CHAPTER 15

Local Mental Health Programs, Boards, and Centers

**SECTION 44‑15‑10.** Establishment of local mental health programs and clinics authorized.

 Any county, city, town, political subdivision, or any combination thereof, of over one hundred thousand population, and upon consent of the South Carolina Department of Mental Health, any city, county, town, or political subdivision, or combination thereof, with less than one hundred thousand population, may establish a community mental health services program and may establish clinics and staff them with persons specially trained in psychiatry and related fields. Such programs and clinics may be administered by a county, city, town, political subdivision or nonprofit corporation or a community mental health board established pursuant to this article.

HISTORY: 1962 Code Section 32‑1034.21; 1961 (52) 110.

CROSS REFERENCES

Certificates, applications, records and reports made for purposes of this article to remain confidential, with certain exceptions, see Section 44‑22‑100.

Jurisdiction of persons mentally incompetent, generally, see SC Const Art. V, Section 12.

Library References

Mental Health 31.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 49, 51 to 52, 59.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mental Health Section 10, Overview.

LAW REVIEW AND JOURNAL COMMENTARIES

Involuntary Commitment of the Mentally Ill: A Proposal for Change in South Carolina. 25 S.C. L. Rev. 765.

**SECTION 44‑15‑20.** Services for which funds may be granted.

 The Department of Mental Health may, when funds are available for such purposes, make grants to assist counties, cities, towns, political subdivisions or any combinations thereof, or any nonprofit corporation, in the establishment and operation of local mental health programs to provide the following services:

 (1) Collaborative and cooperative services with public health, education, welfare and other groups for programs of prevention of mental illness, intellectual disability and other psychiatric disabilities;

 (2) Informational and educational services to the general public and lay and professional groups;

 (3) Consultative services to schools, courts and health and welfare agencies, both public and private;

 (4) Diagnostic and treatment services; and

 (5) After care services for patients suffering from mental or emotional disorders, intellectual disability and other psychiatric conditions, particularly those who have received prior treatment in an in‑patient facility.

HISTORY: 1962 Code Section 32‑1034.22; 1961 (52) 110.

CROSS REFERENCES

Certificates, applications, records and reports made for purposes of this article to remain confidential, with certain exceptions, see Section 44‑22‑100.

Social services, see Sections 43‑1‑10 et seq.

Library References

Mental Health 31.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 49, 51 to 52, 59.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mental Health Section 14, Services.

**SECTION 44‑15‑30.** Applications for grants by local units.

 Any county, city, town, political subdivision, nonprofit corporation or community mental health board administering a mental health services program may apply for the assistance provided by this article by submitting annually to the Department of Mental Health its plan and budget for the next fiscal year together with the recommendations of the community mental health board. No program shall be eligible for such assistance unless its plan and budget have been approved by the Department.

HISTORY: 1962 Code Section 32‑1034.23; 1961 (52) 110.

Library References

Mental Health 31.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 49, 51 to 52, 59.

**SECTION 44‑15‑40.** Allocation of funds; review of expenditures.

 At the beginning of each fiscal year the Department shall allocate available funds to the mental health programs for disbursement during the fiscal year in accordance with such approved plans and budgets. The Department shall, from time to time during the fiscal year, review the budgets and expenditures of the various programs, and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. It may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

HISTORY: 1962 Code Section 32‑1034.24; 1961 (52) 110.

Library References

Mental Health 31.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 49, 51 to 52, 59.

**SECTION 44‑15‑50.** Grants for mental health services.

 Grants may be made for expenditures for mental health services whether provided by operation of a local facility or through contract with other public or private agencies or individual persons.

HISTORY: 1962 Code Section 32‑1034.25; 1961 (52) 110; 1966 (54) 2593; 1969 (56) 630; 1971 (57) 519; 1974 (58) 1980, 2331; 2000 Act No. 253, Section 4.

Library References

Mental Health 31.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 49, 51 to 52, 59.

**SECTION 44‑15‑60.** Establishment and membership of community mental health boards.

 Every county, city, town, or political subdivision, or combination of them, establishing a community mental health services program, before it may come within this article, shall establish a community mental health board to be made up of not less than seven nor more than fifteen members. Membership of the boards, so far as may be practicable, must be representatives of local health departments, medical societies, county welfare boards, hospital boards, and lay associations concerned with mental health as well as labor, business, and civic groups, and the general public. At least one member of the board must be a medical doctor licensed to practice medicine in this State. The members must be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegations of the counties participating. The legislative delegations and the Governor shall consider consumer and family representation, including parents of emotionally disturbed children and adolescents, when recommending and appointing members to the board. By resolution a county legislative delegation may delegate to the governing body of the county they represent the authority to recommend board members to the Governor. The resolution is not revocable, and copies of the resolution must be sent to the Governor, the Department of Mental Health, and the governing bodies of the counties concerned. The number of members representing each county must be proportional to its population. The term of office of each member of the community mental health board is four years and until the member’s successor is appointed. Vacancies must be filled for the unexpired term in the same manner as original appointments. A member of a board may be removed by the Governor pursuant to the provisions of Section 1‑3‑240. A person may serve consecutive terms.

 In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

 In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

 In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

HISTORY: 1962 Code Section 32‑1034.26; 1961 (52) 110; 1964 (53) 1875; 1979 Act No. 30; 1983 Act No. 100; 1991 Act No. 88, Section 2; 1992 Act No. 382, Section 1; 1993 Act No. 27, Section 1; 1993 Act No. 181, Section 1076.

