



# Legislative News

April 27, 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. To learn which legislators represent you, visit [www.scstatehouse.gov/legislatorssearch.php](http://www.scstatehouse.gov/legislatorssearch.php).

This publication is also available on the SCDMH internet and intranet sites. If 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).

**NOTE: Bills that did not cross chambers by April 7 have been removed from this update. Because this is the second year of the two-year session, bills that did not cross over must be re-filed in order to be considered in the next legislative session. \*Bills that did not cross over but are sponsored by Legislative leadership and still have the potential to advance have not been removed.**

## 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.

*Passed the Senate 3/17/22. The General Government Legislative Subcommittee of the House Ways & Means Committee held a hearing on the bill, including testimony from agency heads and members of the public 4/26/22. The subcommittee passed the bill with an amendment. The full Ways and Means Committee will consider the bill in its 4/28/22 meeting.*

### **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.

*Passed the Senate 3/23/22. House introduced, read first time, and referred to Judiciary Committee 3/29/22.*

### **\*S 1073 Sex Offender Registry – Hembree and Campsen (Similar H 5064)**

This bill to would allow sex offenders to petition the court for removal from the Sex Offender Registry after a specified period of time that is based on the tier of the offender's offense, in addition to other changes.

*Introduced, read first time, and referred to Judiciary Committee 2/16/22. Referred to subcommittee 3/02/22.*

## 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.

*Ratified 4/21/22.*

**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.

*Ratified 4/21/22.*

**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 House 3/03/22. Senate introduced, read first time, and referred to Medical Affairs Committee 3/03/22.*

**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 House 2/23/22. Received favorable report from Senate Medical Affairs Committee 4/21/22.*

**\*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. Debate adjourned until May 4, 4/06/22.*

## **Executive Order 2022-02**

On 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. SCDMH leadership has been meeting with the Department of Health and Human Services leadership on a regular basis since February of this year. In addition to exploring measures to increase the number of mental health therapists in schools and improving access to Psychiatric Residential Treatment Facilities (PRTFs) for high risk youth in State care or custody, the agencies are discussing other needed mental health services for youth as well as short term crisis stabilization resources for adults and children.

**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>

## **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 was combined with other agency funds to provide a 2% raise for employees. In addition, funds were used to expand the number of law enforcement-embedded SCDMH clinicians. 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, the House Ways & Means Healthcare Subcommittee 1/19/2022, and the Senate Finance Committee 3/16/2022.

SCDMH amended its FY 23 request to include Capital Request funds for State Nursing Homes 12/17/21, and a Psychiatric Residential Treatment Facility (PRTF) for DJJ-involved Youth 2/24/22.

The table below shows the amended SCDMH budget request side-by-side with recommendations from the Governor’s Office, the House of Representatives, and the Senate Finance Committee.

<b>SCDMH FY23 BUDGET REQUEST</b>	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>	<b>House Rec.</b>	<b>Senate Fin. Rec.</b>
<b>RECURRING</b>				
Sustainability of Workforce DIS	\$ 8,942,635	-	-	-
Sexually Violent Predator Treatment Program	\$ 1,353,530	\$ 1,353,530	\$ 1,353,530	\$ 1,353,530
State Veterans Nursing Homes	\$ 4,259,334	\$ 4,259,334	\$ 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	-	-	-
Law Enforcement Recruitment & Retention	-	-	\$ 456,418	\$ 456,418
<b>TOTAL RECURRING</b>	<b>\$72,694,762</b>	<b>\$11,612,864</b>	<b>\$6,069,282</b>	<b>\$6,069,282</b>
<b>NON-RECURRING</b>				
988 Suicide Crisis Hotline Secondary Call Center Infrastructure	-	-	-	\$1,300,000
<b>TOTAL NON-RECURRING</b>	-	-	-	<b>\$1,300,000</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	-	-	-

<b>CAPITAL, cont.</b>	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>	<b>House Rec.</b>	<b>Senate Fin. Rec.</b>
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	-	-	-
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	-	\$30,600,000	\$30,600,000
Deferred Maintenance and Care of State-owned Property	-	\$15,000,000	-	-
Psychiatric Residential Care Facility (DJJ PRTF)	\$20,000,000	-	-	**
<b>TOTAL CAPITAL</b>	<b>\$111,314,979</b>	<b>\$15,000,000</b>	<b>\$30,600,000</b>	<b>\$30,600,000</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$184,009,741</b>	<b>\$26,612,864</b>	<b>\$36,669,282</b>	<b>\$37,969,282</b>
Transfer Alzheimer's Funding to Department on Aging	-	(\$778,706)	(\$778,706)	(\$778,706)

\*\*The \$20 million for the psychiatric residential treatment facility for DJJ-involved youth is included in the Senate Finance Committee's budget recommendation for DJJ.

###