

**HEALTH AND HUMAN SERVICES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SECTION 3 - H71 - WIL LOU GRAY OPPORTUNITY SCHOOL**

- 3.7**     **ADD** (USDA Federal Grants) **WMC:** ADD new proviso to authorize the school to retain and expend all revenues generated from USDA federal grants in order to cover actual expenses in cafeteria/food service operations. *Allow for a more stable funding stream for cafeteria operations.* Fiscal Impact: OSB indicates the Department of Education and Wil Lou Gray Opportunity School estimate no impact on the General Fund. Requested by Wil Lou Gray Opportunity School.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

3.7. (WLG: USDA Federal Grants) All revenues generated from U.S.D.A. federal grants may be retained and expended by the school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.

- 3.8**     **ADD** (By-Products Revenue Carry Forward) **WMC:** ADD new proviso to authorize the school to sell goods that are by-products of the school's programs and operations, to charge user fee and fees for services to the general public, individuals, organizations, agencies and school districts and to retain and carry forward such revenue to cover school operations. *Allows the school to be more flexible with funding operations in the future.* Fiscal Impact: OSB indicates the school estimates approximately \$5,000 in additional other funds revenue would be generated. Requested by Wil Lou Gray Opportunity School.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

3.8. (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

**SECTION 4 - H75 - SCHOOL FOR THE DEAF AND THE BLIND**

- 4.11**     **AMEND** (Sale of Property) Authorizes the school, after receiving B&C Board approval to sell property, to retain revenues associated with the sale of property titled to or used by the school. Directs that these funds be spent on capital improvements approved by JBRC and the B&C Board.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to authorize the school, for FY 09-10, to use revenue retained from the sale of donated property for educational and other operating purposes. *Allows the school to use these funds to provide maximum flexibility in managing base budget reductions.* Requested by School for the Deaf and the Blind.

**4.11.** (SDB: Sale of Property) After receiving approval from the Budget and Control Board for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital

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improvements approved by the Joint Bond Review Committee and the Budget and Control Board. For Fiscal Year 2009-10, the school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

- 4.13** **AMEND** (School Bus Purchase) Directs that the School for the Deaf and the Blind shall receive funds, not to exceed \$250,000, for two new school buses equipped according to the school's specifications, from the amounts appropriated for School Transportation School Bus Purchases.

**HOU:** AMEND proviso to direct that receipt of the funds are subject to the availability of the funds. Sponsor: J.R. Smith.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**4.13.** (SDB: School Bus Purchase) The School for the Deaf and the Blind shall receive, from the amounts appropriated for School Transportation School Bus Purchases and subject to the availability of these funds, funds for two new school buses equipped according to the School for the Deaf and the Blind's specifications. Funds used for this purpose shall not exceed \$250,000.

- 4.oe** **ADD** (Operating Expenses) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow unexpended funds appropriated in FY 2007-08 by proviso 73.12 to be carried forward into the current fiscal year and used for educational and other operating expenses. Requested by School for the Deaf and the Blind.

**4.oe.** (SDB: Operating Expenses) Unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 to the School for the Deaf and the Blind may be carried forward into the current fiscal year and used for educational and other operating expenses.

**SECTION 5 - L12 - JOHN DE LA HOWE SCHOOL**

- 5.4** **ADD** (Deferred Salaries Carried Forward) **WMC:** ADD new proviso to authorize the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees to be carried forward into the current fiscal year. Direct that these funds not be included as part of any other authorized carry forward amount. *Provides the same authority as Wil Lou Gray has pertaining to deferred salaries for non-twelve month employees.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by John de la Howe School.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**5.4.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

**SECTION 17 - H54 - MEDICAL UNIVERSITY OF SOUTH CAROLINA**

- 17.4** **ADD** (Preterm Birth Prevention) **WMC:** ADD new proviso to direct MUSC, for FY 09-10, to implement a preterm prevention case management program using a disease management

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coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Direct that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. Require the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

17.4. (MUSC: Preterm Birth Prevention) For Fiscal Year 2009-10, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.

**SECTION 21 - J02 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**21.31 DELETE** (Carry Forward Funds-Health Initiatives) Directs the department to use \$1,283,965 of their carry forward funds as the state match for rate increases for dental services. Directs that carry forward funds also be used as follows: \$250,000 for MUSC Rural Dentist Program; \$100,000 for DHEC Hemophilia; and \$100,000 for DSS SC Coalition for Domestic Violence and Abuse. Prohibits the department from using Children’s Health Insurance Program (CHIPS) FY 07-08 carry forward funds or CHIPS FY 08-09 recurring appropriations to fund any of the allocations contained in this provision.

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Provisions for carry forward funds and non-recurring transfers were applicable to FY 2008-09.*

~~21.31. (DHHS: Carry Forward Funds-Health Initiatives) Of the funds carried forward by the Department of Health and Human Services, \$1,283,965 shall be used as the state match for rate increases for dental services.~~

~~Of the funds carried forward by the department the following funds shall be disbursed for the purposes stated:~~

Medical University of South Carolina	
Rural Dentist Program .....	\$250,000;
Department of Health and Environmental Control	
Hemophilia.....	\$100,000; and
Department of Social Services	
SC Coalition for Domestic Violence and Abuse.....	\$100,000.

~~The department is prohibited from using Fiscal Year 2007-08 carry forward funds attributable to the Children’s Health Insurance Program or Fiscal Year 2008-09 recurring appropriations for the Children’s Health Insurance Program to fund any of the allocations contained in this provision.~~

**21.32 DELETE** (Medicaid Managed Care Organizations) Requires Medicaid Managed Care Organizations that participate in the state Medicaid program to reimburse out-of-network providers 100% of the prevailing Medicaid Fee-For-Service rate for services covered by the

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Medicaid program that are provided to an enrollee of the Medicaid Managed Care Organization.

**HOU:** DELETE proviso. Sponsor: Rep. Edge.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~21.32. (DHHS: Medicaid Managed Care Organizations) Medicaid Managed Care Organizations participating in the state Medicaid program must reimburse out of network providers 100 percent of the prevailing Medicaid Fee For Service rate for services covered by the Medicaid program provided to an enrollee of the Medicaid Managed Care Organization.~~

**21.33** **AMEND** (Upper Payment Limit for Non-State Owned Public Nursing Facilities) Directs the department to prepare and submit a state plan amendment to the Center for Medicare and Medicaid Services by August 1, 2008, to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers. Directs that a report on the plan amendment be provided to the House Ways and Means and Senate Finance Committees by August 1<sup>st</sup>.

**WMC:** AMEND proviso to change “2008” to “2009.” *Technical.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**21.33.** (DHHS: Upper Payment Limit for Non-State Owned Public Nursing Facilities) The department shall prepare and submit to the Center for Medicare and Medicaid Services no later than August 1, ~~2008~~ 2009, a state plan amendment to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers. The department shall provide a report on the plan amendment to the House of Representatives Ways and Means Committee and the Senate Finance Committee by the aforementioned date.

**21.37** **AMEND** (Offset Budget Reduction) Directs the department to use funds carried forward from Program II.A.3.Z. Case Services/Public Assistance as well as funds appropriated in FY 08-09 for that purpose that are in excess of program requirements in order to offset FY 08-09 base budget reductions. Requires the department to enroll any child who qualifies into the program during FY 08-09.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to clarify that the use of these funds to offset budget reductions in FY 09-10 applies in the event the B&C Board or General Assembly assesses a base budget reduction.

**21.37.** (DHHS: Offset Budget Reduction) *In the event of a base budget reduction assessed by the Budget and Control Board or the General Assembly, the* The Department of Health and Human Services is ~~directed~~ authorized to utilize Program II. A. 3. Z. Case Services/Public Assistance funds carried forward from the prior fiscal year into the current fiscal year as well funds appropriated for the same purpose in Fiscal Year ~~2008-09~~ 2009-10 that are in excess of program requirements in order to offset Fiscal Year ~~2008-09~~ 2009-10 base budget reductions. The department shall be required to enroll into the program any child who qualifies during Fiscal Year ~~2008-09~~ 2009-10.

