

February 25, 2015

2015-2016 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 or [TLL06@scdmh.org](mailto:TLL06@scdmh.org).

## Budget Update

The State Director presented the Department's budget requests to a sub-committee of the Senate Finance Committee at a legislative hearing Wednesday, February 25. The presentation was well received by the Committee. The following table shows DMH's Budget request side-by-side with recommendations for increased funding for the Department from the Governor, and House Ways & Means Committee.

| SCDMH FY 2016 Budget Comparison                     |                     |                     |                       |
|---|---------------------|---------------------|-----------------------|
|   | DMH<br>Budget Req.  | Governor's<br>Rec.  | Ways & Means<br>Rec.* |
| <b>OPERATING REQUEST</b>                            |                     |                     |                       |
| Sustainability of Mental Health Services            | \$ 6,400,000        | \$ 3,400,000        | \$ 6,400,000          |
| Forensics Inpatient Services                        | \$ 3,200,000        | \$ 3,200,000        | \$ 3,200,000          |
| School Based Services                               | \$ 1,000,000        | \$ 500,000          | \$ 500,000            |
| Emergency Dept. Telepsychiatry Prog. Sustainability | \$ 500,000          | \$ 500,000          | \$ 500,000            |
| Information Network Security Required Improvements  | \$ 750,000          | \$ 250,000          | \$ -                  |
| Increase in Community Supportive Housing            | \$ 400,000          | \$ 400,000          | \$ 400,000            |
| <b>OPERATING REQUEST TOTAL</b>                      | <b>\$12,250,000</b> | <b>\$ 8,250,000</b> | <b>\$ 11,000,000</b>  |
| <b>CAPITAL REQUEST</b>                              |                     |                     |                       |
| Santee-Wateree MHC Construction                     | \$ 3,347,048        | \$ -                | \$ -                  |
| Anderson-Oconee-Pickens MHC Construction            | \$ 9,592,000        | \$ -                | \$ -                  |
| Catawba MHC Construction                            | \$10,580,000        | \$ -                | \$ -                  |
| Community Buildings Deferred Maintenance            | \$ 3,385,000        | \$ -                | \$ -                  |
| Inpatient and Support Buildings Deferred Maint.     | \$ 5,237,057        | \$ -                | \$ -                  |
| Columbia Area MHC Construction                      | \$ 3,500,000        | \$ -                | \$ -                  |
| Campbell VA Nursing Home Renovations                | \$ 962,500          | \$ -                | \$ -                  |
| <b>CAPITAL REQUEST TOTAL</b>                        | <b>\$36,603,605</b> | <b>\$ -</b>         | <b>\$ -</b>           |
| <b>ONE-TIME FUNDING REQUEST</b>                     |                     |                     |                       |
| Physical Plant Replacement of Vehicles              | \$ 349,127          | \$ 349,127          | \$ 349,127            |
| Inpatient Electronic Medical Record                 | \$ 2,743,451        | \$ -                | \$ 2,743,451          |
| Information Network Security Improvements           | \$ 1,045,000        | \$ 350,000          | **\$ 250,000          |
| Facility Deferred Maintenance                       | \$ -                | \$ 2,000,000        | \$ -                  |
| <b>ONE-TIME FUNDING REQUEST TOTAL</b>               | <b>\$ 4,137,578</b> | <b>\$ 2,699,127</b> | <b>\$ 3,342,578</b>   |
| <b>GRAND TOTAL REQUEST</b>                          | <b>\$52,991,183</b> | <b>\$10,949,127</b> | <b>\$14,342,578</b>   |

\* Ways & Means data may be subject to change.

\*\* Subject to availability and based on priority.

## **Legislative Oversight Update**

Last year, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. Starting in 2015, the House and the Senate will each select 5-10 agencies to study. This year SC DMH has been chosen for review by the Senate.

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 the Office of Special Programs, has been appointed as the DMH liaison to the Senate staff conducting the review. During the review process, Mr. Cooner will be asking DMH staff to provide information being sought by the legislative staff.