Library References

Mental Health 20.

Westlaw Topic No. 257A.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mental Health Section 12, Selection of Members of Boards.

Attorney General’s Opinions

Appointments to community mental health boards are to be made by Governor proportional to population of member‑counties. S.C. Op.Atty.Gen. (August 24, 1993) 1993 WL 379443.

It is permissible for Barnwell County to hold all appointments to the Aiken‑Barnwell Mental Health Board, to the exclusion of Aiken County, if Aiken County did not contribute to the Board’s budget. S.C. Op.Atty.Gen. (November 19, 1992) 1992 WL 682858.

Authority of Charleston/Dochester Community Mental Health Center to transfer one appointment from Charleston County to Dorchester County involves question of policy rather than question of law; one suggestion for effecting such transfer, among many which may be viable, is put forth. S.C. Op.Atty.Gen. (March 30, 1992) 1992 WL 575620.

The Lexington County Legislative Delegation may transfer its recommendatory power regarding the Lexington County Mental Health Board to the Lexington County Council without further legislation. S.C. Op.Atty.Gen. (April 2, 1990) 1990 WL 599242.

Immunity from tort liability. Richland County Mental Health Center is a public agency and immune from tort liability. S.C. Op.Atty.Gen. (August 31, 1965) 1965 WL 8054.

**SECTION 44‑15‑70.** Powers and duties of community mental health boards.

 Subject to the provisions of this article and the rules and regulations of the Department of Mental Health, each community mental health board shall:

 (1) Be the administrative agency for the community mental health services program; and it shall be a body corporate in deed and in law with all the powers incident to corporation, including the power to purchase, lease or sell real and personal property;

 (2) Employ personnel necessary to carry out the community mental health services program, who shall meet the job specifications as prescribed by the Department and its merit system;

 (3) Review and evaluate community mental health services provided pursuant to this article and report its findings and recommendations to the Department, the administrator of the local program and, when indicated, the public;

 (4) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

 (5) Promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

 (6) Advise the administrator of the local program on the adoption and implementation of policies to stimulate effective community relations; and

 (7) Review the annual plan and budget of the local program and make recommendations thereon.

HISTORY: 1962 Code Section 32‑1034.27; 1961 (52) 110; 1964 (53) 1875; 1974 (58) 2219.

Library References

Mental Health 20.

Westlaw Topic No. 257A.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mental Health Section 13, Powers and Duties of Boards.

**SECTION 44‑15‑80.** Powers and duties of Department.

 In addition to the powers and duties already conferred by law, the Department of Mental Health shall:

 (1) Promulgate rules and regulations governing the eligibility of community mental health programs to receive State grants, prescribing standards for qualification of personnel and quality of professional service and for in‑service training and educational leave programs for personnel;

 (2) Govern eligibility for service so that no person will be denied service on the basis of inability to pay and so that anyone who cannot afford to pay for necessary treatment at the rate customarily charged in available private practice shall be eligible to receive services from the community mental health clinic;

 (3) Provide for establishment of fee schedules and reduction of balance due which shall be based upon ability to pay;

 (4) Regulate fees for consultation and diagnostic services, which services may be provided to anyone without regard to his financial status when such person is referred by the courts, schools, health or welfare agencies;

 (5) Promulgate such other rules and regulations as it deems necessary to carry out the purposes of this article;

 (6) Review and evaluate local programs and the performance of all personnel and make recommendations thereon to community mental health boards and program administrators;

 (7) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; and

 (8) Employ personnel, certified by the merit system as classified according to existing job classifications, including a State Director of Community Mental Health Services, to be under the supervision of the Director of the Department of Mental Health, to implement the provisions of this article.

 (9) Require reports from the directors of community mental health programs relating to the intake, examination, diagnosis and file closing of any patient or client.

HISTORY: 1962 Code Section 32‑1034.28; 1961 (52) 110; 1979 Act No. 42 Section 3; 1993 Act No. 181, Section 1077; 2000 Act No. 253, Section 5.

Library References

Mental Health 20.

Westlaw Topic No. 257A.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mental Health Section 10, Overview.

Attorney General’s Opinions

The Department of Mental Health and the Division of Community Mental Health Services are State agencies and departments and are thus limited to the Division of General Services in obtaining insurance. 1976‑77 Op.Atty.Gen. No. 77‑390, p. 319 (December 12, 1977) 1977 WL 29127.

Employees entitled to workmen’s compensation benefits. The employees of a local mental health unit or center are employees under the control of the South Carolina Mental Health Commission and are entitled to all benefits of the Workmen’s Compensation Law as a State employee. 1964‑65 Op.Atty.Gen. No. 1907, p. 197 (September 21, 1965) 1965 WL 8064.

**SECTION 44‑15‑90.** Unexpended appropriations.

 If any balances of appropriations for the program authorized by this article are unexpended during any fiscal year, the Department of Mental Health may carry such balances forward to the next fiscal year; provided, that not more than five per cent of the amount appropriated during any fiscal year shall be carried forward.

HISTORY: 1962 Code Section 32‑1034.29; 1961 (52) 110.

Library References

Mental Health 20.

Westlaw Topic No. 257A.