**South Carolina General Assembly**

118th Session, 2009-2010

**S. 273**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Thomas and Anderson

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Companion/Similar bill(s): 3115

Introduced in the Senate on January 14, 2009

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Residential care facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-14-09.docx)‑7

1/14/2009 Senate Referred to Committee on **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2009\01-14-09.docx)‑7

**VERSIONS OF THIS BILL**

[1/14/2009](file:///p:\pprever\2009-10\273_20090114.docx)

**A** **BILL**

TO AMEND SECTION 44‑7‑350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY RESIDENTIAL CARE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY NOT REMOVE A RESIDENT FROM THE FACILITY IF THE RESIDENT, THE RESIDENT’S FAMILY OR THE RESIDENT’S HEALTH CARE POWER OF ATTORNEY, THE RESIDENT’S PHYSICIAN, AND THE FACILITY AGREE TO THE RESIDENT’S CONTINUED STAY AND THE FACILITY IS CAPABLE OF PROVIDING OR OBTAINING NECESSARY SERVICES FOR THE RESIDENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑7‑350 of the 1976 Code is amended to read:

“Section 44‑7‑350. (A) The agency ~~placing~~ providing services for a client in a community residential care facility shall develop an individual plan of care in cooperation with the provider. The ~~placing agency~~ provider shall monitor the plan to the extent considered appropriate by the placement agency.

(B)(1) The department may not order the removal of a resident from a community residential care facility if the resident, his family or health care power of attorney, his physician, and the facility agree to the resident’s continued stay in the community residential care facility and the facility is capable of providing, obtaining, or arranging for necessary services for the resident including, but not limited to, home health care and hospice care.

(2) Twenty‑four hour care may be provided in the residential care facility when necessary for a hospice patient.

(3) The resident’s physician must review the care plan for a hospice patient with the facility on a monthly basis.

(C) Prior to a community residential care facility being licensed for operation in an area ~~which~~ that is outside incorporated areas of a county~~, the following conditions must be met~~:

(1) the governing body for the area must be given notice of the proposed location~~.~~; and

(2) where the governing body objects to the proposed site for the facility, the arbitration procedures set forth in Act 449 of 1978 must be employed.”

SECTION 2. This act takes effect upon approval by the Governor.

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