DMH is working with the Senate and its staff to educate them about the many critical health care services the Department provides to the citizens of South Carolina, through its competent, caring, and outstanding workforce.

**Senate Bills (with companion House bills) – click the bill number for full text.**

### **11 Notice of Meetings for Public Bodies (L. Martin, Malloy, Peeler, Courson, Campsen and Johnson)**

#### **H 3192 (Similar)**

This bill requires each public body to provide an agenda for all regularly scheduled meetings and requires that items not be added to agendas less than 24 hours prior a meeting without a 2/3 vote of the body.

*S 11 Sent to House, 2/03/15. House introduced, read first time and referred to Committee on Judiciary, 2/04/15.*

*H 3192 Sent to Senate, introduced, read first time, and referred to Committee on Judiciary 2/18/15.*

### **208 Annual State Budget (Sheheen)**

This bill sets forth the format to be used in the Governor's annual state budget recommendation and the reports of the House Committee on Ways and Means and the Senate Finance Committee. It requires a narrative description of each separate program administered by a state agency and provides the elements that must be included in the narrative. It also requires the budget recommendation for an agency to include an overall budget recommendation by budget category and a similar recommendation for each separate program administered by the agency and the specific source of funds appropriated for the agency.

*Introduced, read first time, and referred to Committee on Finance, 1/13/15.*

### **209 Mental Health Court Program Act (Sheheen)**

#### **426 (Similar)**

#### **H 3412 (Similar)**

This bill establishes a Mental Health Court Program to divert mentally ill offenders to appropriate treatment programs rather than incarceration, set parameters for eligibility to participate in mental health court, to provide that each solicitor must establish a program, and requires that solicitors who accept state funding for the program establish it within 180 days.

*S 209 Referred to Judiciary Sub-committee: Massey (ch), Bennett, McElveen, 2/09/15.*

*S 426 Referred to Judiciary Sub-committee: Massey (ch), Bennett, McElveen, 2/09/15.*

*H 3412 Referred to Committee on Judiciary, 1/22/15.*

### **250 Release of a Child's Medical Records (Shealy, Lourie and Young)**

#### **H 3514 (Similar)**

#### **H 3648 (Similar)**

This bill provides for the release of a child's medical records without parental consent to a South Carolina Children's Advocacy Medical Response System (CAMRS) child abuse health care provider for evaluating the child for suspected abuse or neglect; allows a access to records of indicated cases of child abuse or neglect; allows for a CAMRS to receive a summary of referrals and outcomes of cases of suspected abuse or neglect sent to a contracted service agency or program; requires that DSS share information relating to an indicated

investigation of child abuse or neglect with a child's primary or specialty health care provider; and allows DSS to release a summary of allegations and the investigation outcome of unfounded cases to a CAMRS

*S 250 Referred to Judiciary Sub-committee: Coleman (ch), Shealy, Turner, 2/13/15.*

*H 3514 Introduced, read first time, and referred to Committee on Judiciary, 2/04/15.*

*H 3648 Introduced, read first time, and referred to Committee on Judiciary, 2/12/15.*

### **257 Electronic monitoring (Thurmond)**

This bill authorizes electronic monitoring of a resident's room in a long-term care facility, if several conditions are met including notice that authorized electronic monitoring is permitted and may be conducted only with consent. The bill sets forth who may request electronic monitoring, and provides that DHEC shall develop certain guidelines to assist in deciding whether a resident lacks the required capacity to consent and guidelines to determine whether a person may serve as a resident's legal representative for purposes of this chapter, among other things. DHEC would also outline when and where authorized electronic monitoring may be conducted, to provide requirements for and of a long-term care facility related to authorized electronic monitoring, to provide for sanctions and penalties against any person or entity who refuses to admit an individual, allows removal of a resident, or does not permit a resident to conduct authorized electronic monitoring, to provide penalties against any person or entity who intentionally hampers, obstructs, tampers with or destroys an electronic monitoring device installed in a long-term care facility, to provide that a tape or recording created through the use of authorized electronic monitoring may be admitted into evidence in a civil or criminal court action or administrative proceeding, and to provide for necessary forms and disclosures.

