

S. C. MENTAL HEALTH COMMISSION MEETING
SCDMH Administration
2414 Bull Street, Columbia, South Carolina 29201
December 8, 2021

A Business Meeting of the S.C. Mental Health Commission was held in Room 320 at the S.C. Department of Mental Health Administration Building on Wednesday, December 8, 2021, at 10:30 a.m. The meeting notice and agenda were posted prior to the meeting and notice made to all individuals and news media who requested information in accordance with State law.

CALL TO ORDER

Chairman Pearce called the meeting to order at 10:30 a.m. Chaplain Daniel Loffredo provided the invocation.

INTRODUCTION OF VISITORS

Chairman Pearce welcomed everyone. Visitors present virtually via Zoom were: Gail Cordial, Director, Policy & Government Relations, Alkermes, Inc.; Lisa Dial, SC Senate; Elizabeth Harmon, Executive Director, SC Behavioral Health Coalition; Dr. Carl Jones, Commissioner-elect, Congressional District 6; Bill Lindsay, Executive Director, NAMI SC; Jocelyn Piccone, Director, Liberty Healthcare Corporation; and Susan von Schenk, Capital Information Affiliates (CIA).

On behalf of the Commission, Chair Pearce expressed heartfelt condolences to the family of Dr. John Eric "Ric" Jones upon the passing of Dr. Jones on November 28, 2021. Dr. Jones was a former psychiatrist with the Department at Columbia Area Mental Health Center.

Chairman Pearce announced Dr. Levy celebrated a birthday recently and on behalf of the Commission and everyone present wished him a happy birthday.

INTRODUCTION OF MEMBERS OF COMMUNITY MENTAL HEALTH SERVICES

Ms. Deborah Blalock, Deputy Director, Community Mental Health Services (CMHS), introduced the following staff members: Louise Johnson, Director of Children, Adolescents, and their Families (CAF); Christopher Wells, Trauma-Informed Systems Supervisor; Dara Baril, Director of Deaf and Hard of Hearing Services; and Demetrius Henderson, Director of Supported Employment Services. Each person talked briefly about their area of responsibility.

MOMENT OF COMMEMORATING 200TH ANNIVERSARY OF DMH

Chairman Pearce announced that the Department will hold its *Celebrating 200 Years of Caring, 1821-2021* today at 2:00 p.m. at the South Carolina State House Rotunda. Governor Henry D. McMaster will participate in the kickoff celebration.

APPROVAL OF AGENDA

By motion duly made and seconded, the Commission approved the Agenda for today's Business Meeting.

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

APPROVAL OF MINUTES

By motion duly made and seconded, the Commission approved the minutes from the Commission Business Meeting of November 5, 2021.

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

ANNOUNCEMENTS

Dr. Kenneth Rogers reported the following:

- The new State veteran home in Gaffney, S.C., Palmetto Patriots Home, will hold a ribbon cutting ceremony on Friday, December 10, 2021. It is anticipated that the grand opening of Palmetto Patriots Home and Veteran Village Nursing Home in Florence will be after the first of the new year.
- Dr. Rogers along with Ms. Deborah Blalock, Mr. Matt Dorman, and Ms. Elizabeth Hutto, presented at the 38th Annual Judges and Attorneys Substance Abuse and Ethics Seminar on Friday, December 3, 2021, held in Charleston, S.C.
- Dr. Rogers was elected 2022 Chair of the Joint Council for Children and Adolescents (JCCA). Ms. Louise Johnson, Director, CAF, also serves on JCCA. Other agencies of the JCCA include the Department of Disabilities and Special Needs (DDSN), Department of Social Services (DSS), Department of Juvenile Justice (DJJ), and the Department of Children's Advocacy.
- DMH along with DHEC will participate in the 2021-2022 Behavioral Health Training Institute (BHTI) for Health Officials sponsored by the National Council for Mental Wellbeing. Participants will gain direct access to training and technical assistance opportunities on behavioral health topics, including but not limited to addressing and integrating mental wellness in public health settings and building and/or enhancing cross-sector partnerships between public health and behavioral health systems.
- Dr. Rogers gave an update on the alternative transportation pilot project. DMH has posted a Request for Proposals (RFP) to hire a professional medical transport service as opposed to mental health patients being transported by law enforcement in handcuffs. The pilot program will cover approximately a ten-county area and will run for about a year. There was discussion.
- Dr. Rogers provided an update on the federal required COVID-19 vaccination for health care workers.
 - He reported that shortly after CMS issued the required COVID-19 vaccination for healthcare workers that CMS conducted an unannounced survey at Roddey Nursing Home.
 - The surveyors required the facility provide an updated list of which staff were vaccinated and which were not. Additionally, they also required evidence in the form of written policies and communications with staff that the facility was preparing to comply with the new regulations requiring the vaccination of all staff. Failure to comply with the federal mandate would have meant closure of the nursing homes.
 - On November 30, 2021 a United States District Judge issued a nationwide preliminary injunction, a temporary legal stay to the CMS vaccine mandate.
 - On December 1, staff were notified that for the time being, there would be no DMH deadline or requirement to receive an authorized COVID-19 vaccine.
 - DMH is licensed for 1900 beds, making DMH the third largest healthcare system in South Carolina, and DMH is committed to ensuring patient safety. Currently, on the inpatient side, there is enough personal protective equipment (PPE) available to all staff. The CDC recommends the use of masks and face shields for the unvaccinated. Staff at the inpatient facilities, both the unvaccinated staff as well as the vaccinated staff, will continue to wear masks and the face shields.
 - Dr. Rogers stated the Department is following the injunction and is not moving forward with suspending or terminating employees due to the vaccine mandate. There was discussion.

