

April 5, 2018

2017-2018 Legislative Session

Legislative News is 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, it will provide budget information and general news from the General Assembly. You can 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 sites and wish to receive a print 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.

** Indicates bill added since last update.

Senate Bills – click the bill number for full text.

S 55	State Employee Annual Leave – Scott This bill would permit state employees earning annual leave at the rate of 30 days a year to receive a lump sum payment for days of annual leave not used or donated by the employee in that calendar year. The bill provides eligibility requirements and specifies that such payments are not considered earnable compensation in the calculation of retirement benefits. <i>Pre-filed 12/2016. Referred to Finance Committee, 1/10/17.</i>
S 77	Out of Court Statements Made by Children – Young This bill, which relates to the inadmissibility of out-of-court statements made by children, adds an exception for statements made to employees or agents of Children's Advocacy Centers. <i>Pre-filed 12/2016. Referred to Judiciary Committee, 1/10/17.</i>
S 80	Children's Advocacy Centers – Campbell This bill sets forth the types of stipulations a court may impose in an order of protection before a Children's Advocacy Center must release records to DSS for the purposes of investigating allegations of child abuse or neglect to ensure the confidentiality of such records. <i>Pre-filed 12/2016. Referred to General Committee, 1/10/17.</i>
S 180	Department of Disabilities and Special Needs – Scott This bill provides that DDSN would be headed and governed by a director appointed by the Governor with the advice and consent of the Senate and that the SC Commission on Disabilities and Special Needs would serve as an advisory board to the director. <i>Pre-filed 12/2016. Referred to Medical Affairs Committee, 1/10/17.</i>
S 431	Firearms in Schools – Senn and Campsen (Sim. H5007) This bill provides that it is unlawful for a person to threaten, solicit another to threaten, or conspire to threaten to cause damage, injury, or death or to cause damage to or destroy a building or other real or personal property by use of a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution or in any publicly owned building. It further requires individuals charged under this law must undergo a mental-health evaluation as a condition of bond, and if found to be in need of mental health treatment, the person may be court ordered or referred for treatment as part of his or her sentence. <i>Introduced, referred to Judiciary, and referred to Judiciary subcommittee, 2017; received favorable committee report, with amendments, 3/14/18.</i>
S 778	Domestic Violence – Senn and Setzler This bill relates to protections from domestic abuse, amending the definition of "household member" to include all persons who are cohabiting or formerly have cohabited. <i>Prefiled 12/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i>
S 805	Children's Advocacy Department (Sim. S794, S795, S797, S798, H4674) – Shealy, Sheheen, Young, McLeod, McElveen and Climer This bill creates the Department of Children's Advocacy, to be headed by the state child advocate and composed of deputy child advocates, investigators, and other staff. The state child advocate would be responsible for ensuring that children receive adequate protection and care from services or programs offered by other child serving agencies, including DMH. The state child advocate would have authority to: perform independent investigations of critical

	<p>incidents; establish a single, statewide, toll-free child abuse hotline to receive all reports of suspected child abuse or neglect. The Advocate would administer the Guardian ad Litem program, the Division for Review of the foster care of children, the Continuum of Care, and the State Child Fatality Advisory Committee, among other changes. <i>Amended version read third time and sent to House, 3/13/18; House introduced, read first time, and referred to Judiciary Committee, 3/20/18.</i></p>
S 940	<p>Mental Health Month – Alexander This concurrent resolution designates the month of May 2018 as “Mental Health Month” in SC, to raise awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness. <i>Senate adopted and sent to House, 2/07, House adopted, returned with concurrence, 2/08/18.</i></p>
S 1028	<p>Shared Risk Defined Benefit Plan and Wealthbuilder-Primary Retirement Savings Plan– Bennett & Hembree This bill would close the SC Retirement System and establish the "SC Shared-risk Defined Benefit Plan" to provide employees with a defined benefit retirement plan and to provide details of the plan. It would also establish the "SC Wealthbuilder-Primary Retirement Savings Plan" to provide employees with a defined contribution retirement plan and to provide details of the plan. <i>Introduced, read first time, and referred to Finance Committee, 2/20/18.</i></p>
S 1040	<p>Retirement system – Davis and Rice This bill is related to employer and employee contribution rates, and would require all new employees to participate in a defined contribution plan, and participating employers of the system to appropriate certain funds, beginning July 1, 2019. <i>Introduced, read first time, and referred to Finance Committee, 2/22/18.</i></p>
S 1136	<p>Schools & Mental Health Services – Allen This bill would allow principals or senior administrators, after consulting with a school counselor, resource officer, or safety officer, and after providing parental notification, to petition the probate court to determine whether a student is in need of mental health services if, in the principal's or senior administration's opinion, the student poses a threat of harm to himself or others. It would provide exceptions to the requirement to notify a parent or legal guardian, to provide immunity from suit for certain school officials, and to require local school districts to establish certain policies and guidelines. The bill would also amend 44-24-90, relating to judicial admissions of children, and 44-24-140, relating to court reporting about the child to SLED for compliance with the criminal background check system and the right to possess or have access to firearms to make conforming changes. <i>Introduced, read first time, and referred to Education Committee, 3/22/18.</i></p>
House Bills – click the bill number for full text.	
H 3112	<p>Juvenile Justice Reform Study Committee – Alexander and Robinson-Simpson This joint resolution would create a study committee (3 members of the House and 3 from the Senate) to determine the need to reform the SC Juvenile Justice System. The Committee would make recommendations to the General Assembly regarding proposed changes to state laws and to policies, practices, and programs of agencies and other public institutions whose roles and responsibilities impact children at risk of entering, or who have entered, the Juvenile Justice System. <i>Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.</i></p>
H 3118	<p>Nursing Home Staffing – Gilliard This bill would increase the minimum number of staff required to provide nursing care during all shifts at nursing homes in the state. <i>Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.</i></p>
H 3120	<p>Residential Care Facilities – Gilliard This bill makes several changes to the requirements for operating a community residential care facility, including:</p> <ul style="list-style-type: none"> • establishing minimum staff-resident ratio requirements; • requiring mandatory training of staff and volunteers on certain topics; • requiring a written assessment of needs on each resident at the time of admission; • requiring an individual care plan for each resident that addresses specific issues, with regular reviews and changes based on changes in the resident's physical or behavioral health; • requiring facilities to enroll certain residents in the Alzheimer's Association Safe Return program; and • requiring facilities to create and maintain a physical environment that ensures the safety of residents with a history of unsafe wandering or elopement. <p><i>Prefiled 12/2016. Referred to Medical, Military, Public, and Municipal Affairs Committee 1/10/17.</i></p>

