

June 3, 2021

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 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.

CROSSOVER DATE NOTICE – bills that did NOT cross chambers before April 12, 2021 are marked with an asterisk*. These bills will not pass this session, though hearings may continue in some cases. These bills will become “active” again at the beginning of the 2022 session.

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.*

SHaPe SC Taskforce

DHEC has put together a task force, Strengthen the Health and Promote the Environment of South Carolina (SHaPE SC), related to this bill, with the purpose of gathering feedback and input from a wide range of customers and stakeholders. The task force has 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.

SCDMH has provided extensive material to DHEC regarding its mission, history, services, and more as part of this effort, and recommended the addition of several stakeholders to the Taskforce to address these steps, which held its first meeting Thursday, June 3.

S 231 Student ID Card Suicide Prevention Act – Shealy, McLeod, Matthews (Similar H 3476)

This bill would require public schools and public and private institutions of higher learning to add the telephone number for the National Suicide Prevention Lifeline to student ID cards, as well as appropriate telephone and text numbers for other hotlines.

Ratified 5/13/21; Governor McMaster will hold a public signing of this bill in the coming weeks; the date is not yet set.

***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.

Introduced, read first time, and referred to Medical Affairs Committee, 3/11/21.

S 669 Mental Health Month – Alexander

This concurrent resolution would recognize the month of May 2021 as Mental Health Month in South Carolina to raise awareness and understanding about mental illness and the need for appropriate and accessible services for all individuals with mental illness.

Adopted and sent to House 4/08/21; House adopted and returned with concurrence 4/13/21.

Children's Advocacy Center Day – Shealy

S 671 This concurrent resolution would recognize Wednesday, April 7, 2021, as Children’s Advocacy Center Day in South Carolina in honor of the important work done to combat the significant problem of child maltreatment.

Adopted and sent to House 3/24/21; House adopted and returned with concurrence 4/06/21.

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

***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.

***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, 2022.

Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 2/11/21.

SC Mental Health Commission Update

Crystal A. Maxwell, MD, of Fort Mill, was appointed to the South Carolina Mental Health Commission, May 11, filling the seat representing South Carolina’s Fifth Congressional district.

Dr. Maxwell, who is Board certified in Family Medicine, received her MD from the University of Tennessee School of Medicine, where she also completed her residency. She also holds a physician master’s degree in business administration from Auburn University. Dr. Maxwell is the founder and chief executive officer of LIGHT Family Wellness in Fort Mill, South Carolina, where she also serves as a physician. With Dr. Maxwell’s appointment, all seats on the SC Mental Health Commission are filled.

American Rescue Plan Act (ARPA) Funds Update

In mid-May, 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 has allotted \$21,480,779 to SCDMH.

As part of this process, SCDMH must submit a proposal by July 2 to SAMHSA indicating how the funds would be used; Agency leadership is working on a formal proposal.

Budget Update

SCDMH presented its FY 2022 Budget Request to the Governor's Office/Executive Budget Office 10/28/2020, to the House Ways & Means Healthcare Subcommittee 1/27/2021, to the Senate Finance Healthcare Subcommittee March 3, 2021, and a second presentation to the House Ways & Means Healthcare Subcommittee 5/24/21.

- SCDMH revised its budget request to include funds for additional state nursing homes January 27, 2021 and to adjust the recurring dollar amount for state veterans nursing homes April 15, 2021.

The table on the following page shows the revised budget request side-by-side with recommendations from the Governor's Office, the House of Representatives, the Senate, and the *amended* House Ways & Means recommendation.

SCDMH FY22 BUDGET REQUEST	SCDMH Request	Governor's Rec.	House Rec.	Senate Rec.	House W&M Amended
RECURRING					
Forensic Services	\$3,698,874	-	-	\$3,700,000	\$3,700,000
Sexually Violent Predator Treatment Program	\$3,550,731	\$2,000,000	-	-	-
State Veterans Nursing Homes	*\$17,737,336	\$5,000,000	-	-	\$14,037,336
Sustainability of Workforce	-	-	-	\$7,982,500	-
TOTAL RECURRING	\$23,286,941	\$7,000,000	-	\$11,682,500	\$17,737,336
NON-RECURRING					
School Mental Health \$1,500 Signing Bonus	-	\$600,000	-	-	-
Inpatient Services	-	-	-	-	\$2,000,000
Alternative Transportation Program	-	-	-	-	\$1,000,000
Detention Center Telepsychiatry Team	-	-	-	-	\$843,000
Detention Center Medication Fund	-	-	-	-	\$1,000,000
Crisis Stabilization Unit Pilot – Midlands	-	-	-	-	\$1,200,000
MIRCI	-	-	-	\$250,000	\$250,000
TOTAL NON-RECURRING	-	\$600,000	-	\$250,000	\$6,293,000
CAPITAL					
Certification of State Match (Additional VA Nursing Homes)	*\$49,788,352	-	\$27,000,000	\$49,788,352	\$49,788,352
Coastal-Empire HVAC, Sprinkler System, Fire Alarm & Roof	\$1,600,000	-	-	\$1,600,000	\$1
Crafts-Farrow Campus Electrical Distribution System	\$1,200,000	-	-	\$1,200,000	\$1
Harris Hospital Renovations (Anti-ligature)	\$6,005,645	-	-	\$1	\$2,310,001
Gaffney Building Purchase & Renovations	\$985,000	-	-	-	-
Crafts-Farrow Grease Trap Interceptor	\$388,000	-	-	-	-
Campbell Nursing Home Refrigerator & Freezer Replacement	\$100,000	-	-	-	-
Waccamaw CMH HVAC, Sprinkler System, Fire Alarm & Roof	\$1,600,000	-	-	\$1,600,000	\$1
Crafts-Farrow Fisher Auditorium & Library Demolition	\$250,000	-	-	-	-
Bryan Chilled Water Loop Branch Line Replacement	\$500,000	-	-	-	-
Crafts-Farrow Water Booster Pump Generator	\$155,000	-	-	-	-
Morris Village Sidewalks and Drainage	\$245,000	-	-	-	-
Bryan Energy Center Drainage	\$150,000	-	-	-	-
Roddey Phased Water Piping Replacement	\$202,000	-	-	-	-
Pee Dee MHC Boiler and Chiller Replacement	\$600,000	-	-	-	-
Aiken-Barnwell MHC HVAC Replacement	\$350,000	-	-	-	-
Anderson-Oconee-Pickens MHC Construction	\$12,430,000	-	-	-	-
Catawba MHC Construction	\$12,430,000	-	-	-	-

CAPITAL, cont.	SCDMH Request	Governor's Rec.	House Rec.	Senate Rec.	House W&M Amended
Campbell Veterans Nursing Home Renovations	\$3,940,000	-	-	-	-
Roddey Nursing Home Floor Replacement	\$1,000,000	-	-	-	-
Morris Village Nursing Station Renovations	\$450,000	-	-	-	-
Morris Village Infirmary	\$750,000	-	-	-	-
TOTAL CAPITAL	\$95,118,997	-	\$27,000,000	\$54,188,353	\$52,098,356
GRAND TOTAL REQUEST	\$118,405,938	\$7,600,000	\$27,000,000	\$66,120,853	\$76,128,692
Transfer Alzheimer's Funding to Department on Aging	(\$778,706)	(\$778,706)	-	-	-
Other Funds Authorization	\$36,000,000	\$36,000,000	\$36,000,000	\$36,000,000	\$36,000,000