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- 21.38**    **ADD** (Modular Ramps) **WMC:** ADD new proviso to authorize the department to lease modular ramps if they believe demonstrated cost-savings can be realized. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

21.38. (DHHS: Modular Ramps) The Department of Health and Human Services is authorized to lease modular ramps in the event the department can foresee demonstrated cost-savings to the department.

- 21.39**    **AMEND NEW PROVISO** (Medicaid Cost and Quality Effectiveness) **WMC:** ADD new proviso to direct the department to establish a procedure to assess the various forms of managed care (HMOs, Medical Home Networks (MHNs), and any other forms authorized by the department) to measure cost effectiveness and quality and to conduct these measures by December 15th each year. Direct that the Healthcare Effectiveness Data and Information Set (HEDIS) be used for quality measurement to be performed by a 3<sup>rd</sup> party independent actuary. Direct that cost effectiveness be determined in an actuarially sound manner and that data be aggregated in a manner determined by a 3<sup>rd</sup> party actuary to adequately compare the cost effectiveness of different managed care programs. Require program measures use a case-mix adjustment that encourages managed care organizations to enroll and manage all beneficiaries. Direct the cost effectiveness calculations and quality measures results be made available to the Speaker of the House, Chairman of the Ways and Means Committee, President Pro Tempore of the Senate and Chairman of the Senate Finance Committee no less than 45 days after the measures has been collected. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to require that measures be compiled annually beginning with the fiscal year ending on June 30, 2009. Delete the requirement that cost effectiveness calculations and quality measures results be made available to specific members of the General Assembly and instead direct that results of the cost effectiveness calculations, quality measures and the report cards be made public on the department's website no later than 90 days after the end of each fiscal year. Specify that the cost effectiveness measures must include a comparison of managed care vs. fee-for-service. Require the department to issue annual healthcare report cards for each participating Medicaid managed care plan operating in the state and specify the minimum information to be included.

21.39. (DHHS: Medicaid Cost and Quality Effectiveness) The Department of Health and Human Services shall establish a procedure to assess the various forms of managed care (Health Maintenance Organizations and Medical Home Networks, and any other forms authorized by the department) to measure cost effectiveness and quality. These measures must be ~~conducted by December 15 of each year~~ **compiled on an annual basis beginning with the fiscal year ended June 30, 2009.** The Healthcare Effectiveness Data and Information Set (HEDIS) shall be used for quality measurement to be performed by a third party independent actuary. Cost effectiveness shall be determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party actuary in order to adequately compare cost effectiveness of the different managed care programs **versus Medicaid fee-for-service.** ~~The program measures must use a case mix adjustment that encourages the managed care organizations to enroll and manage all beneficiaries. The results of the cost effectiveness calculations and quality measures must be made available to the Speaker of the House,~~

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~~Chairman of the House Ways and Means Committee, President Pro Tempore of the Senate, and Chairman of the Senate Finance Committee no less than 45 days after the measures have been collected. The methodology must use appropriate case-mix and acuity adjustments that allow cost comparison of managed care organizations, medical home networks, and fee-for-service. The department shall issue annual healthcare report cards for each participating Medicaid managed care plan operating in South Carolina. The report card ratings shall, at a minimum, include information relating to plan accreditation; network adequacy; provider qualifications and performance; complaints; incentives to providers and/or members; utilization and health status indicators to include outcome measures from the HEDIS, consumer satisfaction measures utilizing the Consumer Assessment of Healthcare Providers and Systems; and provider satisfaction measures to address customer service, provider relations, network, care coordination, quality management, claims processing, denials, reimbursement rates, timeliness of payments, pharmacy and drug formulary, and overall satisfaction. The results of the cost effectiveness calculations, quality measures and the report cards shall be made public on the department's website no later than 90 days after the end of each fiscal year.~~

- 21.41** AMEND NEW PROVISO (MUSC Medicaid Services Reimbursement) **WMC:** ADD new proviso to require the department to reimburse MUSC 100% of costs on all Medicaid services they render.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to delete reference to "100%" and specify that reimbursement is for costs of all Medicaid "hospital" services rendered "as specified in the Medicaid State Plan." *Clarifies intent to reimburse for hospital services as required by the State Plan which is 100% of cost based on cost settlements.*

*21.41. (DHHS: MUSC Medicaid Services Reimbursement) The Department of Health and Human Services must reimburse the Medical University of South Carolina ~~100% of~~ for costs on all Medicaid hospital services rendered as specified in the Medicaid State Plan.*

- 21.43** ADD (SCHIP Enrollment and Recertification) **WMC:** ADD new proviso to require the department to enroll and recertify eligible children to the State Children's Health Insurance Program and to use available B&C Board Office of Research and Statistics state agency program data, including DSS' Food Stamp program and Department of Education's Free and Reduced meal eligibility data. State that use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*21.43. (DHHS: SCHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify eligible children to the State Children's Health Insurance Program (SCHIP) and must use available state agency program data housed in the Budget and Control Board's Office of Research and Statistics, to include the Department of Social Services' Food Stamp program and the Department of Education's Free and Reduced Meal eligibility data. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP.*

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**21.44 AMEND NEW PROVISO (Carry Forward) HOU:** ADD new proviso to authorize the department to carry forward prior year cash balances for any earmarked or restricted trust, agency, or special revenue account or subfund for which the B&C Board has granted express carry forward authority. Direct the B&C Board to set a maximum limit of carry forward for each approved account or subfund. Require all revenue deposited into the Restricted Medicaid Expansion Fund and the Restricted Tobacco Settlement Healthcare Trust Earnings Fund be spent in the year it is received. Authorize the department to carry forward unspent general fund appropriations in accordance with the general provisions of this act. Require the department's maximum allowable general fund carry forward amount be reduced by the total amount carried forward in any other non-federal account or subfund. Sponsor: Rep. Edge.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to delete references to the B&C Board granting express carry forward authority and setting maximum carry forward limits. Delete reference to the Restricted Tobacco Settlement Healthcare Trust Earnings Fund. Instead require the department to submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. Direct that the report include the following carry forward information for each account or subfund, at a minimum: statutory authority, maximum authorized amount, general purpose or need, the specific source(s) of funding or revenue, and a detailed description of any pending obligations against it. Require the report be submitted to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.

*21.44. (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust, **and** agency, or special revenue account or subfund for which it has received express carry forward authority from the Budget and Control Board. The Budget and Control Board shall set a maximum limit of carry forward for each approved account or subfund. All revenue deposited into the Restricted Medicaid Expansion Fund **and** the Restricted Tobacco Settlement Healthcare Trust Earnings Fund must be expended in the year the revenue is received. The department is authorized to carry forward, within the general fund, unspent general fund appropriations in accordance with the general provisions of this Act. The department's maximum allowable carry forward amount in the general fund must be reduced by the total amount carried forward by the department in any other non-federal account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen (15) days after the Comptroller General closes the fiscal year.*

**21.45 AMEND NEW PROVISO (Medicaid Provider Fraud) HOU:** ADD new proviso to direct the department to expand and increase its effort to identify, report, and combat Medicaid provider fraud and to report to the General Assembly before January 1, 2011, on the results of these efforts, on funds recuperated or saved, and on information pertaining to prosecutions of such actions, including plea agreements that were entered into. Sponsor: Rep. J.E. Smith.

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**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to change “January 1, 2011” to “April 1, 2010.”

*21.45. (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly before ~~January 1, 2011~~ April 1, 2010, on the results of these efforts, funds recuperated or saved, and information pertaining to prosecutions of such actions, including pleas agreements entered into.*

**21.cmf ADD** (ARRA County Matching Funds Adjustment) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to make quarterly reductions or refunds to county matching funds assessed for indigent medical care as necessary to comply with Section 5001(g)(2) [FMAP] of ARRA. Requested by Department of Health and Human Services.