H 3131	<p>DHEC – G.M. Smith, Loftis, G.R. Smith and Burns This bill makes multiple changes to the certificate of need process at the Department of Health and Environmental Control (DHEC), including:</p> <ul style="list-style-type: none"> • requiring accreditation or certification for certain medical equipment; • eliminating the review of Certificate of Need decisions the DHEC board; • revising Certificate of Need program definitions; • allowing DHEC to retain all certificate of need fees; • changing the circumstances under which a Certificate of Need is required; • adding new exemptions and make changes to existing exemptions; • eliminating the Health Planning Committee and the role of the Board in reviewing the plan; • changing certain requirements relating to the Certificate of Need application review process; • amending sections relating to judicial review of a Certificate of Need decision, to provide for the award of attorney fees and costs and the right to file an offer of judgment; • eliminating the role of the Board in granting extensions relating to the one-year validity of a certificate of need; • amending sections relating to licensing of health care facilities and services, so as to eliminate freestanding or mobile technology; • changing the right to challenge a DHEC decision relating to approval of hospital bonds; and • changing the stated purpose of the Certificate of Need program, among several other changes. <p><i>Prefiled 12/2016. Referred to Ways and Means Committee 1/10/17.</i></p>
H 3325	<p>Department of Mental Health – Wheeler This bill relates to hearings on the fitness of a person to stand trial and would require DMH to reimburse a sheriff or a county or municipal government for certain costs of incarceration of persons determined to be unfit to stand trial. <i>Prefiled 12/2016. Referred to Judiciary Committee 1/10/17.</i></p>
H 3829	<p>Fitness to Stand Trial – G.R. Smith This bill extends the timeframe for restoring a person's competency to six months. <i>Introduced, read first time, and referred to Judiciary Committee, 2/22/17.</i></p>
H 4396	<p>Freedom of Information Act Review Office – Taylor and B. Newton, Sim. (S 99, S 481, H 3352, H 3482) This bill creates the Office of Freedom of Information Act Review within the Administrative Law Court, to provide related general functions, powers, and duties of the office and the court, among other things, to provide applicable procedures relating to equitable remedies available to the public to enforce provisions of the Act. The bill would also exempt data from video or audio recordings made by law enforcement vehicle mounted recording devices or dashboard cameras. <i>Prefiled 11/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i></p>
H 4413	<p>Central registry of vulnerable adult abuse – G.R. Smith, Henegan, Henderson-Myers and Funderburk This bill creates a central registry of vulnerable adult abuse, neglect, and exploitation, and requires the Department of Health and Environmental Control to establish and maintain a central registry of individuals who have abused, neglected, or exploited a vulnerable adult. It also requires certain state agencies and authorities to notify DHEC when there is a determination that an individual has abused, neglected, or exploited a vulnerable adult. <i>Prefiled 11/2017; introduced, read first time, and referred to Judiciary Committee, 1/09/18.</i></p>
H 4529	<p>Nurse Practice Act – G.M. Smith This bill relates to definitions in the Nurse Practice Act, to provide that advanced practice registered nurses and physician assistants may perform delegated medical acts by means of telemedicine, and to define "telemedicine". <i>Read third time and sent to Senate, 2/23/18. Senate introduced, read first time and referred to Medical Affairs Committee, 2/27/18.</i></p>
H 4674	<p>Small and Minority Business Contracting– G.M. Smith and Herbkersman, Sim.(S794, S795, S797, S798, S805) This bill would establish The Department of Children’s Services, to include the Continuum of Care for Emotionally Disturbed Children; the Foster Care Review; and the Cass Elias Carter guardian ad litem program as part of the division. It would also restructure the office of Economic Opportunity and the Division of Small and Minority Business Contracting and Certification, to reflect the transfer of certain offices and programs from the Department of Administration to other state agencies. <i>Introduced, read first time, and referred to Judiciary Committee, 1/24/18.</i></p>

