiciary Subcommittee: Coleman (ch), Shealy, Turner, 1/22/14.*

*H4347 Referred to Judiciary Committee, 1/14/14.*

**872 Joint Citizens and Legislative Committee on Children (Fair, Hutto, Jackson and L. Martin)**

This bill would make the Joint Citizens and Legislative Committee on Children a permanent joint committee.

*Referred to Judiciary Subcommittee: Coleman (ch), Shealy, Turner, 1/22/14.*

**House Bills – Click the bill number to view full text.**

**3024 Child abuse (McCoy, Henderson and Long)**

This legislation requires any person in this state to report suspected child abuse or neglect.

*Referred to Judiciary Committee, 5/28/13.*

**3054 Behavioral Health Services Act Of 2013 (Rep. G. R. Smith)**

The legislation enacts the "Behavioral Health Services Act of 2013." It eliminates the Department of Alcohol and Other Drug Abuse Services and the Department of Mental Health and consolidates their powers and duties within a newly-created Department of Behavioral Health Services, which is charged with developing and implementing a plan for the coordinated care and unified delivery of behavioral health services.

*Referred to Committee on Judiciary 1/8/13.*

**3098 Long-Term Care Facilities (Spires)**

This bill requires the resident of a community residential care facility to provide the facility administrator written notice of the resident's intent to voluntarily relocate to another community residential care facility. The written notice must be given not less than thirty days before the resident relocates. The facility administrator may charge the equivalent of thirty days occupancy for failure to give this notice.

*Referred to Medical Affairs Committee, 5/15/13.*

**3103 Physician's Patient Records Act (Crosby, Daning and M.S. McLeod)**

This bill requires a physician, upon the written request of a patient or a patient's representative, to transmit the patient's medical record to a hospital where the patient has been, or is scheduled to be, hospitalized. The physician is also must transmit a summary of the treatment the physician rendered on a form developed and published by the DHEC.

*Referred to Committee on Medical, Military, Public and Municipal Affairs 1/8/13.*

**3124 Protections for Reporting Child Abuse or Neglect (Bingham, Taylor, Long and M.S. McLeod)**

This legislation provides a civil cause of action for reinstatement and back pay against any employer who dismisses, demotes, suspends, or otherwise disciplines or discriminates against an employee for reporting child abuse or neglect.

*Referred to Committee on Judiciary 5/01/13.*

**3142 Sex Offenders and Procedures for Admittance as a Resident to a Facility (Rutherford and M.S. McLeod)**

This legislation provides 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. 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. Failure to comply with either of these requirements constitutes a knowing and willful neglect of the safety of the vulnerable adults residing in the facility.

*Referred to Committee on Judiciary 1/8/13.*

**3163 Freedom of Information Act (Taylor, G.R. Smith and Long)**

This bill revises the Freedom of Information Act (FOIA), which establishes an individual's rights to inspect or obtain copies of public records and other government documents. The changes would include: provisions for the electronic transmission and online posting of public records; making available documents from meetings during the previous six-month period; revising the required timeline for complying with a FOIA to no later than 30 calendar days from the date of the original request (or 45 days in some cases). The legislation also revises the fees that a public body is allowed to charge for complying with FOIA requests by: disallowing copy charges for records that are stored or transmitted in an electronic format; capping fees at the prevailing commercial rate for producing copies; and, prohibiting a public body from charging for staff time associated with gathering or reproducing the records. The legislation allows a deposit of up to 25% of the total cost for reproduction of the records to be required prior to the public body searching for or making copies of records. A citizen of this state may apply to the appropriate magistrate court for specific enforcement of a request if the public body from which the records are requested fails to comply with the time limits.

*Referred to Committee on Judiciary 1/08/13, received favorable committee report with amendment 2/27/13.*

*Recommitted to Committee on Judiciary 3/20/13.*

**3166 Medicaid Eligibility as Provided by the Federal Patient Protection and Affordable Care Act (Sellers, R.L. Brown and M.S. McLeod)**

This bill provides that, beginning January 1, 2014, an adult 65 years of age or younger whose income is at or below 138% of the federal poverty level is eligible for Medicaid as provided for in the federal Patient Protection and Affordable Care Act and its amendments.

*Referred to Committee on Ways and Means 1/8/13.*

**3167 Participation by South Carolina in a Medicaid Expansion (Sellers, R.L. Brown and M.S. McLeod)**

This concurrent resolution declares that participation by the state of South Carolina in Medicaid expansion as provided by the federal Patient Protection and Affordable Care Act is necessary to the state's economic growth and welfare and to the health, wellbeing, and livelihood of hundreds of thousands of South Carolinians.

*Referred to Committee on Ways and Means 1/8/13.*

**3320 Nursing Homes (Hart)**

This bill requires a nursing home to obtain and carry a liability insurance policy in the amount of at least one hundred thousand dollars.

*Referred to Committee on Medical, Military, Public and Municipal Affairs 1/15/13.*

**3365 Mental Health Counseling (Govan, Jefferson and Williams)**

This bill was amended to provide for a school safety task force to study and make recommendations for the provision of mental health services in schools.

