

May 2, 2016

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) 898-8582 or [tracy.lapointe@scdmh.org](mailto:tracy.lapointe@scdmh.org).

## Budget Update

The following table shows DMH's FY 2017 budget request side-by-side with recommendations for the Department from the Governor, House Ways and Means Committee, and Senate Finance Committee.

	DMH Request	Governor's Recommendation	House Recommendation	Senate Finance Recommendation
<b>RECURRING</b>				
Inpatient Clinical and Medical Services	4,905,801	2,221,800	2,500,000	2,500,000
Long-Term Care Services	3,331,162	672,227	672,227	1,172,227
Forensics	4,803,872	2,200,000	2,500,000	2,500,000
Sexually Violent Predators Program	4,200,000	4,200,000	4,200,000	4,200,000
School-Based Services	500,000	-	500,000	500,000
Contract Monitoring Unit	400,000	-	-	-
Telepsychiatry Consultation Program	500,000	-	-	-
Community Telepsychiatry Program	525,000	-	-	-
Information Technology	2,515,242	-	-	-
Crisis Stabilization Unit	-	-	1,000,000	500,000
Community Mental Health Center/Youth in Transition	-	-	-	50,000
<b>TOTAL RECURRING</b>	<b>21,681,077</b>	<b>9,294,027</b>	<b>11,372,227</b>	<b>11,422,227</b>
<b>NON-RECURRING</b>				
Information Technology	715,000	715,000	-	-
Certification of State Match - VA State Homes	10,000,000	-	-	-
Inpatient Non-Recurring Needs	2,169,048	-	-	-
<b>TOTAL NON-RECURRING</b>	<b>12,884,048</b>	<b>715,000</b>	<b>-</b>	<b>-</b>
<b>CAPITAL</b>				
Harris Hospital Heating and Air Conditioning Renovations	2,200,000	-	-	-
NE Campus Electrical Distribution System Renovations	2,900,000	-	-	-
Anderson-Oconee-Pickens Mental Health Center Construction	9,592,000	-	-	-
Catawba Mental Health Center Construction	10,580,000	-	-	-
Community Buildings Deferred Maintenance	4,221,000	3,000,000	-	-
Inpatient and Support Buildings Deferred Maintenance	3,638,000	-	-	-
Columbia Area MHC Phase III Construction	3,500,000	-	-	-
Campbell Veterans Nursing Home Renovations	962,500	-	-	-
Columbia Area MHC Carter Street Campus Building Renovations	2,500,000	-	-	-
<b>TOTAL CAPITAL</b>	<b>40,093,500</b>	<b>3,000,000</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL REQUEST</b>	<b>74,658,625</b>	<b>13,009,027</b>	<b>11,372,227</b>	<b>11,422,227</b>
Increase in Other Funds Authorization	14,000,000	14,000,000	14,000,000	14,000,000

## Legislative Oversight Updates

Senate Medical Affairs: 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. Starting in 2015, the House and the Senate selected 5-10 agencies to study. DMH was chosen for review by the Senate in 2015.

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, served as the DMH liaison to the Senate staff conducting the review, and employees throughout the Agency worked with him to provide information sought by the legislative staff.

Staff from the Senate Medical Affairs Oversight Committee completed the review of DMH and issued its report in March, 2016; it may be viewed here:

<http://www.scstatehouse.gov/CommitteeInfo/SenateMedicalAffairsCommittee/OversightReports/DMH%20Final%20Report%20and%20Summary%2032316.pdf>.

Legislative Audit Committee: As part of its review process, the staff of the Medical Affairs Oversight Committee referred several areas of inquiry to the State's Legislative Audit Council to separately study.

The two reports describe all of the various missions of the agency, and the Department's inpatient facilities, mental health centers and other programs. Specific areas reviewed included:

- Workforce challenges related to recruitment and retention of needed clinical staff for the agency's treatment programs;
- The sale of the DMH Bull Street campus and DMH's plans for the use of the proceeds from the sale;
- The responsibilities of DMH, as established by the Sexually Violent Predator Act (S.C. Code §44-48-10 et seq.), including a review the adequacy of the funding and resources for the program; and
- A review of the forensics program operated by DMH.

The Legislative Audit Council's Report may be viewed here:

[http://lac.sc.gov/LAC\\_Reports/2016/Documents/DMH.pdf](http://lac.sc.gov/LAC_Reports/2016/Documents/DMH.pdf)

DMH worked with the two Committees and their 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. The Agency will continue to respond to legislative queries in the future.