*21.cmf. (DHHS: ARRA County Matching Funds Adjustment) From the county assessments for indigent medical care, the department is authorized to reduce and/or refund to the respective counties on a quarterly basis, such amounts as may be necessary to comply with Section 5001(g)(2) of the American Recovery and Reinvestment Act of 2009.*

**SECTION 22 - J04 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**22.2 DELETE** (County Special Projects) Allows counties to continue to fund special projects in conjunction with county health departments. Directs that county special project employees’ salaries, including merit increases and fringe benefits, shall be totally funded by the county. Directs that county special project employees shall not be under the state compensation plan and directs that they receive their compensation directly from the county.  
**WMC:** DELETE proviso. *Most special projects are currently done with contracts or memorandums of agreement between the department and the involved county.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~22.2. (DHEC: County Special Projects) Counties may continue to fund special projects in conjunction with the county health departments. Salaries for county special project employees, including merit increases and fringe benefits, shall be totally funded by the counties involved. County special project employees shall not be under the state compensation plan and they shall receive their compensation directly from the counties.~~

**22.3 AMEND** (County Health Units) Directs that federal funds made available to the department for county health unit operations shall be allotted on a basis approved by DHEC’s Board and directs that Access to Care state funds, except for salary increases, be allocated so that no county budget receives less than they received in the prior fiscal year.  
**WMC:** AMEND proviso to change “Federal” to “General” funds, delete the reference to “except for salary increases,” and authorize the department to allocated less funds to counties when the B&C Board or General Assembly instructs the department to reduce funds by a certain percentage, by reducing the allocation for county health units up to the stipulated



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percentage. *Allow for equitable distribution of mandated budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**22.3.** (DHEC: County Health Units) ~~Federal~~ General funds made available to the Department of Health and Environmental Control for the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the Department of Health and Environmental Control, ~~and the~~ The amount of ~~state~~ general funds appropriated herein for Access to Care, ~~except for salary increases,~~ shall be allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may unilaterally reduce the county health units up to the stipulated percentage.

**22.4** **AMEND** (Camp Burnt Gin) Directs that private donations or contributions for capital improvements at Camp Burnt Gin be deposited in a restricted account and be carried forward until sufficient funds are available for the improvements. Requires expenditures from the account to be first approved by the B&C Board and JBRC.

**WMC:** AMEND proviso to delete reference to capital improvements and instead direct that private donations or contributions for operation of the camp be deposited in a restricted account. Authorize the funds to be carried forward and made available as needed for camp operations. Direct that withdrawals from the account be made in accordance with approved procedures. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**22.4.** (DHEC: Camp Burnt Gin) Private donations or contributions for ~~capital improvements at~~ the operation of Camp Burnt Gin shall be deposited in a restricted account ~~and carried forward until sufficient amounts are available for such improvements. Any expenditures from the account must first be approved by the Budget and Control Board and the Joint Bond Review Committee.~~ These funds may be carried forward and shall be made available as needed to fund the operation of the camp. Withdrawals from this restricted account must be in accordance with approved procedures.

**22.6** **AMEND FURTHER** (Cancer/Hemophilia) Prohibits \$1,021,119 appropriated for prevention, detection, and surveillance of cancer and cancer treatment services and \$1,972,013 appropriated for the hemophilia assistance program from being transferred to other programs within the agency. Provides the manner in which mandated budget reductions may be taken from this item.

**WMC:** AMEND proviso to change “\$1,021,119” to “\$796,503” and “\$1,972,013” to “\$1,538,228.” *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

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**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change “\$796,503” to “\$780,573” and “\$1,538,228” to “\$1,698,571.” *To account for March 2% budget reduction.*

**22.6.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for prevention, detection and surveillance of cancer as well as providing for cancer treatment services ~~\$1,021,119~~ ~~\$796,503~~ \$780,573 and the hemophilia assistance program, ~~\$1,972,013~~ ~~\$1,538,228~~ \$1,698,571 shall not be transferred to other programs within the agency and when instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may not act unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than such stipulated percentage.

- 22.10** **AMEND FURTHER** (Emergency Medical Services) Provides for the allocation of Emergency Medical Services funds to counties to improve and upgrade the EMS system throughout the state. Prohibits \$2,138,803 appropriated for Emergency Medical Services from being transferred to any other program. Authorizes unexpended funds to be carried forward. Provides the manner in which mandated budget reductions may be taken from this item.  
**WMC:** AMEND proviso to change “\$2,138,803” to “\$1,829,960.” *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change “\$1,829,960” to “\$1,831,963.” *To account for March 2% budget reduction.*

**22.10.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of 81% of the additional funds appropriated herein, to the EMS Regions at a ratio of 12% of the additional funds appropriated herein and to the state EMS Office at the ratio of 7% of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated, ~~\$2,138,803~~ ~~\$1,829,960~~ \$1,831,963, to Emergency Medical Services shall not be transferred to other programs within the department’s budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

- 22.13** **AMEND FURTHER** (Sickle Cell Programs) Directs that \$1,425,000 is appropriated for Sickle Cell program services and directs that 67% of the funds be divided equitably between

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existing Community Based Sickle Cell Programs in Spartanburg, Columbia, Orangeburg, and Charleston; and 33% of the funds be used for the Community Based Sickle Cell Program at DHEC. Directs that the funds be used for prevention and educational programs, testing, counseling and newborn screening. Provides the manner in which mandated budget reductions may be taken from this item. Prohibits these funds from being transferred for any other purpose.

**WMC:** AMEND proviso to change “\$1,425,000” to “\$1,111,542.” *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change “\$1,111,542” to “\$1,089,311.” *To account for March 2% budget reduction.*

**22.13.** (DHEC: Sickle Cell Programs) ~~\$1,425,000~~ ~~\$1,111,542~~ \$1,089,311 is appropriated for Sickle Cell program services and shall be apportioned as follows:

- (1) 67% is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and
- (2) 33% is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget.

**22.14** **AMEND FURTHER** (Genetic Services) Directs that \$194,856 under the Independent Living program is to be used to provide appropriate genetic services to medically needy and underserved persons. Directs that the funds be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from MUSC, USC School of Medicine, and the Greenwood Genetic Center.

**WMC:** AMEND proviso to change “\$194,856” to “\$151,994.” *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change “\$151,994” to “\$148,954.” *To account for March 2% budget reduction.*

**22.14.** (DHEC: Genetic Services) The sum of ~~\$194,856~~ ~~\$151,994~~ \$148,954 appearing under the Independent Living program of this act shall be appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program and to contract with appropriate providers of genetic

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services. Such services will include genetic screening, laboratory testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

**22.18 DELETE** (Medical & Dental Loan Program) Authorizes unobligated Medical & Dental Loan program funds to be spent for other health service programs.

**WMC:** DELETE proviso. *Loans that were granted have been repaid or closed out. The balance in the account has been zero for a number of years.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~22.18. (DHEC: Medical & Dental Loan Program) Unobligated funds in the Medical & Dental Loan program may be expended for other health service programs.~~

**22.41 AMEND FURTHER** (South Carolina State Trauma Care Fund) Directs that \$4,000,000 of State Trauma Care Fund monies be used to increase the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and to support the trauma system. Provides the percentage methodology to be used to disburse the funds.

**WMC:** AMEND proviso to change "\$4,000,000" to "\$3,422,400" and the disbursement to hospitals and trauma physician fees from "77%" to "76.5%" and the change the percentage allocated to the department for administration and trauma system support from "2%" to "2.5%." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change "\$3,422,400" to "\$3,353,952." *To account for March 2% budget reduction.*

**22.41.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care Fund, \$4,000,000 ~~\$3,422,400~~ \$3,353,952 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be developed will include a breakdown of disbursement of funds by percentage, with a proposed ~~77%~~ 76.5% disbursed to hospitals and trauma physician fees, 16% of the 21% must be disbursed to EMS providers for training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining 5% must be disbursed to EMS providers in counties with high trauma mortality rates, and ~~2%~~ 2.5% allocated to the department for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care Fund.

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**22.44** **DELETE** (SUPERB Fund) Requires the department to transfer \$2,000,000 on July 1, 2008 from the Superb Financial Responsibility Fund to the Superb account. Directs that if the Superb Financial Responsibility Fund balance becomes less than \$500,000, the department shall monthly transfer \$100,000 of the funds generated by the environmental impact fee from the Superb account until the balance in the Fund reaches \$1,000,000.