*Passed the House, 1/16/14; and referred to the Senate Committee on Education, 1/21/14.*

**3371 Mandatory Reporting of Child Abuse and Neglect (Clemmons)**

This legislation provides that a person required to report child abuse or neglect must make the report by telephone or otherwise to the county Department of Social Services or to a law enforcement agency in the county where the child resides or is found. The legislation further provides that a person required to report must make the report within 24 hours or the next working day after receiving the information that gives the person reason to believe that a child has been or may be abused or neglected.

*Referred to Committee on Judiciary, 1/22/13.*

**3413 Medicaid Coverage Requirements (Bales)**

This bill provides that, beginning January 1, 2014 through December 31, 2016, the Department of Health and Human Services shall provide Medicaid coverage to: (1) non-pregnant, childless adults ages nineteen up to sixty five years with income up to one hundred thirty eight percent of the federal poverty level (with five percent income disregard); (2) individuals who are aged, blind, or disabled with income up to one hundred thirty eight percent of the federal poverty level (with five percent income disregard); and (3) low income families with income up to one hundred thirty-eight percent of the federal poverty level (with five percent income disregard).

*Referred to Committee on Ways and Means, 1/23/13.*

**3416 Patient Firearm Ownership (Putnam, Pitts, H.A. Crawford, Kennedy, Southard, McCoy, Allison, Loftis, Gambrell, G.R. Smith, J.R. Smith, Taylor, Rivers, Erickson, Hamilton, Hardee, Toole, Hiott, Limehouse, Bannister, and others)**

This legislation prohibits a health care provider from asking a patient about firearm ownership or possession of a firearm or the presence of firearms in the patient's home. However, this provision does not apply if the health care provider is: (1) treating a patient with a gunshot wound or an injury related to the use or discharge of a firearm; (2) treating a patient for a mental health or psychiatric disorder; or (3) required by law to report adult abuse and neglect or child abuse and neglect and information concerning firearms in the home or in possession of the patient is integral to the report.

*Referred to Committee on Judiciary, 1/24/13.*

**3475 State Agency Fees (Erickson, Newton, Patrick, Bowen, McCoy, Atwater, Huggins, Herbkersman, Simrill, Cole, Felder, Forrester, Gambrell, Henderson, Loftis, Long, Merrill, Nanney, Owens, Pitts, Pope, Riley, Tallon, Thayer, Toole and White)**

This joint resolution would prohibit any state agency, department, or entity from administratively increasing or implementing a fee, civil penalty or fine without the specific approval of the General Assembly by concurrent resolution on a recorded roll call vote, among other things.

*Referred to Judiciary Committee, 1/31/13.*

**3567 Mental Health Treatment for Children (Horne)**

This bill adds the term "young adults" in the definition of children and adolescents who are in need of mental health treatment in a residential facility. The bill also increases the eligibility age from under 18 to under 21.

*Passed the House, 5/01/13; Senate referred to the Committee on Medical Affairs, 5/02/13.*

**3601 School Protection Officer Act (Barfield, Clemmons, Hardee, Cobb-Hunter, Ott, Bingham, Norman, Pitts and White)**

This legislation enacts the "School Protection Officer Act." The term "school protection officer" means a person certified as a Class 4 officer by the Law Enforcement Training Council and intended to provide armed protection and other specific public safety and first responder functions to public school children and employees. The legislation provides that the Law Enforcement Council must develop guidelines for related training that must be offered by the Criminal Justice Academy.

*Referred to Committee on Education and Public Works, 2/21/13.*

**3776 Evaluation of a Person to Determine Whether He is a Sexually Violent Predator (Quinn)**

This bill involves the procedure to evaluate a person to determine whether he is a sexually violent predator, and provides that the court may require the person to complete certain procedures or tests if requested by the expert conducting the evaluation.

*Introduced, read first time, and referred to Committee on Judiciary 3/07/13.*

**4094 Freedom of Information Act (Rivers, Pope, Stavrinakis, G.M. Smith, McCoy, Kennedy, Bernstein, Horne, Rutherford, Sabb, Munnerlyn, Brannon, Bannister, Clemmons, Delleney, Hamilton, Long, J.E. Smith and Whipper)**

This bill would exempt from the freedom of information act certain information, including a residential address, date of birth, social security number, telephone number, photograph, name of a spouse or name of a child, if applicable, or address or telephone number of the daycare or K-12 school of a child, if applicable, of any active or former employee or member of the Judiciary, Law Enforcement officer, director or employee of certain state agencies, guardian ad litem, prosecutor, public defender, or appellate defender in this state.

*Referred to Judiciary Committee, 5/02/13.*

**4409 Department of Child and Family Services Act (Horne and Allison)**

This bill creates a Department of Child and Family Services and transfers certain powers and duties of the DSS, DJJ, DMH's Division of Children, Adolescents, and Families, and the Continuum of Care for Emotionally Disturbed Children to the Department. It also creates the Council on Children and the division of Child Mental Health within the Department of Child and Family Services.

*Referred to Judiciary Committee, 1/14/14.*

**4550 Long Term Health Care Administrators (Parks)**

This bill would amend the law relating to long term health care administrators, including revisions to their licensure criteria (education and training) and prohibiting a person from serving as a nursing home or residential care facility administrator without a license.

*Referred to Committee on Medical, Military, Public and Municipal Affairs, 1/23/14.*