~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 8, 2018

**H. 4485**

Introduced by Reps. Henderson and W. Newton

S. Printed 3/8/18--H.

Read the first time January 9, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4485) to amend Section 44‑1‑50, Code of Laws of South Carolina, 1976, relating to powers of the Department of Health and Environmental Control, 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**

**Explanation of Fiscal Impact**

**Introduced on January 9, 2018**

**State Expenditure**

This bill codifies the current practices for departmental procedures concerning the state’s health regions. According to DHEC, health districts and advisory boards have not been operational for some time. The bill requires the department to divide the state into four health regions, each having a regional health director that will report to DHEC. These health regions will replace previously existing health districts and their advisory boards. The four health regions and their directors are currently established. Since the agency is currently in compliance with the requirements of this bill, the bill does not have an expenditure impact on the general fund, federal funds, or other funds.

This bill also clarifies the approved modes of notification of department decisions to include certified mail, regular mail, and electronic mail. DHEC spent approximately $145,000 on mailings last year, which equates to approximately $5.21 per correspondence. Individual areas within DHEC are responsible for determining the mode of communication for agency decisions. Regardless of a request for an emailed response, most correspondence must be followed by a certified letter based on legal guidelines. Therefore, the agency anticipates this portion of the bill will 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 44‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-1-60, RELATING TO APPEALS FROM ADMINISTRATIVE DECISIONS OF THE DEPARTMENT, SO AS TO CLARIFY THAT NOTICE MAY BE PROVIDED ELECTRONICALLY UPON REQUEST; TO AMEND SECTION 44‑1‑130, RELATING TO THE DEPARTMENT’S AUTHORITY TO ESTABLISH HEALTH DISTRICTS AND DISTRICT ADVISORY BOARDS, SO AS TO ELIMINATE HEALTH ADVISORY BOARDS AND CHANGE CERTAIN TERMINOLOGY; AND TO REPEAL ARTICLE 3, CHAPTER 3, TITLE 44 RELATING TO THE CATAWBA HEALTH DISTRICT.

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

SECTION 1. Section 44-1-50 of the 1976 Code is amended to read:

“Section 44-1-50. The board may conduct such administrative reviews as may be required by law, as considered necessary by the board to render a final agency determination in matters involving the issuance, denial, renewal or revocation of permits, licenses, or other actions of the department which may give rise to a contested case pursuant to Chapter 23 of Title 1.

The board shall provide for the administrative organization of the department and shall consolidate and merge existing duties, functions, and officers of the former agencies as may be necessary for economic and efficient administration. Provided, however, that the board may appoint such advisory boards as it considers necessary to carry out the functions of Sections ~~44-1-10~~ 44-1-20 to 44-1-70, and there shall be provided a compensation for their services as provided by the law for members of boards and commissions.”

SECTION 2. Section 44‑1‑60(E) of the 1976 Code is amended to read:

“(E)(1) Notice of a department decision must be sent by certified mail, returned receipt requested to the applicant, permittee, licensee, and affected persons who have requested in writing to be notified. ~~Affected persons~~ An applicant, permittee, licensee, or affected person may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of staff decisions for which a department decision is not required pursuant to subsection (D) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, and affected persons who have requested in writing to be notified.

(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been ~~mailed~~ sent by certified mail, regular mail, or electronic mail to the applicant, permittee, licensee, or affected person, in accordance with item (1), unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.

(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.”

SECTION 3. Section 44‑1‑130 of the 1976 Code is amended to read:

“Section 44‑1‑130. The Department of Health and Environmental Control may divide the State into health ~~districts and establish in these districts advisory boards of health which shall consist of representatives from each county in the district. Boards of health now existing in the districts shall have representation on the district advisory board. Counties not having local boards of health shall be represented by individuals appointed by the county legislative delegation. The number of members of a district advisory board shall be determined by the Department with due consideration to the population and community needs of the district. District advisory boards of health shall be subject to the supervisory and advisory control of the Department. District advisory boards are charged with the duty of advising the district medical director or administrator in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.~~

~~The district medical director or administrator shall be secretary of the advisory board and the district advisory board shall elect annually from its membership a chairman~~ regions, each of which is supervised by a regional health director who reports to the director of the department.”

SECTION 4. Article 3, Chapter 3, Title 44 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor.

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