MONTHLY/QUARTERLY INFORMATION REPORTS

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

Ms. Hutto reported for the month of November a total of six pending cases for the Office of Public Safety.

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Ms. Hutto reported a total of 17 pending SLED investigations as of yesterday. Four cases were assigned to SLED, of which the oldest is from August 2021; eleven cases were assigned to Long-term Care Ombudsman Office, of which the oldest is from March 2021; and two cases were assigned to local law enforcement, of which the oldest is from April 2021. Ms. Hutto reported on a case that was closed in October 2021. The case involved what appeared to be abuse of a patient and was immediately reported to Public Safety and to SLED. An investigation was begun and the staff member was suspended pending an investigation. The staff member subsequently resigned. SLED concluded their investigation in November 2021 and the former staff member was arrested for abuse of an adult patient.

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

- 65 calls to patient advocacy in October; a total of 554 year to date.
- 84 complaints were resolved in October; a total of 720 complaints have been resolved year to date.
- The number of complaints by category resolved in October is 109 (*complaints are broken out by category, a single patient complaint may have more than one category*).

DEPARTMENTAL OVERVIEW AND UPDATE

Financial Status Update / Administrative Services

Mr. Morris presented the Administrative Services and monthly financial report, copies of which had been provided to the Commission. Below are highlights from the report:

- Effective November 17, 2021, Mr. Brandon Gaffney filled the position of Assistant Deputy Director of Administrative Services. Areas reporting to Mr. Gaffney are Physical Plant Services, Information Technology Services, and Telepsychiatry Operations.
- Mr. Morris has received a preliminary assessment of the revenue cycle management review. He anticipates a final report within the next two weeks.
- Medicare cost report has been filed. The Medicaid cost report is due the end of December 2021.
- The Department is projected to end FY22 with a balance of approximately \$3.9 million. Items not included in the October forecast are the 2% for salary and wages, 6.2% federal add-on payment; and the PEBA credit for fringe benefits. Most of the surplus is because of unfilled positions. Mr. Morris explained the loss of revenue was offset by grants and short-term funding. Approximately 40% of DMH funding, or approximately \$200 million, comes from federal sources. Chairman Pearce noted that the Agency's operating budget is \$475 million. Non-compliance with federal edict would result in a \$200 million deficit to the Agency.

HR Report

Ms. Zina Hampton, Chief Human Resources Officer, presented the HR report. Below are highlights from the report.

- Ms. Hampton provided the Commissioners updated charts on *Comparison of Filled FTE's January 2020 – November 2021* and *Exemption Requests*, a copy of which is filed with the minutes in the Office of the State Director.
- In January 2020, prior to the COVID-19 Pandemic, the Department had 4,224 filled full-time equivalent (FTE) positions; in August 2021, the number of filled FTEs dropped to 3,713; and in November 2021, the number of filled FTEs dropped to 3,681. The Department has a total of 4,660 authorized FTEs.
- Ms. Hampton presented numbers of religious exemptions and medical exemptions requests submitted as a result of the CMS COVID-19 vaccine mandate, however noted no action has been taken with the exemption requests due to the nationwide injunction of the vaccine mandate:
 - Division of Inpatient Services – 55 religious; 9 medical
 - Community Mental Health Services – 76 religious; 21 medical
 - Administration – 30 religious; 4 medical exemptions
- HR has reached out to staff members who submitted their resignation and informed them they had the option to rescind their resignation. There was discussion about resignations, staffing and recruiting challenges.

