

S. C. MENTAL HEALTH COMMISSION MEETING
SCDMH Administration
2414 Bull Street, Columbia, South Carolina 29201
February 4, 2022

A Business Meeting of the S.C. Mental Health Commission was held virtually via Zoom in Room 320 at the S.C. Department of Mental Health Administration Building on Friday, February 4, 2022, at 10:30 a.m. Mr. Greg Pearce, Chairman, was present in person. Other Commission members were present virtually via Zoom. 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 James Stokes provided the invocation.

INTRODUCTION OF VISITORS

Chairman Pearce welcomed everyone. Visitors present virtually were: Anna Maria Conner, Disability Rights South Carolina; Gail Cordial, Director, Policy & Government Relations, Alkermes, Inc.; Sam Espinosa and Laura Nelson, Mercer; Jill Gran Associate Director, Otsuka; Bill Lindsay, Executive Director, NAMI SC; Jocelyn Piccone, Director, Liberty Healthcare Corporation; Susan von Schenk, Capital Information Affiliates (CIA); and Maya Wade, Beacon Health Options.

MOMENT OF COMMEMORATING 200TH ANNIVERSARY OF DMH

Chairman Pearce talked about the legacies in leadership during the establishment of the S.C. Lunatic Asylum 200 years ago. Dr. James Davis served on the commission that oversaw the S.C. Lunatic Asylum construction and served as its first physician between 1828 and 1835. In 1836 Dr. Daniel Trezevant succeeded Dr. Davis as physician. Individuals appointed as superintendents of the asylum were as follows:

- The first superintendent to lead the S.C. Lunatic Asylum was Mr. William Hillard. He resigned shortly after the opening of the SC Lunatic Asylum after being arrested in 1828.
- Mr. Archibald Beaty replaced Mr. Hillard. He served from 1828-1832 and resigned after being charged by the Regents Board for being incompetent and poor record keeping.
- Mr. E.W. Harrison was appointed the 3rd superintendent and served from 1832-1836.
- Dr. John W. Parker was appointed the 4th superintendent and was the first medical doctor superintendent. Dr. Parker served from December 1836 until the summer of 1870.
- Dr. Joshua Ensor served as a surgeon in the Union army and after the war he moved to South Carolina. He was appointed the 5th Superintendent of the S.C. Lunatic Asylum and served from 1870 – 1878.
- Dr. Peter Griffin was appointed the 6th Superintendent and served from 1878 – 1891.
- Dr. James Wood Babcock was appointed the 7th superintendent of the S.C. Lunatic Asylum in 1891. He resigned in 1914.

APPROVAL OF AGENDA

Chairman Pearce entertained a motion to modify the agenda to include an Issue Action Paper (IAP) concerning the Medicare annual professional fee schedule. By motion duly made and seconded, the Commission approve amending the agenda to include the IAP as requested.

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

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

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

APPROVAL OF MINUTES

Mr. Levy noted an error in the spelling of his last name on page 5 of the minutes. By motion duly made and seconded, the Commission approved the minutes, as corrected, from the Commission Business Meeting of January 7, 2022.

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

ANNOUNCEMENTS

Dr. Kenneth Rogers reported the following:

- On January 13, 2022 the U.S. Supreme Court lifted the injunction that had temporarily prevented enforcement of the CMS Mandate that requires COVID-19 vaccination for healthcare workers in organizations that receive Medicaid or Medicare funds. On January 14, 2022 Ms. Hutto consulted with the Attorney General's Office to confirm the vaccine mandate was indeed a legal mandate. The Attorney General's Office responded, "The CMS mandate is valid and must be followed and we cannot tell you not to follow the law." The deadline for employees to have received the first of a 2-dose vaccine is Monday, February 14, 2022. CMS guidance and deadlines for the vaccine mandate include that facilities with 80% of workers vaccinated by February 14 will have another 30 days to continue to move toward full compliance. Employee requests for a medical or a religious exemption are in HR for consideration.
- Governor McMaster has issued an Executive Order instructing the South Carolina Department of Health and Human Services (HHS) to examine mental health services in the state, specifically within the DMH. DMH leadership has begun meeting weekly and working very closely with Director Kerr and the staff at HHS focusing on two areas: school mental health services and how to develop a residential treatment facility for justice-involved youth. Dr. Rogers reported the following:
 - The number of South Carolina schools with school mental health (SMH) staffing increased to 843 in 2020 compared to 460 in 2014, an average of 11% growth per year.
 - As a result of the pandemic, the number of South Carolina schools with SMH staffing decreased from 842 in 2020 to 831 in 2021. At this point in time the number of schools with SMH staffing is down to 658.
 - In 2021 SMH services were provided to approximately 31,000 students in South Carolina.
 - The majority of children served by DMH are Medicaid beneficiaries. A lot of the private health insurance companies do not cover mental health services in the schools, but will cover the same services in the doctor's office. DMH leadership is working with the legislature and HHS for ways to remedy some of the issues which are outside the Agency's control in efforts to ensure that all insurance companies cover mental health services provided in schools, or ensure that the state has a pool of money to cover the cost of uncovered care.
- The Integrated Care Workgroup is looking at potential opportunities to partner with other medical service providers and have shared healthcare delivery by collaborating and working in partnership with Federally Qualified Health Centers (FQHC).