**WMC:** DELETE proviso. *The one-time transfer of funds has occurred and the remaining balance is approximately \$20,000. The department states the funds will not retain a \$2 million balance during the next legislative session.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~22.44. (DHEC: Superb Fund) On July 1, 2008, the Department of Health and Environmental Control shall transfer \$2,000,000 from the Superb Financial Responsibility Fund to the Superb account. If the balance of the Superb Financial Responsibility Fund becomes less than \$500,000, the department shall transfer on a monthly basis \$100,000 of the funds generated by the environmental impact fee from the Superb account to the Superb Financial Responsibility Fund until the balance of the Superb Financial Responsibility Fund reaches \$1,000,000.~~

**22.46** **AMEND** (Pharmacist Permits) Suspends DHEC from provisions relating to requirements that all department facilities that distribute or dispense prescription drugs must be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist in charge. Requires each DHEC Health District to have a permit to distribute or dispense prescription drugs. Allows a department pharmacist to serve as the pharmacist-in-charge without being physically present in the pharmacy and allow the department to designate that a pharmacist-in-charge may serve more than one health district. Directs that only pharmacists, nurses, or physicians may dispense hormonal medication, antibiotics for tuberculosis, and antibiotics for sexually transmitted diseases at department facilities. Directs that other medications could be dispensed as necessary in the event of a public health emergency or if the strategic national stockpile is activated.

**WMC:** AMEND proviso to change reference to a “district” to “region.” Direct that only pharmacists, nurses, or physicians are allowed to dispense “and provide prescription drugs/products/vaccines” at department facilities for “Family Planning,” TB, sexually transmitted diseases, “immunization, hemophilia, or HIV/AIDS. *Correctly lists the drugs distributed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**22.46.** (DHEC: Pharmacist Permits) For the current fiscal year, provisions requiring that all department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are suspended. Each Department of Health and Environmental Control Public Health District Region shall be required to have a permit to distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one health ~~district~~ region. Only pharmacists, nurses, or physicians are allowed to dispense and provide the

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following medications prescription drugs/products/vaccines at department facilities: ~~hormonal medications, antibiotics for Family Planning, tuberculosis, and antibiotics for sexually transmitted diseases, immunizations, hemophilia, or HIV/AIDS.~~ In the event of a public health emergency or upon activation of the strategic national stockpile, other medications ~~could~~ may be dispensed as necessary.

- 22.47** **ADD** (Beach Renourishment Carry Forward) **WMC:** ADD new proviso to authorize the department to use \$240,000 of carried forward beach renourishment funds to reduce the impact of the Office of Ocean and Coastal Resource Management's budget reduction. Fiscal Impact: No impact on the General Fund. Directs that \$240,000 of carry forward funds be used.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

22.47. (DHEC: Beach Renourishment Carry Forward) Of the funds carried forward by the department for beach renourishment, the department is authorized to utilize up to \$240,000 to reduce the impact of budget reductions to the Office of Ocean and Coastal Resource Management.

- 22.48** **AMEND NEW PROVISO** (Coastal Zone Appellate Panel) **WMC:** ADD new proviso to direct that the Coastal Zone Appellate Panel as established by Section 48-39-40 [CREATION OF COASTAL ZONE MANAGEMENT APPELLATE PANEL; MEMBERS; TERMS OF OFFICE] under DHEC shall be disbanded and removed from operation. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to suspend operation of the panel for the current fiscal year rather than disband and remove from operation.

22.48. (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976 Code under the Department of Health and Environmental Control shall be ~~disbanded and removed from operation~~ suspended for the current fiscal year.

- 22.49** **CONFORM TO FUNDING / AMEND NEW PROVISO** (~~Hospital~~ Rural Hospital Grants) **HOU:** ADD new proviso to direct that Hospital Rural Grants funds be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Direct hospitals qualifying for the grants to use the funds for any of the following purposes: a) development of preventive health programs, medical homes, and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc; and f) activities to insure compliance with state or federal regulations. *Moved from DHHS proviso 21.40.* Sponsor: Rep. Edge.  
**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATON / AMEND new proviso to specify Rural "Hospital" Grants. *Technical title correction.*

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22.49. (DHEC: ~~Hospital~~ Rural ~~Hospital~~ Grants) ~~Hospital~~ Rural ~~Hospital~~ Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc; and f) activities to ensure compliance with State or Federal regulations.

**22.50** **ADD** (Camp Burnt Gin Funding) **HOU:** ADD new proviso to prohibit funds appropriated in Part IA or funds from any other source for Camp Burnt Gin from being reduced if the department is required to take a budget reduction. Sponsor: Rep. J.E. Smith.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

22.50. (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department pursuant to Part IA, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is required to take a budget reduction.

**SECTION 23 - J12 - DEPARTMENT OF MENTAL HEALTH**

**23.1** **AMEND** (Medicare Revenue) Directs that all federal funds received from patient's Medicare benefits under Act 1276 of 1970 provisions (issuance of bonds to be repaid from patient fees) shall be considered as patient fees except for \$290,963 which the department must remit to the General Fund to support administrative costs of Medicare benefits collection. Authorizes the department to retain and expend up to \$3 million of all Medicare revenue earned prior to July 1 of the prior fiscal year, but received in the current fiscal year from cost recovery efforts. Requires all additional prior year earnings be remitted to the General Fund except allows the cost and fees associated with identifying and collecting the additional Medicare revenue to be paid from the funds collected.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the reference to Act 1276 of 1970 and instead direct that the federal funds be used for repayment of bonds. *Deletes obsolete code reference.*

**23.1.** (DMH: Medicare Revenue) All Federal Funds received by the Department of Mental Health from patients' Medicare benefits shall be considered as patient fees ~~under the provision of Act 1276 of 1970 (provision for the issuance of bonds to be repaid from patient fees)~~ to be used for the repayment of bonds except that the department shall remit to the General Fund of the State \$290,963 from such funds to support the appropriation for administrative costs of the collection of Medicare benefits. The department shall retain and expend up to \$3 million of all Medicare revenue earned prior to July 1, of the prior fiscal year, but received in the current fiscal year from cost recovery efforts, all additional prior earnings shall be remitted to the general fund, except that the cost and fees of identifying and collecting

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such additional Medicare revenue to which the department is entitled may be paid from funds actually collected from such efforts.

- 23.2**    **AMEND** (Paying Patient Account) Directs the department to remit \$3,400,000 of surplus funds in the paying patient account, which had previously been designated for capital improvements and debt service under Act 1276 of 1970, to the General Fund. States the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the reference to Act 1276 of 1970. *Deletes obsolete code reference.*

**23.2.** (DMH: Paying Patient Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby directed during the current fiscal year to remit to the General Fund of the State the amount of \$3,400,000 to be paid from the surplus funds in the paying patient account which has been previously designated for capital improvements and debt service ~~under the provisions of Act 1276 of 1970~~. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.

- 23.8**    **AMEND** (Alzheimer's Funding) Requires the department to use \$1,000,000 of Community Mental Health Centers funding to contract to provide Alzheimers respite care and diagnostic services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association and to maximize federal matching dollars. Requires the association to annually submit by September 30<sup>th</sup> an annual financial statement and outcomes measures attained for the fiscal year just ended to the Governor, Senate Finance & Ways and Means Committees. Prohibits these funds from being expended or transferred during the current fiscal year until the required reports have been received by the specified entities.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to direct that when instructed by the B&C Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.

**23.8.** (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental Health Centers, \$1,000,000 must be used for contractual services to provide respite care and diagnostic services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent feasible, federal matching dollars. On or before September 30 of each year, the Alzheimer's Disease and Related Disorders Association must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. *In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.*



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- 23.15** **ADD** (Uncompensated Patient Medical Care) **WMC:** ADD new proviso to create an Uncompensated Patient Care Fund and direct that the department use the fund for medical costs incurred for patients that must be transferred to a private hospital for services. Authorize the funds to be carried forward and used for the same purpose. Fiscal Impact: No additional funds will be appropriated.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

23.15. (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the department for medical costs incurred for patients that must be transferred to a private hospital for services. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

- 23.16** **ADD** (Veterans' Nursing Home Death Investigations) **WMC:** ADD new proviso to direct that if a coroner rules that the death of an individual who is in a veterans' nursing home under the authority of the department results from natural causes, SLED is not required to conduct an investigation regarding the individual's death. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

23.16. (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.

