COMMITTEE REPORT

January 26, 2022

**H. 3888**

Introduced by Reps. King, Bryant, Cobb‑Hunter and Brawley

S. Printed 1/26/22--H. [SEC 1/27/22 12:35 PM]

Read the first time February 11, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Joint Resolution (H. 3888) to create a study committee to examine the state of mental health of South Carolina residents, to provide for the study committee’s membership, and to require the study committee to make, etc., respectfully

**REPORT:**

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

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. (A) There is created a study committee to examine the state of mental health of South Carolina residents including, but not limited to, trends in mental health treatment and diagnoses, the availability of mental health services, the use of telemedicine, prescribing practice trends, rates of voluntary or involuntary hospital commitment due to mental illness or due to a chemical dependency to alcohol or other drugs, job loss or other employment trends associated with mental illness or mental disorders, and rates of suicide or overdose.

(B) The study committee shall provide a report that:

(1) addresses the areas of examination set forth in subsection (A); and

(2) makes recommendations for legislative, regulatory, or policy changes to address any identified trends associated with the state of mental health of South Carolina residents.

(C)(1) The study committee is composed of thirteen members, consisting of:

(a) one member of the Senate, appointed by the President of the Senate;

(b) one member of the Senate, appointed by the chair of the Senate Medical Affairs Committee;

(c) one member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(d) one member of the House of Representatives, appointed by the chair of the House Medical, Military, Public, and Municipal Affairs Committee;

(e) the Director of the Department of Mental Health, or a designee;

(f) the Director of the Department of Alcohol and other Drug Abuse Services, or a designee;

(g) the Chief of SLED, or a designee with law enforcement experience related to involuntary commitment or other mental health crises;

(h) a probate judge, appointed by the Chief Justice of the South Carolina Supreme Court;

(i) a circuit solicitor or judge with drug court experience, appointed by the Chief Justice of the South Carolina Supreme Court;

(j)(i) two psychiatrists, psychologists, or other mental health counselors with relevant professional experience who treat adults, appointed by the Governor, upon recommendation of an appropriate professional licensing board, one of whom must provide services predominantly to patients in rural communities of the State or to Medicaid patients;

(ii) two psychiatrists, psychologists, or other mental health counselors with relevant professional experience who treat children and adolescents, appointed by the Governor, upon recommendation of an appropriate professional licensing board, one of whom must provide services predominantly to patients in rural communities of the State or to Medicaid patients.

(2) A vacancy in the membership of the study committee must be filled in the manner of original appointment.

(3) Members of the committee shall serve without per diem, mileage, or other compensation generally provided to members of boards and commissions.

(D)(1) The Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Committee shall provide appropriate staffing for the study committee.

(2) The study committee may obtain data or other information from state agencies that is relevant to the purposes of this study committee, including from the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Employment and Workforce; provided, however, only aggregated data with no personally identifiable data may be obtained by the study committee. Any state agency that receives a request pursuant to this joint resolution shall respond promptly and provide the requested data or other information.

(E) The study committee shall provide a report with findings and recommendations to the General Assembly by January 1, 2023. The study committee shall dissolve upon providing its report to the General Assembly or on January 1, 2023, whichever occurs first.

SECTION 2. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill is a joint resolution to create a study committee to observe the state of mental health of South Carolina residents, and to provide for the membership, duties, staffing, and responsibility of the study committee. Staffing for the study committee will be provided by two designees of the Senate, two designees of the House of Representatives, a designee from the Department of Mental Health (DMH), a designee from the Department of Alcohol and Other Drug Abuse Services (DAODAS), a designee with SLED, a probate judge, two mental health professionals that deal with treating children, and two mental health professionals that deal with treating adults. Members of the committee shall serve without per diem, mileage, or other compensation generally provided to members of boards and commissions. The committee will prepare a report and distribute any findings to the General Assembly on or before January 1, 2022, at which time the committee will dissolve.