In response to Chairman Pearce's request to explain further about the significant drop in the number of schools with SMH services, Dr. Rogers said many schools throughout the state shutdown due to the pandemic. As a result, the Department served more patients through telehealth services. Additionally, the Department has experienced a number of staff members, especially masters level therapists, that decided to work in other places. The average number of SMH therapists

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by school year in 2020 was 440 compared to 360 to date. SMH therapists have left the Agency for offers from telehealth companies where they can work from home and their salaries are sometimes \$20,000 higher than what DMH can pay. The loss of SMH therapists as well as the closure of schools early in the pandemic have impacted the Department greatly. DMH leadership is working closely with State HR to review salaries and to look at other alternatives to address the inadequate compensation for SMH therapists.

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 January 2022 one case pending investigation for the Office of Public Safety.

Ms. Hutto reported that as of yesterday there were 18 pending SLED investigations. Two cases were assigned to SLED, of which the oldest is from August 2021; 13 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 2020. One case was assigned to the patient advocate from December 2021 that has to do with a complaint of general environment conditions at SVP.

Ms. Hutto reported a closure of note concerning an investigation from the Fall 2021. A resident at Veteran's Victory House (VVH) had been moved to the ED at a local hospital. When the resident arrived at the hospital, he had bed sores and he needed to be bathed. The son called SLED who called the long-term care ombudsman. An investigation was conducted and neglect was found. The staff at VVH were required to review the policy for documenting care provided including skin audits and skin checks.

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

- 59 calls to patient advocacy in December, a total of 672 year to date.
- 74 complaints were resolved in December; a total of 876 complaints have been resolved year to date.
- The number of complaints by category resolved in December is 88 (*complaints are broken out by category, a single patient complaint may have more than one category*).

6-MONTH REPORT OF COLLECTIONS

Ms. Hutto presented the items from the six-month report of medical care accounts collections for July 1, 2021 through December 31, 2021, copies of which had been provided to the Commission. These funds are collected through involuntary means from self-pay clients. A total of \$88,351.72 was collected from July 1, 2021 through December 31, 2021.

Dr. Levy asked how does a mental health center have no collections in a 6-month period. Ms. Hutto will follow up with a response.

SEMI-ANNUAL COMPLIANCE REPORT

Dr. Lynelle Reavis, Director of Quality Management and Compliance, Division of Medical Affairs, gave a SCDMH Compliance Program Review for July – December 2021, copies of which had been provided to the Commission. A copy of the report is on file with the minutes in the Office of the State Director. Following are highlights from the report.

- There were 12 compliance issues in 1st quarter FY'22: three were external audits; one administrative error, and eight clinical performance.
- There were 11 compliance issues in 2nd quarter FY'22: nine clinical performance and 2 external audit.

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- There were 11 HIPAA incidents in 1st quarter FY'22 and nine in 2nd quarter FY'22 categorized as unauthorized access/disclosure. One incident was an Office of Civil Rights complaint that has since been resolved.
- Dr. Reavis noted there were no incidents reported of stolen or misplaced laptops or phones for the past six months.
- The HIPAA Privacy Directive has been updated. On October 28, 2021 training was completed for Community Mental Health Center and DIS Privacy Officers, and Medical Records Personnel.

Chairman Pearce asked Dr. Reavis to talk about why the Department has an Office of Quality Management and Compliance (QMAC). Dr. Reavis explained that QMAC ensures conformance with federal and state requirements, as well as to requirements of third-party payors of the delivery and billing of quality services, regularly monitors and audits the mental health centers and facilities activities, and enforces appropriate conduct and discipline.

