

**S. C. MENTAL HEALTH COMMISSION MEETING**  
**SCDMH Administration**  
**2414 Bull Street, Columbia, South Carolina 29201**  
**November 1, 2019**

**CALL TO ORDER**

The November 1, 2019 meeting of the South Carolina Mental Health Commission was called to order at 10:30 a.m. by Mr. Greg Pearce, Chair, in Conference Room 320 at the SC Department of Mental Health Administration Building, 2414 Bull Street, Columbia, SC. Mr. Stewart Cooner provided the invocation.

**INTRODUCTION OF VISITORS**

Mr. Pearce welcomed guest Mr. Bill Lindsay, Executive Director of National Alliance on Mental Illness South Carolina (NAMI SC).

**APPROVAL OF AGENDA**

*On a motion by Dr. Alison Evans, seconded by Ms. Louise Haynes, the Commission approved the Agenda for today's Business Meeting.*

*All voted in favor to the above motion; the motion carried.*

**EMPLOYEE RECOGNITION**

Mr. Pearce said that at the September 6, 2019 Commission Business Meeting he announced that he would like to highlight staff members at future Commission meetings. He introduced Ms. Jessie Bell of the Division of Nutritional Services. Ms. Bell has served the Agency for more than 52 years. On behalf of the Commission, Mr. Pearce presented Ms. Bell with a gift certificate and bouquet of flowers. Mr. Pearce, along with Interim State Director Mark Binkley, thanked Ms. Bell for her excellent service to the Department of Mental Health. Ms. Mary J. Jaskowski, Director of Nutritional Services, commended Ms. Bell for her commitment and dedication to serving the residents and patients at DMH.

**APPROVAL OF MINUTES**

*On a motion by Ms. Haynes, and seconded by Dr. Evans, the Commission approved the minutes from the Center Presentation of October 4, 2019 and the minutes from the Business Meeting of October 4, 2019.*

*All voted in favor to the above motion; the motion carried.*

**LOCATION OF THE DECEMBER 6, 2019 COMMISSION BUSINESS MEETING AT GGMHC**

*On a motion by Mr. Hiott, and seconded by Ms. Haynes, the Commission approved the location for the December 6, 2019 Commission Business Meeting be held at the Greater Greenville Mental Health Center, 124 Mallard Street, Greenville, SC 29601.*

*All voted in favor to the above motion; the motion carried.*

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***MONTHLY/QUARTERLY INFORMATION REPORTS***

Ms. Elizabeth Hutto presented the items listed under Monthly/Quarterly Informational Reports, copies of which had been provided to the Commission.

Ms. Hutto reported a total of 26 pending SLED investigations as of October 31, 2019. Eight (8) had been assigned to SLED, thirteen (13) were assigned to Long-term Care Ombudsman Office, four (4) were assigned to the Attorney General's Office, and one (1) was assigned to local law enforcement.

Ms. Hutto highlighted the following from the Patient Advocacy Report:

- 72 complaints were resolved in September 2019.
- 644 complaints have been resolved year-to-date.
- The number of complaints by category resolved year to date is 822 (*complaints are broken out by category, a single patient complaint may have more than one category*).

**Community Update/Monthly Management Report**

Ms. Deborah Blalock presented the Community Mental Health Services Trends and Transparency Monthly Indicators (TMI) spreadsheets, copies of which had been provided to the Commission.

Ms. Blalock reported that Community Mental Health Services Trends will be reported quarterly instead of monthly. A quarterly analysis will provide more data to review and make it easier to identify trends.

Ms. Blalock announced the Department has been awarded a two-year grant by Vibrant Emotional Health, the nonprofit administrator of the National Suicide Prevention Lifeline, which will allow the expansion of the capacity of Mental Health America of Greenville County (MHA-Greenville) to answer Lifeline calls. Currently, the organization is unable to answer all calls from South Carolina to the Lifeline, meaning those beyond its capacity are routed out of state to be answered. MHA-Greenville's goal is in the second year of the grant to accept 70% of Lifeline calls from South Carolina.

Ms. Blalock distributed draft copies of the outcome of the October 2019 Center Directors Retreat (a copy of the document is filed with the minutes in the Office of the State Director). She said that the retreat was an effort to continue to create standardization across the Centers. The Center Director cohort is excited about the work and wants to see uniformity across the board.

Ms. Blalock said that many of the Centers contract with local hospitals to purchase admissions for individuals who are in need of inpatient psychiatric care. She reported that the Center Directors have agreed to create a standardized contract in terms of what the criteria would be to pay for inpatient psychiatric admissions and for how many days. Mr. Pearce requested a list of hospitals by county that have licensed psychiatric hospital beds. Mr. Binkley will follow up.

