

February 23, 2022

2021-2022 Legislative Session

*Legislative News* is a publication prepared and distributed by the South Carolina Department of Mental Health (SCDMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the Agency, mental health, healthcare issues, or state employee issues. In addition, we will provide budget information and pertinent general news from the General Assembly. You can also access the complete text of each bill listed by clicking the link at the end of each description, or visiting [www.scstatehouse.gov](http://www.scstatehouse.gov) and searching them by bill number.

This publication is also available on the SCDMH Internet and Intranet sites. 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).

## Senate Bills – click on the bill number for full text.

### **S 2 Behavioral and Public Health – Peeler, Malloy, McElveen, Hembree, Senn (Similar [H 3766](#))**

This bill would rename the Department of Health and Environmental Control the "Department of Behavioral and Public Health", make it a Cabinet agency, and transfer environmental responsibilities to the SC Departments of Agriculture and Natural Resources. The bill would abolish the SCDMH and SC Mental Health Commission, as well as the Department of Alcohol and Other Drug Abuse Services, and instead establish a Division of Mental Health and a Division of Alcohol and Other Drug Abuse Services within the Department of Behavioral and Public Health.

*Introduced, read first time, and referred to Medical Affairs Committee, 1/12/21. The Senate Medical Affairs Subcommittee has met three times on this bill. During the 4/28/21 hearing, Dr. Rogers provided testimony on behalf of DMH. At the third hearing on 5/5/21, the committee elected not to vote on the bill, citing the need for additional time before voting. See page 2 for a SHaPe SC taskforce update.*

### **S 259 Mental Health Transport – Kimpson**

This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a "therapeutic transport unit" and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual's care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport. Finally, the bill would extend the time a patient may be held under the doctor's certification when safe transport is not possible due to disasters or other conditions.

*Introduced, read first time, and referred to Medical Affairs Committee, 1/12/21.*

### **S 659 Sexually Violent Predator Program – Shealy (Similar [H 4086](#))**

This bill would make several procedural and substantive changes to the "Sexually Violent Predator Act", including, among other things, defining who are qualified evaluators; changing timeframes for completing evaluations, and modifying procedural rules for requesting and participating in periodic evaluations and annual review hearings.

*Recalled from Medical Affairs Committee and referred to Judiciary Committee 2/02/22.*

## House Bills – click on the bill number for full text.

### **H 3126 Vaccine Mandates – Jones, Burns, Chumley, Magnuson, Taylor, Haddon and others**

This bill would prevent the state of South Carolina or any SC government component from accepting federal funds as the result of enforcing a federally issued mask or vaccine mandate.

*Passed the House 12/10/21. Introduced, read first time, and referred to Senate Finance Committee 1/11/22.*

### **H 3230 Telepsychiatry Reimbursement – Herbkersman, Hosey, and Caskey**

This bill would require the SC Department of Health and Human Services to reimburse practitioners for mental health services provided via telehealth to patients enrolled in Medicaid.

*Introduced, read first time, and referred to Ways and Means Committee, 1/12/21.*

**H 3773 Restoration Treatment – West, G.M. Smith, Weeks, White (Similar S 79)**

This bill would extend the length of time certain individuals unfit to stand trial may be hospitalized from 60 to 180 days. It would also allow the SCDMH to provide restoration treatment in detention centers and on an outpatient basis, where appropriate.

*Read third time and sent to the Senate 4/21/21; Senate introduced, read first time, and referred to Medical Affairs Committee 4/21/21. Recalled from Medical Affairs Committee and referred to Judiciary Committee 2/02/22.*

**H 3888 Mental Health Study Committee – King, Bryant, Cobb-Hunter, Brawley**

This joint resolution would create a study committee to examine the state of mental health of South Carolina residents, to make certain findings, and prepare a report for the General Assembly before January 1, 2023.

*Passed the Medical, Military, Public and Municipal Affairs Committee with amendments and moved to the House floor, 1/25/2022. Requests for debate 1/27/22.*

**H 4600 Major Medical Treatment Consent – West and Bennett**

This bill would amend the “Rights of Mental Health Patients Act” to as it relates to substitute decisions makers for patients who are unable to make medical decisions, so that the Act conforms to the Adult Healthcare Consent Act, in the probate code law that was changed in 2019.

*Passed the Medical, Military, Public and Municipal Affairs Subcommittee and moved to the Full Committee. Read second time and approved, 2/22/22.*

**H 4997 State Veterans Nursing Homes – Herbkersman, West, B. Cox, Rutherford and others**

This bill would transfer the authority and responsibility for establishing state veterans nursing homes from the Department of Mental Health to the Department of Veterans Affairs.

*Introduced, read first time, and referred to Ways and Means Committee 2/17/22.*

**Executive Order 2022-02**

On Wednesday, January 12, SC Governor Henry McMaster issued an executive order directing a review SCDMH’s School Mental Health Services Program. Specifically, the Order directs the Department of Health and Human Services to conduct a review and analysis of the DMH’s School Mental Health in order to assess the availability School Mental Health services to children in the State’s schools, identify barriers to access, and determine the most effective manner to use existing funds and any additional funds or resources that may be available. The Order further directs HHS to provide recommendations for improving the School Mental Health Services Program. Executive Order 2022-2 is posted online at the following address:

<https://governor.sc.gov/sites/default/files/Documents/Executive-Orders/2022-01-12%20FILED%20Executive%20Order%202022-02%20-%20Review%20of%20School%20Mental%20Health%20Services%20Program.pdf>

**SHaPe SC Taskforce**

In 2021, DHEC put together a task force, Strengthen the Health and Promote the Environment of South Carolina (SHaPE SC), related to Senate bill 2, with the purpose of gathering feedback and input from a wide range of customers and stakeholders. The task force had two charges: (1) to evaluate the state of South Carolina’s current organizational framework and responsibilities related to the provision of health and environmental protection services, and (2) to make recommendations to the DHEC Board, General Assembly, and Governor about how to best maximize state resources to improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment. The final report is available for review at the following address: <https://shapesouthcarolina.gov/files/SHaPE-SC-report.pdf>.