*Introduced, read first time, and referred to Committee on Medical Affairs, 1/13/15.*

### **265 Admissibility of Out-of-Court Statements (Young)**

This bill, relating to the admissibility of out-of-court statements made by children, to add an exception for statements made to employees or agents of children's advocacy centers.

*Introduced, read first time, and referred to Committee on Judiciary, 1/13/15.*

### **290 Vulnerable Adult and Senior Citizen Protection Act (Alexander)**

This bill relates to the protection of vulnerable adults from abuse, neglect, or exploitation, defining a senior citizen as a person 60 years or older and extends application of the protections of the article to senior citizens; adds human trafficking as a crime subject to fines and imprisonment; changes existing criminal penalties; creates duties related to discharging vulnerable adults and senior citizens from certain settings; creates an affirmative defense to committing offenses provided for in the article; and for other purposes.

*Introduced, read first time, and referred to Committee on Judiciary, 1/13/15.*

### **335 Leave and Lump-Sum Payments Upon Termination (Shealy and Bright)**

This bill provides that any public employee who is terminated within one year of full retirement shall have five days after termination to purchase the remaining time.

*Introduced, read first time, and referred to Committee on Finance 1/13/15.*

### **340 Payment for Annual Leave Days (Scott)**

This bill provides that state employees earning annual leave at the rate of 30 days a year must receive a lump sum payment for days of annual leave fewer than 30 days or donated by the employee in a calendar year, to provide eligibility requirements, and to provide that such payments are not considered earnable compensation in the calculation of retirement benefits.

*Introduced, read first time, and referred to Committee on Finance, 1/15/15.*

### **474 Patient's Rights (O'Dell)**

This bill adds and defines the term "Authorized Health Care Provider," allows an Authorized Health Care Provider to perform required initial examinations, and allows an Authorized Health Care Provider to authorize medications and treatment given or administered.

*Introduced, read first time, and referred to Committee on Medical Affairs, 2/19/15.*

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

**3250 Certificate of Need Program (G.M. Smith, Clyburn, Merrill and Anthony)**

This bill provides comprehensive revisions for the Department of Health and Environmental Control's Certificate of Need Program which requires providers of health care services, such as hospitals and nursing homes, to obtain department approval for additions to, or significant expansions of, their facilities and services. The legislation includes: new provisions governing new and emerging technology for diagnosis or treatment that has not yet received approval by the federal Food and Drug Administration; elimination of State Health Plan provisions; and revisions to certificate of need review procedures.

*Introduced, read first time, and referred to Committee on Ways & Means, 1/13/15*

**3078 Nursing Professionals (Horne, Nanney, Allison, Clary, Robinson-Simpson, R.L. Brown, Sottile, Toole, Jefferson, Gilliard, Williams, Wells, Corley, Herbkersman, Daning, Hicks, Long, Southard and G.R. Smith)**

Among many things, this bill outlines that certain nursing professionals may provide non-controlled prescription drugs at an entity that provides free medical services for indigent patients. This bill also states that nurse practitioners and certified nurse midwives may certify that a student is unable to attend school but may benefit from receiving instruction given in his home or in a hospital. The bill revises several definitions affecting the scope of the practice of certain licensees of the nursing board, as well as deletes language concerning the evaluation of related written guidelines or protocol.

*Introduced, read first time, and referred to Committee on Medical, Military, Public and Municipal Affairs, 1/13/15.*

**3079 Department of Child and Family Services Act (Horne)**

This legislation creates the "Department of Child and Family Services Act", create the Department of Child and Family Services, transfer certain powers and duties of the Department of Social Services to the department; transfer the powers and duties of the Department of Juvenile Justice to the department; transfer the Department of Mental Health's Division of Children, Adolescents, And Families, and the Continuum of Care for Emotionally Disturbed Children Division of the Office of The Governor to the department; create the Council on Children and provide for its membership and duties; create the Division of Child Protection and Permanency within the Department of Child and Family Services and include adoption issues.