Ms. Eleanor Odom, Human Resources Director, announced Ms. Jennifer Butler was selected as the new Program Director for the Office of Suicide Prevention effective November 17, 2019.

**Forensic Waiting List Update**

Dr. Bellamy said the Division continues to collaborate with community partners to maintain a balance in terms of transitioning patients across the care continuum. She reported that in October there were 27 admissions.

Dr. Evans asked who has been on the forensic waiting list the longest. Dr. Bellamy will follow up with Dr. Evans.

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Mr. Binkley said that over the past four or five months the hospital has had to reduce the number of functional beds in the forensic units due to loss of physician coverage. He anticipates that will be resolved soon. He said legislation has been drafted in an effort to lessen the demands for inpatient forensic beds. In the area of competency restoration, currently South Carolina has the shortest restoration period by law of any state. If a defendant is not restored to competency within 60 days then they are found unlikely to become competent and then recommitted to the Department for continuing care. National competency restoration literature suggests that most defendants who are found likely to be able to be restored can be restored in a six-month timeframe. The Department is proposing to increase the period for competency restoration to six (6) months so that more of those defendants would be able to be restored and then go back into the criminal justice system to have their charges addressed rather than remain in the hospital for long periods.

Mr. Binkley also said some states have jail-based competency restoration programs. Currently, South Carolina law requires competency restoration treatment to take place in a hospital. The Department is proposing amendments that would give the Department the authority to contract or to provide competency restoration in the hospital, in the jail if the defendant is in detention, or on an outpatient basis if the defendant is on bond.

Mr. Binkley said another concern is that as the population ages, there is an increase in the number of defendants who have neurocognitive disorder. This disorder renders the defendant incompetent to stand trial but doesn't warrant hospitalization. The Department is proposing language that would afford a judge the option to hold a hearing if the defendant is found not to need hospitalization and to receive testimony on what would be therapeutic for the defendant considering his/her safety as well as the safety of the community.

Mr. Pearce thanked Dr. Bellamy, Dr. Rudd, and their staff for the wonderful welcome he received during his recent visit at Tucker Center. He said that he was extremely impressed with everyone and he appreciates the Division and the work everyone has done. He said interesting and unique things are happening at Tucker. The Occupational Therapy Department has an individual who is certified in multiple specialty areas of OT; they have a top rated speech therapist and motivated nursing staff and CNAs. Dr. Bellamy responded that the staff was excited and appreciated Mr. Pearce's visit to the Center.

#### **Financial Status Update**

Ms. Noelle Wriston presented the monthly financial report, copies of which had been provided to the Commission. DMH is projected to end FY2020 under budget.

Mr. Binkley reported that the Department presented the FY2021 budget request to the Executive Budget Office staff and the Governor's Office staff on October 29, 2019.

#### **House Legislative Oversight Update**

Mr. Binkley reported a meeting of the HLOC subcommittee was held on Monday, October 28, 2019. He distributed copies of the subcommittee's potential recommendations to Commission members. Three of the recommendations involve the Commission and possible amendments to Commission's Bylaws. The three recommendations are highlighted below (a copy of the recommendations is filed with the minutes in the Office of the State Director):

- #3 – *“The South Carolina Mental Health Commission should develop a procedure to determine policies and promulgate regulations governing the operation of the department and the employment of professional and staff personnel, as required of it in S.C. Code Ann. Section 44-9-30(c).”*

Mr. Binkley will provide a draft of proposed procedures at the December Commission meeting.

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- #4 – *“The South Carolina Mental Health Commission should comply with S.C. Code Ann. Section 1-23-120(J) by conducting a formal review of the agency’s regulations at least every five years and submitting a report of that review to the Code Commissioner.”*
- #20 – *“The Department of Mental Health Commission should allow public input at Commission meetings.”*

Mr. Binkley said the HLOC subcommittee will finalize a draft report and share with the Department. The report will be published and a copy provided to the full HLOC for discussion at their December 9, 2019 meeting.

Mr. Binkley said a tremendous amount of work has been done in responding to the HLOC’s study and investigative process. Responses to the subcommittee’s questions and requests since last Fall 2018 resulted in staff providing over 2600 pages of information. He recognized Ms. Debbie Calcote and Mr. Stewart Cooner who coordinated the collection and collating of the information. He commended every Division for their responsiveness to the requests. All total this year, there were 14 hearings plus a joint hearing with the Department of Corrections. At the conclusion of the October 28 meeting, the subcommittee complimented the Department and leadership for a job well done. Mr. Binkley stated it made him feel proud of the Department’s staff for meeting the challenge of what could have been a very difficult process.