**American Rescue Plan Act (ARPA) Funds Update**

In May of 2021, the Substance Abuse and Mental Health Services Administration (SAMHSA) announced it would be providing additional funds to states in addressing the effects of the COVID 19 pandemic on mental illness and substance use disorders and would do so via states’ Block Grants. SAMHSA allotted \$21,480,779 to SCDMH to be expended over a four-year period. Following discussions with SAMHSA staff and some minor changes, the agency’s proposal was approved. Of the approximately \$5.35 million annually, \$2.5 million will be spent on employee raises. The remainder will be spent on staff training and to expand a variety of community mental health programs [federal Block Grant funds must generally be spent to support the State’s community mental health services].

## Budget Update

SCDMH presented its FY 23 Budget Request to the Governor's Office/Executive Budget Office in October of 2021 and to the House Ways & Means Healthcare Subcommittee 1/19/2022.

\*SCDMH amended its FY 23 request 12/17/21 to include Capital Request funds for State Nursing Homes.

The table below shows the amended SCDMH budget request side-by-side with recommendations from the Governor's Office.

<b>SCDMH FY23 BUDGET REQUEST</b>	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>
<b>RECURRING</b>		
Sustainability of Workforce DIS	\$ 8,942,635	-
Sexually Violent Predator Treatment Program	\$ 1,353,530	\$ 1,353,530
State Veterans Nursing Homes	\$ 4,259,334	\$ 4,259,334
Psychiatric Hospitals and Other Facilities	\$ 5,355,681	-
Sustainability of Workforce CMHCs	\$11,004,232	-
Suicide Crisis Hotline	\$ 5,500,000	\$ 5,500,000
Recurring Proviso 118.18 Funding	\$14,843,000	-
Homeshare Stipend Increase	\$ 200,000	-
CRCF Daily Bed Rate Increase	\$ 300,000	\$ 300,000
Crisis Stabilization Units (CSUs)	\$ 9,650,000	-
Embedding Clinicians in Law Enforcement	\$ 2,015,000	-
School Mental Health	\$ 750,000	-
Sustainability of Workforce Administrative and Support Areas	\$ 1,454,225	-
Recurring Funds Requests for Administrative & Support Areas	\$ 5,617,125	-
Insurance Premium Increase	\$ 1,000,000	-
Appointed Civil Commitment Proceedings Council	\$ 200,000	\$ 200,000
Emergency Telepsychiatry	\$ 250,000	-
<b>TOTAL RECURRING</b>	<b>\$72,694,762</b>	<b>\$11,612,864</b>
<b>CAPITAL</b>		
Spartanburg Area MHC Lobby Renovation	\$ 250,000	-
Florence MHC Boiler and Chiller Replacement	\$ 575,000	-
Aiken-Barnwell HVAC Replacement	\$ 350,000	-
Anderson-Oconee-Pickens MHC Construction	\$12,430,000	-
Catawba MHC Construction	\$12,430,000	-
Columbia Area MHC Construction, Phase III	\$ 8,050,000	-
CFSH Campus Road, Parking Lot Repairs and Pavement	\$ 1,400,000	-
Morris Village Infirmary	\$ 750,000	-
Roddey Nursing Home Floor Replacement	\$ 1,000,000	-
CFSH Campus Demolition of Four Vacant Buildings	\$ 2,000,000	-
Morris Village Nursing Station Renovations	\$ 450,000	-
Bryan Guardhouse Construction	\$ 450,000	-
CFSH Campus Guardhouse Generator	\$ 150,000	-
Charleston Building Purchase	\$ 8,000,000	-
Bryan Modular Building Purchase	\$ 1,000,000	-
Stone VA Nursing Home HVAC Improvements	\$ 500,000	-
Roddey Support Building HVAC Replacement	\$ 350,000	-
Columbia Area MHC Fire Alarm Replacements	\$ 750,000	-
	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>

Harris Hospital Utility Building Emergency Generator Install	\$ 1,000,000	-
CFSH Campus Vehicle Mgmt. Garage Improvements	\$ 250,000	-
Gaffney MHC Interior Redesign	\$ 350,000	-
CMHC HVAC Replacement Phase II	\$ 2,219,280	-
CMHC Roof Replacement Phase II	\$ 630,699	
Crafts-Farrow/Columbia Area Fire Alarm Replacement	\$ 750,000	
Roddey Domestic and HVAC Piping and Flooring Phase III	\$ 1,200,000	
CFSH Campus Building 17, Public Safety Renovation	\$ 1,680,000	
Veterans Victory House Whole Facility Generator	\$ 1,500,000	
CFSH Campus Fisher Auditorium	\$ 250,000	
State Nursing Home Construction (Orangeburg)	\$30,600,000	
Deferred Maintenance and Care of State-owned Property	-	\$15,000,000
<b>TOTAL CAPITAL</b>	<b>\$91,314,979</b>	<b>\$15,000,000</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$164,009,741</b>	<b>\$26,612,864</b>
Transfer Alzheimer's Funding to Department on Aging	-	(\$778,706)
Other Funds Authorization	\$11,874,734	\$11,874,734

###