*Introduced, read first time, and referred to Committee on Judiciary, 1/13/15.*

**3180 Local Government Fund (White)**

This joint resolution suspends, for Fiscal Year 2015-2016, the statutory requirement that the Local Government Fund be appropriated at least four and one-half percent of the previous fiscal year's state general fund revenues.

*Introduced, read first time, and referred to Committee on Ways and Means 1/13/15.*

**3191 Office of Freedom of Information Act Review (Newton, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Pope, and others.)**

This legislation creates the Office of Freedom of Information Act Review within the Administrative Law Court.

*Sent to Senate, 2/19/15. Senate introduced, read first time, and referred to Committee on Judiciary, 2/24/15.*

**3374 State Aid to Subdivisions Act (Merrill and White)**

This bill revises the State Aid to Subdivisions Act by: changing the name of the Local Government Fund to the Local Government Revenue Sharing Fund; eliminating the requirement that the fund receive not less than four and one half percent of the general fund revenues of the latest completed fiscal year; eliminating a provision regarding midyear cuts, to provide that the fund must be increased by two percent if revenues are projected to increase by at least four percent; providing that the two percent increase, if applicable, be included in all stages of the budget process; revising the distribution percentage of the fund; and, eliminating a provision requiring amendments to the State Aid to Subdivisions Act be included in separate legislation.

*Received favorable committee report with amendments, 2/19/15. Debate requested, 2/25/15.*

**3400 Retaliation Against Violation Reporting (Whipper, Gilliard and R.L. Brown)**

This bill changes the maximum amount of actual damages an employee may recover from fifteen thousand dollars to three hundred thousand dollars relating to civil actions against an employing public body for retaliation against an employee who reports a violation of state or federal law or regulation.

*Introduced, read first time, and referred to Committee on Judiciary, 1/22/15.*

**3405 Magistrate Jurisdiction (Whipper and R.L. Brown)**

This bill provides that certain causes of action must be filed in Magistrates Court.

*Introduced, read first time, and referred to Committee on Judiciary, 1/22/15.*

**3508 Medical Aspects of Advanced Practice of Registered Nursing Act (G.M. Smith, Henderson, Loftis, J.E. Smith, Bedingfield, Bingham, Anthony, Anderson, McKnight, Bannister, Finlay, Forrester, Funderburk, Gambrell, Hamilton, Huggins, Simrill, Spires, Pope, Rivers and Riley)**

This bill enacts the “Medical Aspects of Advanced Practice Registered Nursing Act” outlining that advanced practice registered nurses (APRN) must practice according to written practice agreements. Among many things, the bill outlines that a “written practice agreement” means a written document, which may be maintained in an electronic form that is developed collaboratively by the physician or medical staff and the APRN to set out the medical aspects of care, including the prescribing of medications that may be performed by the APRN.

*Introduced, read first time, and referred to Committee on Medical, Military, Public and Municipal Affairs, 2/04/15.*

**3581 Agencies and State Employees (M.S. McLeod and Horne)**

This bill establishes a coordinated statewide initiative to promote diversity and inclusion in the state workforce and to define the responsibilities of state agencies under this initiative.

*Introduced, read first time, and referred to Committee on Judiciary, 2/11/15.*

**3712 DMH Telepsychiatry Bright Ideas (Rep. G. M. Smith)**

This concurrent resolution congratulates the South Carolina Department Of Mental Health's Emergency Department Telepsychiatry Consultation Program on being named as part of the 2015 bright ideas program by the Harvard University Ash Center For Democratic Governance And Innovation at the John F. Kennedy School Of Government.

*Adopted by both House and Senate, 2/24/15.*