

May 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. 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 and bills that did not pass by the end of the regular session have been removed from this update. Because this is the second year of the two-year session, these bills must be re-filed in order to be considered in the next legislative session.**

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

- H 3126 Vaccine Mandates – Jones, Burns, Chumley, Magnuson, Taylor, Haddon and others**  
This bill prevents 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; signed by the Governor 4/25/22.*
- H 3773 Restoration Treatment – West, G.M. Smith, Weeks, White**  
This bill extends the length of time certain individuals unfit to stand trial may be hospitalized from 60 to 180 days. It allows the SCDMH to provide restoration treatment in detention centers and on an outpatient basis, where appropriate.  
*Ratified 4/21/22; signed by the Governor 4/25/22.*
- H 4075 Sex Offender Registry – Wetmore, Stavrinakis, Weeks**  
This bill amends the law relating to the Sex Offender Registry to provide persons convicted of certain offenses would be referred to as either Tier I, Tier II, or Tier III offenders and outlines the conditions for and procedures by which offenders can be removed from the Sex Offender Registry under certain circumstances, among other provisions.  
*Ratified 5/18/22.*
- H 4600 Major Medical Treatment Consent – West and Bennett**  
This bill amends 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.  
*Ratified 5/11/22; signed by the Governor 5/16/22.*

## 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 directed the Department of Health and Human Services to conduct a review and analysis of the SCDMH's School Mental Health in order to assess the availability of those 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 directed HHS to provide recommendations for improving the School Mental Health Services Program. SCDMH leadership met 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. DHHS Director Robbie Kerr presented the findings of the DHHS SCDMH School-based Services Provider Review at the Governor's Cabinet meeting May 3 and the Joint Legislative Committee on Children May 4. SCDMH will continue to meet with DHHS to address the identified issues on an as-needed basis.

**The SCDMH School-based Services Provider Review report is posted online, here:**

<https://www.scdhhs.gov/sites/default/files/2022-05-03%20SCDMH%20School-based%20Services%20Provider%20Review.pdf>.

## Budget Update

SCDMH presented its FY23 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 FY23 request 12/17/21 to include Capital Request funds for State Nursing Homes, and to include a Psychiatric Residential Treatment Facility (PRTF) for DJJ-involved Youth 2/24/22. **\*\*The \$20 million for the psychiatric residential treatment facility for DJJ-involved youth is included in the Senate’s budget recommendation for DJJ.**

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. The regular session of the Legislature ended May 12 without a final FY 23 budget. The Legislature appointed a Conference Committee to work out differences between the House and Senate’s versions. The Legislature will reconvene June 15 to take up the budget and other outstanding issues.

<b>SCDMH FY23 BUDGET REQUEST</b>	<b>SCDMH Request*</b>	<b>Governor's Rec.</b>	<b>House Rec.</b>	<b>Senate 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>-</b>	<b>-</b>	<b>-</b>	<b>\$1,300,000</b>		

<b>SCDMH FY23 BUDGET REQUEST, cont.</b>	<b>SCDMH</b>	<b>Gov. Rec.</b>	<b>House Rec.</b>	<b>Senate Rec.</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	-	-	-		
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</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)		

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