H 5000	<p>Retirement – Lucas, Herbkersman and Bradley</p> <p>This bill would create the Optional Shared-risk Defined Benefit Plan, to provide retirement requirements and benefits, to provide for a maximum 6% rate of return, to provide that the plan is fully funded at inception, and to provide for certain restrictions to plan enrollment. The bill would also make changes to the amount that an employee returning to work may earn, provide that an employee who returns to covered employment after retirement may not continue to receive the monthly retirement allowance the member is receiving from the system, and provide that the employer may choose to participate in a deferred compensation program for those individuals. In addition, the bill would rename the State optional Retirement Program to the “Defined Contribution Primary Retirement Plan”.</p> <p><i>Introduced, read first time, and referred to Ways & Means Committee, 2/22/18.</i></p>
H 5174	<p>Interstate Medical Licensure Compact – G.M. Smith</p> <p>This bill would add South Carolina to a multistate physician licensure compact, providing for: the reciprocal practice of medicine among the states that are parties to the compact; standards and procedures applicable to practicing medicine in other states pursuant to the compact; coordinated licensure information system for sharing data among compact states; and procedures for dispute resolutions, disciplinary actions, and termination of memberships.</p> <p><i>Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee, 3/21/18.</i></p>

Budget Update

The Department presented its budget requests to the Senate Finance Health and Human Services Subcommittee November 29, 2017 and to the House Ways & Means Healthcare Subcommittee January 23, 2018. House Ways & Means released its recommendations February 21 and Senate Finance did so March 29. The following table shows DMH’s FY19 budget request side-by-side with recommendations from the Governor’s Office, the House, and the Senate Finance Committee.

	DMH Request	Governor's Recommendation	House Recommendation	Senate Finance Committee Recommendation
RECURRING				
Supported Community Housing Expansion	4,452,017	-	4,452,017	4,452,017
Child and Adolescent Intensive Community and Residential Services	2,000,000	-	2,000,000	2,000,000
Public Safety Officers Recruitment/Retention	1,633,756	-	-	-
First Episode Psychosis (FEP) Programs	800,000	-	-	-
School-Based Services	250,000	250,000	500,000	500,000
Crisis Stabilization	500,000	-	-	-
Inpatient Clinical and Medical Services - Salary Adjustment	1,094,026	-	-	-
Inpatient Clinical and Medical Services - CRCF Adjustment	91,000	-	-	-
Contractual Adjustment - Inpatient Services	1,362,527	1,362,527	-	-
Sexually Violent Predators Program	512,728	512,728	-	-
Information Technology	2,274,378	-	-	-
Contract Monitoring Unit	400,000	-	-	-
Annualization - Central Office	270,000	-	-	-
Annualization - Administrative Services	300,000	-	-	-
Annualization - Other Support Areas	1,852,294	1,852,294	-	-
Long Term Care - Vaccinations	53,200	53,200	-	-
Crisis Intervention Training	-	-	-	104,500
Community Mental Health Centers	-	-	-	50,000
TOTAL RECURRING	17,845,926	4,030,749	6,952,017	7,106,517
NON-RECURRING				
Community Mental Health Services - Outpatient Electronic Health Record	4,500,000	-	-	-
Inpatient Medical Equipment and Vehicle Replacement	895,245	-	-	-
Record Scanning Project	500,000	-	-	-
Long-Term Care	308,282	-	-	-
TOTAL NON-RECURRING	6,203,527	-	-	-
CAPITAL				
NE Campus Electrical Distribution System Renovations	3,600,000	-	-	-
Anderson-Oconee-Pickens Mental Health Center Construction	12,430,000	-	-	-
Catawba Mental Health Center Construction	12,430,000	-	-	-
Community Buildings Deferred Maintenance	3,000,000	1,000,000	-	-
Columbia Area MHC Phase III Construction	4,000,000	-	-	-
Campbell Veterans Nursing Home Renovations	3,940,000	2,000,000	-	-
Tucker Center (Roddey Flooring, Laundry & Nurse Call Renovations)	2,000,000	-	-	-
TOTAL CAPITAL	41,400,000	3,000,000	-	-
GRAND TOTAL REQUEST	65,449,453	7,030,749	6,952,017	7,106,517