**SECTION 24 - J16 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

- 24.9** **AMEND** (Pervasive Developmental Disorder) Directs DDSN to conduct a Medicaid project to treat children who have been diagnosed with a pervasive developmental disorder by 8 years of age and provides guidelines and reporting requirements. States that this provision does not establish or authorize creation of an entitlement program or benefit.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to require the fiscal status of the project, to include expenditure data and appropriation balances to be included in the semi-annual report to the General Assembly and the Governor.

**24.9.** (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency authorized to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years of age with a pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness, treatment for each individual child shall not exceed three years without a special exception as defined in the waiver, and reimbursement for each individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs and the Department of Health and Human Services will determine the areas of the State with the greatest need and availability of providers. Children participating in the project will be selected based upon an application system developed in compliance with the Medicaid waiver. Treatment will be provided as authorized and prescribed by the department according to the

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degree of the developmental disability. In authorizing and prescribing treatment the department may award grants or negotiate and contract with public or private entities to implement intervention programs, which must comply with Medicaid reimbursement methodologies, for children who have been diagnosed with a pervasive developmental disorder. "Pervasive developmental disorder" means a neurological condition, including autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. The department shall report semi-annually to the General Assembly and the Governor on the developmental progress of the children participating in the project and the fiscal status of the project, to include expenditure data and appropriation balances. This provision does not establish or authorize creation of an entitlement program or benefit.

- 24.10** **ADD** (Modular Ramps) **WMC:** ADD new proviso to authorize the department to lease modular ramps if they believe demonstrated cost-savings can be realized. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

24.10. (DDSN: Modular Ramps) The Department of Disabilities and Special Needs is authorized to lease modular ramps in the event the department can foresee demonstrated cost-savings to the department.

- 24.11** **ADD** (Summer Camps) **WMC:** ADD new proviso to prohibit the department from removing any summer camps under their purview due to budget reductions. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

24.11. (DDSN: Summer Camps) The Department of Disabilities and Special Needs cannot remove any summer camps under their purview due to reductions in their budget.

**SECTION 26 - L04 - DEPARTMENT OF SOCIAL SERVICES**

- 26.24** **DELETE** (Unexpended Funds) Authorize unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 [APPROPRIATION ACT] to be carried forward and used for Child Care Vouchers.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~26.24. (DSS: Unexpended Funds) Unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 to the Department of Social Services may be carried forward to the current fiscal year and expended for Child Care Vouchers.~~

- 26.26** **AMEND FURTHER** (Teen Pregnancy Prevention) Directs DSS to use the funds appropriated for the Continuation of Teen Pregnancy Prevention to award two contracts to separate private entities to provide teen pregnancy prevention programs and services and direct

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that the funds be divided equally between the contracts. Allows entities with a proven public history of effectively implementing abstinence programs in the state to be given preference during evaluation and awarding process. Requires one contract be awarded to an entity that uses an abstinence first, age appropriate comprehensive approach to health and sex education with a goal of preventing adolescent pregnancy and one contract be awarded to an entity that has used a National Abstinence Clearinghouse approved curricula for a minimum of one year prior to their application. Directs that a five member committee oversee the contract award process; that the first meeting be on or before August 1, 2008; and that the committee be composed as follows: two members appointed by the President Pro Tempore of the Senate, two members appointed by the Speaker of the House and one member appointed by the Governor.

**WMC:** AMEND proviso to change “2008” to “2009. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to direct that committee members shall serve without compensation.

**26.26.** (DSS: Teen Pregnancy Prevention) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award two contracts to separate private entities to provide teen pregnancy prevention programs and services within the State. The monies appropriated must be divided equally between the contracts. Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina. One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). A five-member committee shall oversee the contract award process. The committee’s first meeting shall be on or before August 1, ~~2008~~ 2009. The five member committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.

**26.27** **ADD** (Meals in Emergency Operations) **WMC:** ADD new proviso to authorize the department to provide the cost of meals to state employees who are not permitted to leave their stations and who are required to work during actual emergency, emergency situation exercises, and when the Governor declares a state of emergency. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

26.27. (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor declares a state of emergency.

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**26.28 AMEND NEW PROVISO** (Day Care Facilities Supervision Ratios) **WMC:** ADD new proviso to prohibit the department from implementing Regulations 114-504(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR LICENSED CENTERS] during the current fiscal year. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to delete the previous non-implementation requirement and instead direct that for FY 09-10 those staff-child ratios shall remain at the June 24, 2008 levels and include Regulations 114-524(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR REGISTERED CENTERS].

*26.28. (DSS: Day Care Facilities Supervision Ratios) The Department of Social Services shall not implement Regulations 114-504(B) and 114-504(C) during the current fiscal year. For Fiscal Year 2009-10, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.*

**SECTION 55 - L46 - COMMISSION FOR MINORITY AFFAIRS**

**55.5 REINSERT/AMEND** (Student Achievement and Vision Education) Directs the Commission for Minority Affairs to study and document family and community structures that contribute to or by their absence, exacerbate poor student achievement and socioeconomic deprivation. Directs the commission to identify all funding to programs and services that support family well being. Directs the commission to develop an assessment tool to survey appropriate agencies regarding services, associated cost, and other relevant information in order to identify and document gaps and duplication of services. Requires specific agencies to provide information to the commission as well as other agencies the commission deems appropriate. Directs the commission to compile a report that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities. Directs that the report make recommendations on the reallocation of funds, restructuring of agencies and services, and need for new programs or incentives for public-private partnerships. Directs that the report be issued by the first Tuesday of February, 2009 to the Governor, President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, Chairman of the Legislative Black Caucus and State Superintendent of Education.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** REINSERT and AMEND original proviso to change February “2009” to “2010.”

**55.5.** (CMA: Student Achievement and Vision Education) The Commission for Minority Affairs is directed to study the economic and social impact of state funded programs that serve counties experiencing demographic shifts in the minority populations. The commission shall also study the programs and structures that contribute to or by their absence, exacerbate the problem of poor student achievement and socioeconomic deprivation. The commission is directed to identify all funding to programs and services that support family well-being in South Carolina. To identify and document gaps and duplication of services, the

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commission is directed to collect information regarding spending and programming from the following state agencies that will by virtue of this proviso be required to comply. The following state agencies are required to provide information to the Commission for Minority Affairs: Adjutant General's Office (Emergency Management Division), Department of Agriculture, Department of Alcohol and Other Drug Abuse Services, Commission for the Blind, Budget and Control Board, Department of Commerce, Department of Consumer Affairs, Department of Corrections, School for the Deaf and the Blind, Department of Disabilities and Special Needs, Education Oversight Committee, Department of Education, Educational Television Commission, Employment Security Commission, Governor's Office, Department of Health and Environmental Control, Department of Health and Human Services, State Housing, Finance and Development Authority, Department of Juvenile Justice, Department of Mental Health, Department of Probation, Parole and Pardon Services, Department of Social Services, state colleges and universities, and other agencies as the commission deems appropriate. The commission shall compile reports that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities in the State. The report shall make recommendations regarding the reallocation of funding, restructuring of agencies and services, and the need for new programs or incentives for public-private partnerships. The report(s) shall be issued to the Governor, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Legislative Black Caucus and the State Superintendent of Education and State Agency Heads on or before the first Tuesday of February ~~2009~~ 2010 for consideration and further legislative action.