On behalf of the Commission, Chairman Pearce thanked Dr. Reavis for the informative presentation.

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.

- The December 31, 2021 financial report projects a balance of \$5.5 million for fiscal year ending June 30, 2022. Mr. Morris noted that the prior month fiscal year ending projection was \$6.3 million. He reported a drop in the revenue forecast of \$1.9 million due to Volume projections from November to December 2021. CARES Act funding of \$5.1 million received increased the expense forecast \$4 million.
- The Department presented its FY23 budget request to the House Ways and Means Healthcare Subcommittee on January 19, 2022.

Administrative Services

Mr. Morris reported the following:

- The Request for Proposal (RFP) for the Electronic Health Record (EHR) project is complete and has been submitted to the South Carolina Materials Management Office for review.
- The Department received \$1.2 million in American Rescue Plan Act (ARPA) funds on January 25, 2022 and will begin identifying how the funds will be utilized.
- A new position is being created to assist the Department in obtaining future grants.

Issue Action Paper (IAP)

Mr. Morris presented an IAP requesting Commission approval to increase the professional charges billed to residents of its nursing homes. These charges will be those on the Medicare's Professional Fee Schedule multiplied by 1.25. The Department updates its professional charges each year to match the Medicare Professional Fee Schedule's January update. Private insurance pays the lower of either what is charged or what is on the related fee schedule, an amount usually higher than the Medicare Fee Schedule. This will have a minimal effect on the patient's co-insurance. The Department will update the charges when Medicare publishes its annual professional fee schedule.

Following discussion, by motion duly made and seconded, the Commission approved the request as presented.

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

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HR Report

Ms. Zina Hampton, Chief Human Resources Officer, presented the HR report, copies of which had been provided to the Commission. Ms. Hampton reported the following:

- At the end of January 2022, the Department had a total of 3,596 filled full-time equivalent (FTE) positions.
- Ms. Hampton presented the following recruiting initiatives currently being developed:
 - Greater presence on social media.
 - Revamping the HR/Recruiting webpage.
 - Gathering testimonials from staff.
 - Display of “*DMH Now Hiring*” digital billboards throughout the state with memorable vanity number.
 - Updating recruiting materials.
 - Developing a team of recruiting partners throughout the Agency.
 - Streamlining NEOGOV and the recruiting process to shorten the length of time from advertisement for a position to onboarding.
 - Working with the military transition team.
 - Participating in career fairs.
 - Creating effective recruitment hashtag strategies.

In response to Dr. Levy’s questions about where the video testimonials would be advertised and has there been any thought about having patients’ testimonials, Ms. Hampton responded the staff testimonials will be advertised on the Department’s website, television commercials/spotlights, community boards, scrolling advertisement at career fairs, and social media platforms. HR is looking into the legality of advertising patient testimonials and maintaining patient privacy.

There was discussion concerning the number of potential staff loss due to the vaccine mandate. Ms. Hampton reiterated what Dr. Rogers reported earlier that if the Department can maintain an 80% overall vaccine rate, an additional grace period will be allowed to move toward full compliance. Dr. Rogers said along with the staffing issues already being experienced across the Department, the loss of staff due to the vaccine mandate will have a significant impact. On behalf of the Commission Chairman Pearce extended heartfelt concerns on the matter. He thanked Ms. Hampton for her report and for the work that is being done.

Community Mental Health Services

Prior to presenting her report, Ms. Blalock deferred to Ms. Hutto for follow up to Dr. Levy’s question related to the six-month collections report. Ms. Hutto explained the six-month collections report covers the Setoff Debt collections by mental health center for the last six months of 2021. The Setoff Debt collections are based on state tax returns. If a citizen owes money to a public hospital, like DMH, the program allows DMH to attached that individual’s state tax return. The vast majority of Setoff Debt collections take place in the first six months during tax season when individuals are getting their tax refunds. During the July through December period, very little tax activity is happening and few refunds are being sent to citizens.

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

- SCDMH School Mental Health Strategies
 - Increase the pool of future therapists.
 - Expand the Magill SMH program with more money for paid internships and sign on bonuses to educate and recruit more mental health professionals.
 - Offer paid internships/practicums/assistantships beginning in FY23 to both bachelor’s and master’s degree candidates to educate and recruit more therapists.

