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COMMITTEE REPORT

May 20, 2015

**S. 474**

Introduced by Senator O’Dell

S. Printed 5/20/15--H.

Read the first time April 28, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 474) to amend Section 44‑22‑10, Code of Laws of South Carolina, 1976, relating to Chapter definitions, so as to add and define the term “authorized health, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 474 amends Chapter 22, Title 44 relating to the rights of mental health patients. The bill adds a definition for “authorized health care provider” and grants such entities the same authority as physicians regarding examination and treatment of patients under the care of the Department of Mental Health.

**Department of Mental Health.**

The agency indicates this bill would have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑22‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHAPTER DEFINITIONS, SO AS TO ADD AND DEFINE THE TERM “AUTHORIZED HEALTH CARE PROVIDER”; TO AMEND SECTION 44‑22‑60, RELATING TO PATIENTS’ RIGHTS, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THE REQUIRED INITIAL EXAMINATION; AND TO AMEND SECTION 44‑22‑140, RELATING TO AUTHORIZATION OF MEDICATIONS AND TREATMENT GIVEN OR ADMINISTERED TO A PATIENT, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THESE FUNCTIONS.

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

SECTION 1. Section 44‑22‑10(1) of the 1976 Code is amended to read:

“(1) ~~[Reserved]~~ ‘Authorized health care provider’ means advanced practice registered nurses and physician assistants licensed in South Carolina and authorized to provide specific treatments, care, or services pursuant to their respective practice acts in Title 40.”

SECTION 2. Section 44‑22‑60(B) of the 1976 Code is amended to read:

“(B) Within six hours of admission a patient must be examined by a physician or authorized health care provider. Within fourteen days of admission, a patient or his parent or guardian must be provided with a written individualized plan of treatment formulated by a ~~multi‑disciplinary~~ multidisciplinary team and the patient’s attending physician. Each patient or his parent or guardian shall participate in an appropriate manner in the planning of services. An interim treatment program based on the preadmission evaluation of the patient must be implemented promptly upon admission. An individualized treatment plan must contain:

(1) a statement of the nature and degree of the patient’s mental illness or chemical dependency and his needs;

(2) if a physical examination has been conducted, the patient’s physical condition;

(3) a description of intermediate and long‑range treatment goals and, if possible, future available services;

(4) criteria for release to a less restrictive environment, including criteria for discharge and a description of services that may be needed after discharge;

(5) a statement as to whether or not the patient may be permitted outdoors on a daily basis and, if not, the reasons why. Treatment plans must be updated upon periodic review as provided in Section 44‑22‑70.”

SECTION 3. Section 44‑22‑140 of the 1976 Code is amended to read:

“Section 44‑22‑140. (A) The attending physician, ~~or~~ the physician on call, or ~~both~~ the authorized health care provider, ~~are~~ is responsible for and shall authorize medications and treatment given or administered to a patient. The ~~attending~~ physician’s or authorized health care provider’s authorization and the medical reasons for it must be entered into the patient’s clinical record. The authorization is not valid for more than ninety days. Medication must not be used as punishment, for the convenience of staff, or as a substitute to or in quantities that interfere with the patient’s treatment program. The patient or his legal guardian may refuse treatment not recognized as standard psychiatric treatment. He may refuse ~~electro‑convulsive~~ electroconvulsive therapy, aversive reinforcement conditioning, or other unusual or hazardous treatment procedures. If the attending physician or the physician on call decides ~~electro‑convulsive~~ electroconvulsive therapy is necessary and a statement of the reasons for ~~electro‑convulsive~~ electroconvulsive therapy is entered in the treatment record of a patient who is considered unable to consent pursuant to Section 44‑22‑10(13), permission for the treatment may be given in writing by the persons in order of priority specified in Section 44‑22‑40(A)(1‑8).

(B) Competent patients may not receive treatment or medication in the absence of their express and informed consent in writing except treatment:

(1) during an emergency situation if the treatment is pursuant to or documented contemporaneously by written order of a physician or authorized health care provider; or

(2) as permitted under applicable law for a person committed by a court to a treatment program or facility.”

SECTION 4. This act takes effect upon approval by the Governor.

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