**SECTION 72 - D21 - GOVERNOR'S OFFICE**

**72.23** **ADD** (Administration of Cabinet Agencies) **WMC:** ADD new proviso to create the Cabinet Agency Administration within OEPP in an effort for cabinet agencies to be more efficient regarding administrative functions. Direct that the newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. Direct the Governor's cabinet agencies to consolidate, where possible, like services among the agencies. Direct that like services includes, but is not limited to, finance, human resources, transportation, and technology services. Direct Cabinet Agency Administration to submit a report on the cost savings associated with the consolidation to the Chairmen of the Senate Finance and House Ways and Means Committees, and the Governor by December 31, 2009. Require cabinet agency directors to report on time they spend away from their main office during the agency's core business hours when that time is not related to the agency's mission and to submit the report on a monthly basis to the Chairmen of the Senate Finance and House Ways and Means Committees. Direct the Legislative Audit Council to conduct audits on all cabinet agencies.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

72.23. (GOV: OEPP: Administration of Cabinet Agencies) In an effort for cabinet agencies to be more efficient regarding administrative functions, there is created the Cabinet Agency Administration within the Governor's Office of Executive Policies and Programs. The

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newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. The Governor's cabinet agencies are directed to consolidate, where possible, like services among the agencies. Like services shall include, but are not limited to, finance, human resources, transportation, and technology services. Cabinet Agency Administration is directed to report the cost savings associated with the consolidation. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 31, 2009. Cabinet agency directors must report time spent away from their main office during the agency's core business hours when this time is not related to the agency's mission. This information must be reported monthly to the Chairman of the Senate Finance Committee and the House Ways and Means Committee. The Legislative Audit Council shall conduct audits on all cabinet agencies.

- 72.24 CONFORM TO FUNDING / ADD** (Transfer to Lt. Governor's Office on Aging) **WMC:** ADD new proviso to direct OEPP to transfer to the Lt. Governor's Office on Aging, from their Administrative Services program, the amount funds that are required to receive congregate meals and home delivered meals as referenced in the stimulus package. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

72.24. (GOV: OEPP - Transfer to Lt. Governor's Office on Aging) Of the funds appropriated in Program I. Administrative Services of the Governor's Office of Executive Policy and Programs, funds required in order to receive congregate meals and home delivered meals as referenced in the federal stimulus package shall be transferred to the Lieutenant Governor's Office for the Office on Aging.

**SECTION 73 - E04 - LIEUTENANT GOVERNOR'S OFFICE**

- 73.9 ADD** (Geriatric Loan Forgiveness Program Payment) **WMC:** ADD new proviso to authorize a single lump sum payment of up to \$35,000 or the loan balance, whichever is less, to be made to the lending institution in lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program. *Reduces administrative paperwork and interest charged on the loan.* Fiscal Impact: OSB indicates there would be no impact on the General Fund. Requested by Lieutenant Governor's Office.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

73.9. (LTG: Geriatric Loan Forgiveness Program Payment) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

**SECTION 80A - F03 - BUDGET AND CONTROL BOARD**

- 80A.53 CONFORM TO FUNDING / ADD** (Meals on Wheels) **HOU:** ADD new proviso to direct the B&C Board to transfer \$1,000,000 of their authorized and/or appropriated funds to the

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Lieutenant Governor's Office for the Office on Aging Meals on Wheels program. Sponsor: Rep. Daning.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

80A.53. (BCB: Meals on Wheels) Of the funds authorized and or appropriated to the Budget and Control Board, \$1,000,000 shall be transferred to the Lieutenant Governor's Office for the Office on Aging for the Meals on Wheels Program.

**SECTION 89 - X90 - GENERAL PROVISIONS**

**89.96 CONFORM TO FUNDING / AMEND FURTHER (Flexibility)** Authorizes agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Requires prior Office of State Budget approval to increase spending authorization for these purposes and requires the increased authorization be reported to the Governor, Senate Finance and Ways and Means Committees. Authorizes the Comptroller General to implement procedures. Directs that this provision is provided notwithstanding any other provision that restricts the use of earned revenue. Authorizes agency transfers to exceed 20% of the program budget upon B&C Board Office of State Budget approval in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorizes state institutions of higher learning whose budgets have been reduced from the FY 07-08 state funding level to be able to use other sources of available fund to support and maintain state funded programs affected by FY 08-09 state reductions and to adjust appropriations from special items or programs in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Requires institutions to submit the amount of base budget reductions associated with these programs to the Office of State Budget and the Senate Finance and House Ways and Means Committees. Directs that notwithstanding the flexibility authorized in this provision, specific agencies are prohibited from reducing or transferring funds from the following programs or areas. DHHS: Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS; PACE; Federally Qualified Health Centers; and Provider Rates and prohibits the department from decreasing provider reimbursement rates from their current levels. Lt. Governor's Office: Home & Community Based Services (Meals on Wheels). Dept of Commerce: Regional Economic Development Organizations as defined by proviso 40.35. DNR: Law Enforcement Program/Enforcement Operations as contained in Program II. E. 1. PRT: Program II. A. Special Item: Regional Promotions; Program II. A. Special Item: Advertising; and prohibits PRT from closing or reducing the FTE's in the Mansion Gift Shop, State House Gift Shop, and Santee Welcome Center.

**WMC:** AMEND proviso to update fiscal year references and delete the prohibition from closing or reducing FTE's in the Mansion Gift Shop. *See proviso 39.12.* Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND FURTHER to direct that it is not the intent of this proviso to restrict the annual updating of cost based rates and those rates indexed to methodologies described in the Medicaid State Plan. Sponsors: Reps. Edge and White.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION.

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**89.96.** (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, agencies are authorized for FY ~~2008-09~~ 2009-10 to spend agency earmarked and restricted accounts designated as “special revenue funds” as defined in the Comptroller General’s records, to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year ~~2007-08~~ 2008-09 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year ~~2008-09~~ 2009-10 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution’s base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

- A) Department of Health and Human Services
  - 1) Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS
  - 2) PACE
  - 3) Federally Qualified Health Centers
  - 4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

*It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates based which are indexed to methodologies described in the Medicaid State Plan.*

- B) Lieutenant Governor’s Office
  - Home and Community Based Services (Meals on Wheels)
- C) Department of Commerce
  - Regional Economic Development Organizations as defined by proviso 40.30
- D) Department of Natural Resources
  - Law Enforcement Program/Enforcement Operations as contained in Program II.

E. 1

- E) Department of Parks, Recreation, and Tourism
  - 1) Program II. A. Special Item: Regional Promotions
  - 2) Program II. A. Special Item: Advertising

In addition the Department of Parks, Recreation, and Tourism is prohibited from closing or reducing the FTE’s in ~~the Mansion Gift Shop~~, the State House Gift Shop, and the Santee Welcome Center.



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- 89.118 CONFORM TO FUNDING / ADD** (ARRA Oversight) **HOU:** ADD new proviso to direct that in order to provide transparency and accountability for American Recovery and Reinvestment Act of 2009 (ARRA) funds, the State Treasurer shall be responsible for collecting information from state agencies, school districts, and local government associated with funds received from the act. Direct that information collected shall include, but not be limited to, state agency or local government entity, program designation, purpose for which the funds were received and expended, and the amount of funds received. Direct the State Treasurer to also collect information pertaining to jobs created resulting from receipt of the federal stimulus funds and to collect other information as required by ARRA. Authorize the State Treasurer to collect any other information deemed relevant to providing disclosure of the ARRA funds to the public. Sponsor: Rep. Ott.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

*89.118. (GP: ARRA Oversight) In order to provide transparency and accountability of the funds associated with the American Recovery and Reinvestment Act of 2009, the State Treasurer shall be responsible for collecting information associated with funds received by state agencies, school districts, and local government from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, state agency or local government entity, program designation, purpose for which the funds were received and expended, and the amount of funds received. The State Treasurer shall also collect information pertaining to jobs created resulting from receipt of the federal stimulus funds. The State Treasurer shall also collect other information as required by the American Recovery and Reinvestment Act of 2009. The State Treasurer is authorized to collect any other information deemed relevant to providing disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public.*