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

**In order to streamline *Legislative News*, bills that did not cross chambers by 5/01/16 have been removed.**

### **10 Freedom of Information Act (L. Martin, Peeler, Courson, Campsen and Alexander)**

This bill would include the cause of death from an autopsy in the list of specific categories of information that is to be made available to the public according to the Freedom of Information Act, and to provide that law enforcement may apply for injunctive relief from the circuit court if there would be harm from the release of the information. *Senate sent to House 2/05/15; Introduced, read first time, and referred to House Judiciary Committee 2/10/15.*

### **233 Prayer or invocation (Campsen, Hembree and Grooms)**

This bill relates to invocations opening meetings of deliberative bodies, providing that public prayer means a prayer or invocation; that deliberative public body includes a school district board; that public invocations shall not proselytize or advance any one faith or belief, or coerce participation by observers; and to broaden the items that may be included in a policy to permit public invocations adopted by the public body.

*Senate sent to House 4/06/16; Committed to Judiciary Committee 4/20/16.*

**913 Freedom of Information Act (L. Martin, Davis, Hembree, Fair and Malloy)**

This bill would include law enforcement vehicle mounted video and audio recordings in the list of specific categories of information that is to be made available to the public according to the Freedom of Information Act, and to provide that law enforcement may apply for injunctive relief from the circuit court if there is clear and convincing evidence of specific harm from the release of the recording.

*Senate sent to House 4/06/16; Referred to Judiciary Committee 4/12/16.*

**1035 SC Telemedicine Act (Cleary and Hutto)**

This bill would enact the "South Carolina Telemedicine Act" by adding section 40-47-37 so as to facilitate the use of telemedicine by establishing certain recordkeeping requirements; standards and relating to the requirement of a physician-patient relationship before a physician may prescribe drugs for a patient, so as to allow the prescription of drugs when the physician-patient relationship is established by telemedicine.

*Senate sent to House 3/03/16; Referred to Medical, Military, Public and Municipal Affairs Committee 3/08/16; Committee report: Favorable with amendment 4/28/16.*

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

**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. Referred to Subcommittee: Campsen (ch), Malloy, Bright, Allen, Young, 1/19/16; Received favorable Judiciary Committee report, 3/16/16.*

**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.

*Sent to Senate 4/30/15; Referred to Referred to Medical Affairs Committee 5/04/15; Received favorable Committee report, 6/04/15.*

**3768 SC Able Savings Program (G.M. Smith and Johnson)**

This bill enacts the "South Carolina ABLE Savings Program" to establish savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts.

***RATIFIED, 4/26/16.***

**3952 Emergency admission of person (Bannister)**

This bill relates to the emergency admission of a person likely to cause serious harm to himself or others, to add a person who may become gravely disabled if not immediately hospitalized. It also relates to the custody and transport of a person from a mental health center or an emergency department to another facility for admission, permitting transportation by an emergency medical technician instead of law enforcement.

*Sent to Senate, 4/15/16; Senate referred to Medical Affairs Committee, 4/19/16.*

**3999 Health care decisions (Henderson, G.M. Smith, Ridgeway and Atwater)**

This bill relates to persons who may make health care decisions for patients who are unable to provide consent, changing the process for certain relatives and other individuals to make these health care decisions, adds additional classes of persons with the authority to make these health care decisions, requiring a Bioethics Committee to select certain decision makers, to enable certain decision makers to consult with a second physician before making a health care decision, requiring decisions to withhold or withdraw life-prolonging measures be reviewed by a Bioethics Committee, and requiring certain documentation related to selection of a decision maker.

*Sent to Senate, 3/18/16; Senate referred to Medical Affairs Committee, 3/22/16.*

**4124 Marshals at State mental health facilities (Pitts)**

This bill pertains to the appointment and powers of marshals at state mental health facilities, to replace outdated language, and substitute the phrase “law enforcement officers” for “marshals”.

*Sent to Senate, 3/10/16; Senate referred to Medical Affairs Committee, 3/10/16.*

**4391 ( Burns, Yow, Chumley, Felder, Loftis, Bradley and Collins)**

This bill changes terms defined in the revised Uniform Anatomical Gift Act, so as to change the definition of "tissue" to include brain tissue in certain circumstances; and clarifies that gifts of brain tissue may be used only for research or education.

*Sent to Senate, 4/21/16; Senate referred to Medical Affairs Committee, 4/21/16.*

**5257 Richard M. Campbell Veterans Home**

A house resolution to recognize and honor the Richard M. Campbell veterans home in Anderson county for its services to the veterans of our state and to commend the administrators and staff for caring for our veterans with deep veneration and highly skilled treatment and support.

*Adopted, 4/21/2016.*