

CHAPTER 87

Department of Mental Health

Statutory Authority: 1976 Code §§ 44-9-100, 44-11-70, 44-17-10, 44-23-10 and 56-21-70

87-1. Designated Examiners.

A. For the purpose of carrying out the provisions of the laws relating to the commitment of mentally ill persons, the South Carolina Mental Health Commission hereby establishes the following qualifications needed for persons to act as designated examiners:

- (1) Nurses –state license plus four years' psychiatric experience, or master's degree with license and two years' psychiatric experience; or
- (2) Counselors –master's degree in counseling (or very closely related area) plus two years' related experience (clinical chaplains are considered in this category); or
- (3) Social Workers –master's degree in social work plus two years' related experience; or
- (4) Psychologists –Ph.D. in psychology plus one year's related experience or master's degree plus two years' related experience; or
- (5) Any mental health professional as listed in subsections A(1) through (4) who has the appropriate license and education, who has at least one year of intensive full-time experience working with committed patients in a unit of a Department of Mental Health psychiatric hospital, who is certified by the chief of professional services and the director of the facility as being competent and qualified to serve as a designated examiner, and who is approved by the Department of Mental Health Office of Quality Assurance –Standards, Advocacy and Monitoring may be appointed as designated examiner for examinations and hearings held within that facility.

B. For the purpose of carrying out the provisions of the laws relating to the commitment of chemically dependent persons, the South Carolina Mental Health Commission hereby establishes the following qualifications needed for persons to act as designated examiners:

- (1) Those qualified designated examiners listed in Section A above; or
- (2) Alcohol and drug abuse counselors with a master's degree in a related field and two years of experience and credentialed by the South Carolina Commission on Alcohol and Drug Abuse (SCCADA); or
- (3) Alcohol and drug abuse counselors with a bachelor's degree and four years' experience in the field of addiction services and credentialed by SCCADA as a clinical counselor.

C. A current listing of those individuals known to meet the necessary qualifications shall be maintained by the Department of Mental Health Office of Quality Assurance –Standards, Advocacy and Monitoring.

D. The Department of Mental Health will consider applications by individuals whose training and experience might not meet precisely the specified qualifications. Approval may be granted if the applicant's particular credentials are determined to be sufficient.

87-2. Parking Regulations.

A. The South Carolina Mental Health Commission hereby establishes the following violations and bonds related to vehicular parking at the Department of Mental Health facilities.

(1) Parking improperly		\$ 7.00
(2) Parking at fire plug	up to	\$ 20.00
(3) Double parking	up to	\$ 20.00

(4) Parking in no-parking area	up to	\$ 20.00
(5) Parking in reserved space	up to	\$ 20.00
(6) Blocking (i.e., driveway, loading zone, sidewalk)	up to	\$ 20.00
(7) Parking in loading zone	up to	\$ 20.00
(8) Employees parking w/o ID decals		\$ 7.00
(9) Parking in designated accessible space	up to	\$ 100.00

B. Anyone receiving a summons for any of the violations listed above may post bond in the amount stated opposite the violation with the Department of Mental Health Finance Office or the cashier's office at the facility concerned.

HISTORY: Amended by SCSR 48-5 Doc. No. 5190, eff May 24, 2024.

87-3. Forms.

A. The form and content of all applications, reports, records, petitions, and certificates provided for in the laws relating to the care and commitment of mentally ill persons or chemically dependent persons shall be in such form and of such content as required by the Department of Mental Health.

B. Inquiries concerning the existence of an approved Department of Mental Health form for any procedure or proceeding shall be made to Forms Control, South Carolina Department of Mental Health, Columbia, South Carolina.

C. Requests to obtain forms shall be made to Forms Supply, South Carolina Department of Mental Health, Columbia, South Carolina. Required forms will be provided free of charge; however, the Department of Mental Health reserves the right to limit quantities. All requests shall indicate name and address of the requestor, reference to the specific form (preferably by number and title) and quantity desired. Community requests for emergency admission forms are to be made through the local community mental health center.

D. When an approved Department of Mental Health form is available for any procedure or proceeding, no other form shall be used in lieu thereof. Use of an inappropriate or improper form shall, at the option of the Department of Mental Health, render that procedure or proceeding null and void.

87-4. Public Records.

A. The term "public records" as used in this regulation is defined in the Freedom of Information Act. It shall include all rules, regulations, and written statements of policy and procedure formulated, adopted or used by the Department of Mental Health and the minutes of the meetings of the Mental Health Commission, but shall not include any matter or record accorded confidential treatment pursuant to state or federal law or regulation.

B. All requests for public records, other than those normally made within the ordinary course of business to other persons or offices of the Department of Mental Health, shall be handled pursuant to the Freedom of Information Act and shall be made in writing to the Office of Communications, South Carolina Department of Mental Health, Columbia, South Carolina. Such request shall identify the record or describe the character of information sought. Such request shall be in ink or typewritten and must be signed in ink by the requesting party or his duly authorized agent or attorney.

C. All public records will be made available for inspection at the Department of Mental Health in Columbia, South Carolina, during established office hours.

D. Public records printed or reproduced by the Department of Mental Health shall be given to any person upon proper request, and the Department may require payment of the cost thereof. The first fifteen copies will be provided at no charge; beginning with the sixteenth copy, there will be a fee of twenty cents per page. If a request is made for records which are not readily available, the Department may determine a reasonable hourly rate for the expense of searching for and securing such records. The Department may also require a reasonable deposit for such anticipated expense from the person making the request prior to searching for or making copies of the records.

E. Requests for public records, for permission to inspect public records, or for copies of public records will be handled with due regard for the dispatch of other public duties.