- 89.119 DELETE NEW PROVISO** (Consolidation of State Agencies Study Committee) **HOU:** ADD new proviso to establish a Joint Study Committee on the Consolidation of State Agencies to review the feasibility and cost savings related to consolidating certain state agencies. Direct that the joint study committee be composed of the Governor, or his designee, Chairmen of the Senate Judiciary Committee, House Judiciary Committee, and Senate Finance Committee, or their designee, and the Chairman of the House Ways and Means Committee. Require designees, if appointed, to be from within the respective committee. Authorize the study committee to solicit input from agency heads and other sources as deemed necessary. Direct that recommendations for elimination of duplication within state agencies and cost savings mechanisms be reported to the General Assembly by January 15, 2010. Sponsor: Rep. Rice.  
**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*89.119. (GP: Consolidation of State Agencies Study Committee) A Joint Study Committee on the Consolidation of State Agencies is established to review the feasibility and cost savings related to the consolidation of certain state agencies. The joint study committee shall be*~~

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~~composed of the Governor, or his designee, Chairman of the Senate Judiciary Committee, or his designee, the Chairman of the House Judiciary Committee, or his designee, the Chairman of the Senate Finance Committee, or his designee, the Chairman of the House Ways and Means Committee. Designees, if appointed, must be from within the respective committee. The study committee may solicit input from agency heads and from other sources as deemed necessary. Recommendations for elimination of duplication within state agencies and cost savings mechanism shall be reported to the General Assembly by January 15, 2010.~~

- 89.120 DELETE NEW PROVISO (One-Stop Health) HOU:** ADD new proviso to direct Voc Rehab, DHHS, DHEC, DMH, DDSN, DAODAS, DSS, and Commission for the Blind to explore the feasibility of a “one-stop” healthcare information system for the populations each agency serves. Direct the agencies, in order to save time and expenses, to consider using the Department of Revenue’s one-stop software system for businesses and to adapt the system for the healthcare information system. Direct that if DOR’s one-stop system is deemed feasible, the specified agencies are to use their appropriated or authorized funds to implement the system using the model and contract adopted and implemented by DOR. Direct that the current contractor is authorized to be used for the one-stop healthcare information system. Sponsors: Rep. Bannister and Edge.

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*89.120. (GP: One-Stop Health) Of the funds appropriated in Fiscal Year 2009-2010 to Vocational Rehabilitation, the Department of Health and Human Services, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, the Department of Alcohol and Other Drug Abuse Services, the Department of Social Services, and the Commission for the Blind, those agencies shall explore the feasibility of a “one stop” healthcare information system for the populations served under each agency. Since the State, through the Department of Revenue, has developed a one stop software system for businesses, and in order to save time and expense, this system must be considered for use and adaptation for the healthcare information system. Furthermore, if the Department of Revenue’s one stop system is deemed feasible, the agencies listed herein shall use funds appropriated or authorized to implement the system using the model and contract adopted and implemented by the Department of Revenue. The engagement of the current contractor for the one stop healthcare information system is authorized for the purposes of this provision.*~~

- 89.122 ADD (IMD Operations) HOU:** ADD new proviso to direct that all funds received by state child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children’s Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate DSS or DHEC licensed institutional, residential, or treatment programs. Require an annual report on the expenditures of all IMD transition funds be provided to the Chairmen of the Senate Finance and the House Ways and Means Committees, and the Governor. Require that funds be allocated based on Department of Health and Human Services allocation methodology developed for the distribution of these funds. Sponsor: Rep. Edge.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

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89.122. (GP: IMD Operations) All funds received by State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed institutional, residential, or treatment programs. An annual report on the expenditures of all IMD transition funds shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor. Funds must be allocated based on the Department of Health and Human Services allocation methodology developed for the distribution of these funds.

**89.124 DELETE NEW PROVISO** (Accommodations Tax Reduced for Blue Law Exclusion) **HOU:** ADD new proviso to direct that for the current fiscal year, the provisions of Chapter 1, Title 53 [SUNDAYS, HOLIDAYS AND OTHER SPECIAL DAYS: SUNDAYS] do not apply to any county area, as defined in Section 6-4-5(1) [ALLOCATION OF ACCOMMODATIONS TAX REVENUES: DEFINITIONS], which collects more than \$9 in one fiscal year in revenues from the accommodations tax provided for in Section 12-36-2630(3) [SC SALES AND USE TAX: SEVEN PERCENT SALES TAX ON ACCOMMODATIONS FOR TRANSIENTS COMPOSED OF THREE COMPONENTS] and imposed in Section 12-36-920(A) [SC SALES AND USE TAX: TAX ON ACCOMMODATIONS FOR TRANSIENTS; REPORTING]. Direct that \$535,542 generated from this exclusion be directed to the Budget and Control Board. Sponsor: G.M. Smith

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~89.124. (GP: Accommodations Tax Reduced for Blue Law Exclusion) For Fiscal Year 2009-10, the provisions of Chapter 1, Title 53 of the 1976 Code do not apply to any county area, as defined in Section 6-4-5(1) of the 1976 Code, which collects more than nine dollars in one fiscal year in revenues from the accommodations tax provided for in Section 12-36-2630(3) of the 1976 code and imposed in Section 12-36-920(A) of the 1976 Code. Revenues generated from this exclusion in the amount of \$535,542 shall be directed to the Budget and Control Board.~~

**SECTION 90 - X91 - STATEWIDE REVENUE**

**90.5 CONFORM TO FUNDING / AMEND FURTHER** (Tobacco Settlement) Directs the State Treasurer, upon approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, to transfer \$10,500,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer \$425,000 to the Attorney General from the Operating Contingency Account of the Tobacco Settlement Management Authority for further enforcement of the Tobacco Escrow Fund Act, which will protect payments to the State under the Master Settlement Agreement. **WMC:** AMEND proviso to change "\$10,500,000" to "\$10,000,000" and delete specific amount to be transferred to the Attorney General and instead direct that amounts as necessary of the available funds will be transferred. Fiscal Impact: No impact on the General Fund. **HOU:** AMEND FURTHER to authorize and direct the State Treasurer to transfer up to \$1,200,000 to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Direct that any remaining

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balance from the appropriation be remitted to the General Fund, but limit the combined transfer and reimbursement to not more than \$1,200,000. Sponsor: Rep. Cooper.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

**90.5.** (SR: Tobacco Settlement) Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to ~~\$10,500,000~~ \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended as follows: ~~\$10,500,000~~ \$10,000,000 for Medicaid. The State Treasurer is authorized and directed to transfer ~~\$425,000~~ to the Office of the Attorney General from the ~~Operating Contingency Account~~ of funds available to the Tobacco Settlement Management Authority such amounts as shall be necessary for the ~~further~~ enforcement of Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement. The State Treasurer is further authorized and directed to transfer to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority up to \$1,200,000 to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Any remaining balance from the appropriation shall be remitted to the General Fund, but the combined transfer and reimbursement shall not total more than \$1,200,000.

**90.8** **DELETE** (Health and Human Services Funding) Directs \$98,467,983 of Department of Health and Human Services general fund appropriations, carry forward funds, and earmarked and restricted accounts be disbursed for specified purposes. Directs that \$7,000,000 for Disproportionate Share be transferred to MUSC Hospital Authority and that \$600,000 of these funds be transferred to the Cancer Center. Prohibits the Department of Health and Human Services from using CHIPS FY 07-08 carry forward funds or FY 08-09 recurring appropriations to fund any of the allocations contained in this provision.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**90.8.** (SR: Health and Human Services Funding) ~~The source of funds appropriated in this provision is \$98,467,983 of Department of Health and Human Services general fund appropriations, carry forward funds and earmarked and restricted special revenue fund accounts.~~

~~Of these funds, the department is directed to disburse the following Department of Health and Human Services appropriations for the purposes stated:~~

<del>A. Medicaid Maintenance of Effort .....</del>	<del>\$ 29,000,000;</del>
<del>B. Institutes for Mental Disease Transition.....</del>	<del>\$ 13,000,000;</del>
<del>C. 300 Slots for Community Choices Waiver.....</del>	<del>\$ 1,250,000;</del>
<del>D. Personal Care III &amp; Attendant II Rate Increases .....</del>	<del>\$ 500,000;</del>
<del>E. Rural Hospital Grants.....</del>	<del>\$ 3,000,000;</del>
<del>F. Federally Qualified Community Health Centers.....</del>	<del>\$ 700,000; and</del>
<del>G. MUSC Disproportionate Share .....</del>	<del>\$ 7,000,000.</del>

~~The \$7,000,000 appropriated for Disproportionate Share directed to the Department of Health and Human Services on behalf of the Medical University of South Carolina Hospital~~

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Authority under Title 59, Section 59-123-60(I) shall be transferred to the Medical University Hospital Authority within the first quarter of the state fiscal year. Of these funds \$600,000 shall be transferred to the Cancer Center for screening, prevention, and research. The remaining funds shall initially be used as match funds for the hospital's disproportionate share and other Medicaid reimbursement programs as prescribed under paragraph (I).