Mr. Pearce stated, “I cannot tell you folks how fortunate we are to have Mark Binkley at the helm of this entire process.” Mr. Pearce and all the Commissioners commended Mr. Binkley on his hard work and details to the task.

Mr. Binkley referred to recommendation #12, *“The Department of Mental Health should seek funding to maintain mean salaries at or above the midpoint for each classification, particularly the GA50 (Human Service Coordinator I) and GA60 (Human Services Coordinator II) classifications.”* He said that the FY2020 budget request includes a first of a multi-year request in an effort to increase salaries for all classifications.

### **Public Safety Presentation**

Debbie Calcote said that one of her many privileges in her area of responsibility is working with the Department of Public Safety. She welcomed Chief Elizabeth T. Hall and Officer Ephraim Nkuman. Officer Nkuman shared a heartwarming incident involving a young boy around the age of 8 he encountered off campus, walking along side of a road, and was able to get him back safely with his parents.

Chief Hall said the DMH Division of Public Safety is the law enforcement entity for the Agency and has statewide jurisdiction. The Division enforces state laws and protects DMH property, patients, employees, and visitors as well as protects and serves the public. The SCDMH Public Safety is the only mental health law enforcement agency in the United States to hold CALEA accreditation.

### **ANNOUNCEMENTS**

Mr. Binkley reported the following:

- The Executive Leadership Development training and annual mentoring classes are in progress. Mr. Pearce requested an outline of the Executive Leadership Development training be provided to the Commissioners.
- The S.303 – Transportation of Emergency Admissions Workgroup will meet on Thursday, November 14<sup>th</sup> at DMH.
- The South Carolina Association of Probate Judges met on October 14-15, 2019 in Newberry. On October 14, Mr. Binkley presented and also encouraged the judges to provide statistics of emergency admissions which will assist the S.303 Transportation Workgroup in shaping transportation policies and procedures. Ms. Hutto and staff from inpatient services were present on October 15, 2019.

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- DMH leadership and leadership from other state health and human services agencies are meeting regularly to discuss opportunities to collaborate and partner in an effort to improve services for the citizens in the State, especially for children and adults with multiple issues. State resources for high-risk kids have declined in recent years due to changes in Medicaid. Mr. Binkley will give a presentation at a future Commission business meeting about the state of children's incidental services and some of the efforts being made for improvement.
- Construction of the new veterans nursing homes located in Florence and Gaffney is proceeding on schedule. DMH received approval from SFAA on October 15 to begin the design work on one new nursing home for veterans in Sumter, S.C.
- There was a huge turnout for the Out of the Darkness Columbia Area Walk, which was held on Sunday, October 27, 2019. There was excellent representation from multiple components of DMH.

***NOTICE/AGENDA***

A notice and agenda of the meeting were sent out to all individuals and news media who requested information, in accordance with State law.

***ADJOURNMENT***

*At 11:55 a.m., on a motion by Dr. Evans, seconded by Ms. Haynes, the Commission adjourned the Business Meeting and entered into Executive Session to receive legal advice concerning pending litigation and to discuss recruitment efforts for a permanent State Director. Upon convening in open session at 12:30 p.m., it was noted that only information was received; no votes or actions were taken.*

***ATTENDANCE***

***Commission Members***


|                              |                           |
|------------------------------|---------------------------|
| L. Gregory Pearce, Jr. Chair | Louise Haynes, Vice Chair |
| Dr. Alison Evans             | Robert Hiott              |

***Visitors/Staff***

|                    |                   |                 |                   |
|--------------------|-------------------|-----------------|-------------------|
| Mark Binkley, JD   | Beth Franco       | Ephraim Nkumah  | Dr. Kimberly Rudd |
| Dr. Robert Bank    | Elizabeth T. Hall | Eleanor Odom    | Noelle Wriston    |
| Jessie B. Bell     | Elizabeth Hutto   | Valarie Perkins | Stewart Cooner    |
| Dr. Versie Bellamy | Robin D. Jacobs   | Lynelle Reavis  |                   |
| Debbie Blalock     | Mary Jaskowski    |                 |                   |
| Debbie Calcote     | Bill Lindsay      |                 |                   |

***APPROVALS***

  
**L. Greg Pearce, Jr.**  
Chair

  
**Kim Ballentine**  
Recording Secretary