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Community Mental Health Services

Ms. Deborah Blalock, Deputy Director, Community Mental Health Services, presented the Community Mental Health Services (CMHS) report. Below are highlights from the report:

- Ms. Blalock, Dr. Eve Fields, DMH Psychiatrist, Ms. Jennifer Butler, Director of Suicide Prevention, and Ms. Janet Bell, Chief Diversity, Equity, and Inclusion Officer held a virtual lunch and learn for DMH staff on December 7. They provided mental health resources and coping strategies to reduce the stress associated with the COVID-19 pandemic. Approximately 118 DMH staff joined the session.
- The SC Hopes call center has served 4,726 callers since inception on June 1, 2020.
- Fifty billboards are located throughout the state providing the Mental Health Crisis telephone number.
- Ms. Blalock presented the CMHS Trends and Transparency Monthly Indicators (TMI) spreadsheets, copies of which had been provided to the Commission. 97% of all requests for service are being met within the guidelines. In October, 11 mental health centers met the patient care hours requirement.
- Funds from the CARES Act and funds from the General Assembly to pay for admissions to community hospitals to supplement the Department's ability to provide inpatient care have paid \$9,704 for bed days serving 1,206 patients.

Division of Inpatient Services (DIS)

Dr. Bellamy presented the Division of Inpatient Services report, copies of which had been provided to the Commission. Below are highlights from her report:

- The forensic waitlist has remained stable, with a reduction in overall wait time compared to October 2021.
- Planning continues towards finalizing the implementation plans for the jail-based restoration pilot project at the Alvin S. Glenn Detention Center. The Center is reviewing the final contracts.
- Mr. Stewart Shields, Director of Bryan Psychiatric Hospital, has announced his retirement. An effective date was not provided.
- Ms. Sheena H. Willis, MA, has been appointed Interim Director for the BPH Adult Civil Hospital.
- Since last month's Commission meeting, the Joint Commission conducted a triennial survey at Bryan Psychiatric Hospital (BPH). Follow up items identified were related to physical plant and environment of care specific to the forensic facilities.
- The Joint Commission conducted a follow up triennial survey at Patrick B. Harris (PBH) Psychiatric Hospital on November 5, 2021. PBH was granted reaccreditation by the Joint Commission.
- Dr. Bellamy said that she was aware of one person who indicated their resignation was due to the vaccine mandate, and that person was a temp employee.
- There is adequate PPE in the inpatient facilities to meet CDC recommendations. All staff, whether vaccinated or unvaccinated, are required to wear the appropriate PPE.

Approval of Minutes of the Governing Body for Inpatient Facilities of October 13, 2021

Dr. Bellamy presented the October 13, 2021 quarterly Inpatient Facilities Governing Body minutes, copies of which had been provided to the Commission.

By motion duly made and seconded, the Commission approved the Inpatient Facilities Governing Body minutes from the October 13, 2021 meeting.

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

OTHER BUSINESS/PUBLIC COMMENTS

Ms. Chandler Cox, President Elect, South Carolina Counseling Association (SCCA), provided information to the Commissioners on the Counseling Compact in South Carolina, copies of which had been provided to the Commission. The SCCA has potential sponsors and hope to introduce the compact in the next session beginning January 2022.

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Chairman Pearce thanked Ms. Cox for the information and said the appropriate staff will review the information and make a recommendation for the Commission's consideration.

There were no public comments.

ADJOURNMENT

At 12:12 p.m. on a motion by Dr. Evans, and seconded by Dr. Maxwell, the Commission adjourned the Business Meeting and entered into Executive Session to receive legal advice concerning potential litigation. Upon convening in open session at 1:30 p.m., Chairman Pearce noted that only information was received; no votes or actions were taken.

ATTENDANCE

Commission Members

L. Gregory Pearce, Jr., Chair
Dr. Elliott Levy, Vice Chair
Dr. Alison Evans

Mr. Bob Hiott (absent, excused)
Mr. Bobby Mann (absent, excused)
Dr. Crystal Maxwell

Visitors/Staff

Deborah Blalock
Zina Hampton
Demetrius Henderson
Elizabeth Hutto
Dr. Carl Jones
Louise Jones
Chaplain Daniel Loffredo
Paul Morris
Dr. Kenneth Rogers
Brett Williams

present virtually via Zoom

Dr. Robert Bank
Dara Baril
Janet Bell
Dr. Versie Bellamy
Shawn Braille
Jackie Brown
Mirtha Brown
Peter Camelo
Rochelle Caton
Gail Cordial
Chandler Cox
Pete Creighton

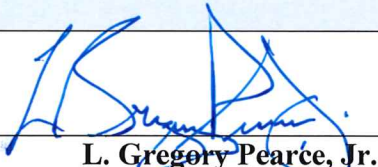
present virtually via Zoom

Matthew Dorman
Allison Farrell
Brandon Gaffney
Dr. Ebony Gaffney
Melanie Gambrell
Dr. Patricia Handley
Elizabeth Harmon
Nicole Kulick
Tracy LaPointe
Bill Lindsay
Eleanor Odom-Martin
Linda Palmer

present virtually via Zoom

Valarie Perkins
Jocelyn Piccone
Lynelle Reavis
Dr. Kimberly Rudd
Tamara Smith
Jessica Suber
Irene Thornley
Susan von Schenk
Lindsay Walker

APPROVALS



L. Gregory Pearce, Jr.
Chair



Kim Ballentine
Recording Secretary