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- Considering a student loan repayment program for mental health professionals if DMH can find a funding source and if approved by State HR.
- Center directors are stressed about staff loss unrelated to the vaccine mandate as well as staff loss related to the mandate. They are working diligently with the unvaccinated or the undeclared staff to find out their intentions and reminded staff to be mindful of the therapeutic relationship between the clinicians and patients.
- SC Hopes has received 5,398 calls since inception on June 1, 2020 and connected them to resources across our state.
- Jennifer Butler was selected to be the Director of the Office of Emergency Services (OES). Recruiting has begun to fill the Director's position in the Office of Suicide Prevention.
- Recruiting has begun to fill the position of Director of Mobile Crisis.
- Ms. Blalock presented a picture of the Charleston Dorchester Mental Health Center's newly wrapped Highway to Hope (H2H) mobile response RV. H2H is a mobile care program integrating mental health and primary care and will help provide services in rural areas for individuals who need mental health and substance abuse crises support.
- Ms. Blalock presented the CMHS Trends and Transparency Monthly Indicators (TMI) spreadsheets, copies of which had been provided to the Commission.

Dr. Levy asked about the status of his request from the January 2022 Commission meeting for a list of employees who have stepped up and gone above and beyond their normal responsibilities to provide care for the patients during the pandemic. Ms. Blalock provided the list to the State Director's Office prior to today's meeting. Ms. Ballentine will follow up and email the list to the Commission members. There was discussion on how to recognize the individuals in the near future. Chairman Pearce stated that he looks forward to holding Commission meetings at the centers and facilities again so the Commission can be with those heroes face to face.

Ms. Blalock called attention to a question posted in chat from Mr. Bill Lindsay: "In your meetings with Director Kerr, what new ideas are being considered to improve school mental health in general from his office?" Dr. Rogers deferred to Ms. Blalock for a response. DMH and HHS are working collaboratively on ways to expand the reach in the schools.

- Increase salary structure.
- Allow 10-month contracts.
- Extend the reach in schools specifically by having bachelors prepared staff to be extenders of the masters prepared staff and provide education, referrals, reach out to primary care professionals and operate in a collaborative care model.
- Recruit for the future by enhancing internships.
- Increase rate for mental health contractors from \$50 for licensed professional and \$40 for non-licensed professional to \$60 and \$50 respectively.
- Continue to engage with and explore more partnerships with other agencies such as MUSC, NAMI, and DAODAS.

Ms. Blalock noted that there are approximately 200 schools with mental health providers other than SCDMH.

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:

- DIS nurses are an integral part of SCDMH's complex health system. DIS holds Nursing Town Halls quarterly and spotlights frontline nursing staff who go above and beyond to provide care and to meet the needs of the patients and residents. Dr. Bellamy will provide a copy of the staff heroes presented at the most recent Nursing Town Hall to the Commissioners.

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- Admissions to Veterans Village in Florence began last month. It is anticipated that the DHEC inspection for licensure for Palmetto Patriots Home in Gaffney will be complete this week. The Department will soon have a total of five (5) veterans nursing care facilities operational that will comprise 738 licensed beds for South Carolina veterans.
- In 2021 DAODAS offered funding toward increasing staff training opportunities in evidenced based assessment in treatment practices of Morris Village patients. The trainings have been occurring and are nearing the end of the training series. Staff have been very appreciative of the training opportunities and are using the techniques gained from those training opportunities. Educational opportunities included American Society of Addiction Medicine (ASAM); Motivational Interviewing (MI); Eye Movement Desensitization and Reprocessing (EMDR); and Hazelden Betty Ford (Living in Balance, Beyond Trauma, 12-Steps). Dr. Bellamy commended Dr. Snipes for her coordination and work with this initiative and expressed appreciation to Sara Goldsby, Director, DAODAS for their partnership and funding support.
- DIS continues to experience major staffing challenges and nursing shortages. Leadership is looking at innovative ways to recruit staff and improve staff retention.
- The December 2021 overall average daily census (ADC) represents a numerical decrease of 349 or 27% as compared to the overall ADC for February 2020.
- As of January 14, 2022, the Forensic Ready for Admission Waitlist is 89. Scheduled admissions had to be postponed due to the necessary conversion of the admissions unit into a COVID treatment site. Staff and patient COVID positives increased significantly in January.
- The jail-based restoration pilot project remains on hold pending the processing of necessary contracts by Alvin S. Glenn detention center.
- Dr. Kimberly Rudd reported a Contract Monitor has been hired at Veterans Village. A Safety Officer has been hired for all of the contract nursing homes.