**House of Representatives and Senate.** This bill would require two members of the House of Representatives, as appointed by the Speaker of the House, to serve as two of thirteen required members of the study committee. The House of Representatives has indicated they will be able to accomplish the duties specified in this bill using existing appropriations and staff. It would also require two members of the Senate, as appointed by the President of the Senate, to serve as two of thirteen required members of the study committee. The Senate has indicated they will be able to accomplish the duties specified in this bill using existing appropriations and staff.

**Department of Mental Health.** This bill would require the director of the Department of Mental Health (DMH) or their designee is one of thirteen required members of the study committee. DMH has indicated they will be able to accomplish the duties enumerated in this bill using existing appropriations and staff.

**Department of Alcohol and Other Drug Abuse Services.** This bill would require the director of the Department of Alcohol and Other Drug Abuse Services (DAODAS) or their designee is one of thirteen required members of the study committee. DAODAS has indicated they will be able to accomplish the duties enumerated in this bill using existing appropriations and staff.

**State Law Enforcement Division.** This bill would require the Chief of the South Carolina Law Enforcement Division (SLED) or their designee is one of thirteen required members of the study committee SLED reports this bill will have no expenditure impact on the general fund, other funds, or federal funds because the agency will administer policies resulting from the bill with the use of existing staff and resources.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **JOINT RESOLUTION**

TO CREATE A STUDY COMMITTEE TO EXAMINE THE STATE OF MENTAL HEALTH OF SOUTH CAROLINA RESIDENTS, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO MAKE CERTAIN FINDINGS AND PREPARE A REPORT FOR THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2022, AFTER WHICH THE STUDY COMMITTEE IS DISSOLVED.

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

SECTION 1. (A) There is created a study committee to examine the state of mental health of South Carolina residents including, but not limited to, trends in mental health treatment and diagnoses, the availability of mental health services, the use of telemedicine, prescribing practice trends, rates of voluntary or involuntary hospital commitment due to mental illness or due to a chemical dependency to alcohol or other drugs, job loss or other employment trends associated with mental illness or mental disorders, and rates of suicide or overdose.

(B) The study committee shall provide a report that:

(1) addresses the areas of examination set forth in subsection (A); and

(2) makes recommendations for legislative, regulatory, or policy changes to address any identified trends associated with the state of mental health of South Carolina residents.

(C)(1) The study committee is composed of thirteen members, consisting of:

(a) two members of the Senate, appointed by the President of the Senate;

(b) two members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(c) the Director of the Department of Mental Health, or a designee;

(d) the Director of the Department of Alcohol and other Drug Abuse Services, or a designee;

(e) the Chief of SLED, or a designee with law enforcement experience related to involuntary commitment or other mental health crises;

(f) a probate judge, appointed by the Chief Justice of the South Carolina Supreme Court;

(g) a circuit solicitor or judge with drug court experience, appointed by the Chief Justice of the South Carolina Supreme Court;

(h)(i) two psychiatrists, psychologists, or other mental health counselors with relevant professional experience who treat adults, appointed by the Governor, upon recommendation of an appropriate professional licensing board, one of whom must provide services predominantly to patients in rural communities of the State or to Medicaid patients;

(ii) two psychiatrists, psychologists, or other mental health counselors with relevant professional experience who treat children and adolescents, appointed by the Governor, upon recommendation of an appropriate professional licensing board, one of whom must provide services predominantly to patients in rural communities of the State or to Medicaid patients.

(2) A vacancy in the membership of the study committee must be filled in the manner of original appointment.

(3) Members of the committee shall serve without per diem, mileage, or other compensation generally provided to members of boards and commissions.

(D)(1) The Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Committee shall provide appropriate staffing for the study committee.

(2) The study committee may obtain data or other information from state agencies that is relevant to the purposes of this study committee, including from the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Employment and Workforce. Any state agency that receives a request pursuant to this joint resolution shall respond promptly and provide the requested data or other information.

(E) The study committee shall provide a report with findings and recommendations to the General Assembly by January 1, 2022. The study committee shall dissolve upon providing its report to the General Assembly or on January 1, 2022, whichever occurs first.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