

February 2, 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

Governor Haley released her State budget recommendations January 12<sup>th</sup>. The following shows DMH's request side-by-side with the Governor's recommendations for increased funding for the Department.

SCDMH FY 2016 Budget Comparison		
	DMH Budget Req.	Governor's Rec.
<b>OPERATING REQUEST</b>		
Sustainability of Mental Health Services	\$ 6,400,000	\$ 3,400,000
Forensics Inpatient Services	\$ 3,200,000	\$ 3,200,000
School Based Services	\$ 1,000,000	\$ 500,000
Emergency Dept. Telepsychiatry Program Sustainability	\$ 500,000	\$ 500,000
Information Network Security Required Improvements	\$ 750,000	\$ 250,000
Increase in Community Supportive Housing	\$ 400,000	\$ 400,000
<b>OPERATING REQUEST TOTAL</b>	<b>\$12,250,000</b>	<b>\$ 8,250,000</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 Maintenance	\$ 5,237,057	\$ -
Columbia Area MHC Construction	\$ 3,500,000	\$ -
Campbell VA Nursing Home Renovations	\$ 962,500	\$ -
Facility Deferred Maintenance	\$ -	\$ 2,000,000
<b>CAPITAL REQUEST TOTAL</b>	<b>\$36,603,605</b>	<b>\$ 2,000,000</b>
<b>ONE-TIME FUNDING REQUEST</b>		
Physical Plant Replacement of Vehicles	\$ 349,127	\$ 349,127
Inpatient Electronic Medical Record	\$ 2,743,451	\$ -
Information Network Security Improvements	\$ 1,045,000	\$ 350,000
<b>ONE-TIME FUNDING REQUEST TOTAL</b>	<b>\$ 4,137,578</b>	<b>\$ 699,127</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$52,991,183</b>	<b>\$10,949,127</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 21<sup>st</sup>. The Agency's request was well received by the Sub-committee.

## **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 looking forward to 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 Notice of Meetings for Public Bodies**

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.

*S11 Read second time, 1/29/15.*

*H3192 Read first time and referred to Committee on Judiciary, 1/13/15.*

### **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)**

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.

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

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

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

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

### **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.*

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

### **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, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G.M. Smith, G.R. Smith and McCoy)**

This legislation creates the Office of Freedom of Information Act Review within the Administrative Law Court. *Introduced, read first time, and referred to Committee on Judiciary, 1/13/15.*

**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.

*Introduced, read first time, and referred to Committee on Ways & Means 1/21/15.*