LEGISLATIVE UPDATE

Ms. Rochelle Caton, Director of Patient Advocacy and Legislative Liaison for DMH, presented the January 27, 2022 publication of the *Legislative News*, copies of which had been provided to the Commission. The publication lists bills introduced in the General Assembly that may affect the Agency, mental health, healthcare issues, or state employee issues. Below are highlights from her report:

- H 3773 – Restoration Treatment: 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 DMH to provide restoration treatment in detention centers and on an outpatient basis, where appropriate. The Senate referred the bill to Medical Affairs Committee on April 21, 2021. This week the Medical Affairs Committee determined the bill would be more appropriate to be heard by the Judiciary Committee and had the bill recalled from the Medical Affairs Committee.
- H 4600 – Major Medical Treatment Consent: This bill would amend the “Rights of Mental Health Patients Act” 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. The bill passed the Medical, Military, Public and Municipal Affairs Subcommittee and moved to the Full Committee on January 26, 2022. Ms. Caton noted this was also a recommendation included in the SCDMH Executive Summary Recommendations from the House Legislative Oversight Committee in 2020.

Ms. Caton shared an email she received from a gentleman whose sister has been diagnosed with schizophrenia for 42 years and received DMH outpatient services for over 20 years. Later she was diagnosed with frontal lobe dementia. Prior to her admission at Bryan, she spent 14 weeks in a private psychiatric ward before being released to a private nursing home, and then was kicked out because the staff did not know how to handle the situation. In his email, the gentleman stated that DMH systems means a lot to him, other families, and patients who are chronically mentally ill and can be the most challenging patients to treat.

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OTHER BUSINESS/PUBLIC COMMENTS

Other Business

- On behalf of the Commission, Chairman Pearce expressed heartfelt condolences to the family of Mrs. Carol Peterson who passed away on January 30, 2022. Ms. Peterson was a former employee with DMH having served over 30 years in Nutritional Services.
- Following discussion, Commission members agreed that the next scheduled business meeting of the Commission will be held virtually on Friday, March 4, 2022. The report of the Internal Audit Committee will be at 10:00 a.m. followed by the Commission Business Meeting at 10:30 a.m.

There were no public comments.

ADJOURNMENT

At 12:32 p.m., by motion duly made and seconded, the Commission adjourned the Business Meeting and entered into Executive Session to receive legal advice concerning pending litigation. Upon convening in open session at 12:55 p.m., Chairman Pearce noted that only information was received; no votes or actions were taken.

ATTENDANCE

Commission Members

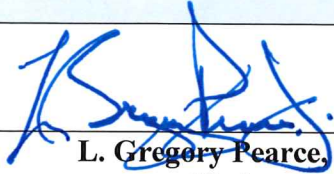
L. Gregory Pearce, Jr., Chair	<u>present virtually via Zoom</u> Dr. Elliott Levy, Vice Chair Dr. Alison Evans Mr. Bob Hiott Mr. Bobby Mann Dr. Crystal Maxwell
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Visitors/Staff

<u>present virtually via Zoom</u> Dr. Robert Bank Janet Bell Dr. Versie Bellamy Mark Binkley Deborah Blalock Pat Bresnan Mirtha Brown Jacqueline Brown Peter Camelo Rochelle Caton Leigh Ann Chmura Anna Maria Conner Gail Cordial	<u>present virtually via Zoom</u> Akiko Dettorre Matthew Dorman Sam Espinosa Allison Farrell Melanie Gambrell Kelly Gothard Jill Gran Jeffery Ham Zina Hampton Dr. Patricia Handley Dr. Maryjane Hicks Elizabeth Hutto Alan Johns Charice Jones	<u>present virtually via Zoom</u> Tracy LaPointe Bill Lindsey Barry Lloyd Patrice Lloyd Sarah Main Eleanor Martin Dr. Allen McEniry Denise Morgan Paul Morris Laura Nelson Linda Palmer Valarie Perkins Jocelyn Piccone Dr. Lynelle Reavis	<u>present virtually via Zoom</u> Vicki Redding Tracy Richardson Jennifer Roberts Dr. Kimberly Rudd Angie Salley Lynn Scombordi Stuart Shields Sandra Varney Susan von Schenk Chaplain James Stokes Maya Wade Lindsay Walker
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APPROVALS



L. Gregory Pearce, Jr.
Chair



Kim Ballentine
Recording Secretary