Of these funds the department is further directed to transfer the following amounts to the specified agencies for the purposes stated:

- A. Department of Health and Environmental Control
  - (1) AIDS Drug Assistance Program.....\$ 2,400,000;
  - (2) SUPERB Fund.....\$ 2,000,000;
  - (3) Best Chance Network.....\$ 2,000,000;
  - (4) Colorectal Cancer Screening.....\$ 1,000,000;
  - (5) Vaccine Purchases for Under-Insured  
Children & Adolescents.....\$ 2,397,192;
- B. Department of Mental Health
  - Maintenance of Effort Base Program/  
Service Maintenance.....\$ 5,358,317;
- C. Department of Disabilities and Special Needs
  - (1) Rehabilitation Services.....\$ 2,253,000;
  - (2) Pervasive Developmental Disorder Waiver.....\$ 4,500,000;
  - (3) Community Support.....\$ 3,000,000;
  - (4) Greenwood Genetics Center.....\$ 3,500,000;
- D. Vocational Rehabilitation
  - Transportation Services.....\$ 250,000;
- E. Department of Alcohol and Other Drug Abuse Services
  - (1) Alcohol Enforcement Teams.....\$ 1,000,000;
  - (2) State Block Grants.....\$ 500,000;
- F. Department of Social Services
  - (1) Child Support Enforcement System.....\$ 9,000,000;
  - (2) Annualization of Recurring Services
    - (a) Adoption Subsidy.....\$ 2,000,000;
    - (b) Child Care Vouchers.....\$ 2,609,474;
- G. School for the Deaf and the Blind
  - Classroom Refurbishing and Equipment.....\$ 150,000; and
- H. Governor's Office of Executive Policy and Programs
  - Children's Trust Fund.....\$ 100,000.

The department is prohibited from using Fiscal Year 2007-08 carry forward funds attributable to the Children's Health Insurance Program or Fiscal Year 2008-09 recurring appropriations for the Children's Health Insurance Program to fund any of the allocations contained in this provision.

**90.13 CONFORM TO FUNDING / AMEND NEW PROVISO** (Health and Human Services Funding) **WMC:** ADD new proviso to direct that the source of funds in this provision is \$390,036,948 of Department of Health and Human Services general fund appropriations, carry forward funds, and earmarked and restricted special revenue fund accounts. Direct that \$200,000,000 of these funds is to be transferred to the General Fund and the remainder is directed to be expended for specific purposes within the department as well as transferred to DHEC, DDSN, DMH, DSS, DAODAS, and Voc Rehab for designated purposes. Create the Health Care General Fund Restoration Reserve Fund within the State Treasurer's Office which shall be used solely for health care purposes. Direct agencies to use all unobligated FMAP

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funds received through the American Recovery and Reinvestment Act of 2009 to replace general funds under the respective agencies and to transfer those general funds to the State Treasurer for deposit into the Reserve Fund.

**HOU:** AMEND new proviso to change the total amount of funds from “\$390,036,948” to “\$428,115,948.” Direct the department of Health and Human Services to disburse \$250,000 for Kidney Disease Prevention; \$33,000 for Delivery Epidural Codes; \$1,638,000 for Physician E&M and Procedures Codes; \$658,000 for Pediatric Specialists; and \$500,000 for Shared Care. Sponsor: Rep. Edge. AMEND FURTHER to direct that South Carolina non-pharmacy mail and non-mail order Durable Medical Equipment Diabetic Supply providers be allowed to participate in all Managed Care Organizations, individual and group insurance policies using the S.C. Durable Medical Equipment Fee Schedule allowables at a comparable rate to out-of-state providers and that they not be required to participate in pharmacy fee schedules for Durable Medical Equipment products such as Diabetic Test Strips. Sponsor: Rep. Ott. AMEND FURTHER to change the amount transferred to the general fund from “\$200,000,000” to “\$235,000,000.” Sponsor: Reps. Cooper and White.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION / AMEND FURTHER to direct the Department of Health and Human Services to transfer the funds in four equal disbursements on a quarterly basis.

90.13. (SR: Health and Human Services Funding) The source of funds appropriated in this provision is \$428,115,948 of Department of Health and Human Services general fund appropriations, carry forward funds and earmarked and restricted special revenue fund accounts.

The funds designated below shall be distributed in four equal disbursements on a quarterly basis.

Of these funds, the department is directed to transfer \$235,000,000 to the General Fund of the State during the current fiscal year.

Of these funds, the department is directed to disburse the following Department of Health and Human Services appropriations for the purposes stated:

<u>A. Transitional Medicaid.....</u>	<u>\$ 4,250,000;</u>
<u>B. HIV Waiver .....</u>	<u>\$ 56,000;</u>
<u>C. Breast and Cervical Cancer Screenings .....</u>	<u>\$ 1,600,000;</u>
<u>D. Age, Blind, or Disabled Waiver Program.....</u>	<u>\$ 2,300,000;</u>
<u>E. Childcare Disregards.....</u>	<u>\$ 2,300,000;</u>
<u>F. Community Long-Term Care .....</u>	<u>\$ 575,000;</u>
<u>G. Psychiatric Residential Treatment Facility Waiver .....</u>	<u>\$ 142,000;</u>
<u>H. Hospital Cost Rates.....</u>	<u>\$ 3,500,000;</u>
<u>I. Nursing Home Maintenance of Effort and Rate.....</u>	<u>\$ 4,958,000;</u>
<u>J. Hospice Program.....</u>	<u>\$ 1,100,000;</u>
<u>K. Adult Dental Services.....</u>	<u>\$ 1,400,000;</u>
<u>L. Podiatry Services .....</u>	<u>\$ 354,000;</u>
<u>M. Adult Vision Screenings .....</u>	<u>\$ 354,000;</u>
<u>N. Nutritional Supplements.....</u>	<u>\$ 177,000;</u>
<u>O. Allied Health Counseling Sessions.....</u>	<u>\$ 177,000;</u>
<u>P. Speech Therapy.....</u>	<u>\$ 177,000;</u>
<u>Q. Home Health Visits .....</u>	<u>\$ 495,000;</u>
<u>R. Home Health Venipuncture.....</u>	<u>\$ 125,000;</u>
<u>S. CLTC Home Health Meals.....</u>	<u>\$ 557,000;</u>
<u>T. Wheelchair Ramps .....</u>	<u>\$ 195,000;</u>

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<u>U. Child Abuse Program.....</u>	<u>\$ 1,400,000;</u>
<u>V. MUSC Disproportionate Share.....</u>	<u>\$ 10,000,000;</u>
<u>W. Durable Medical Goods.....</u>	<u>\$ 1,077,000;</u>

W.1. South Carolina non-pharmacy mail and non-mail order Durable Medical Equipment Diabetic Supply providers shall be allowed to participate in all Managed Care Organizations, individual and group insurance policies utilizing the South Carolina Durable Medical Equipment Fee Schedule allowables at a comparable rate to out-of-state providers and shall not be required to participate in pharmacy fee schedules for Durable Medical Equipment products such as Diabetic Test Strips.

<u>X. OB and Delivery Rates.....</u>	<u>\$ 2,000,000;</u>
<u>Y. Federally Qualified Health Centers.....</u>	<u>\$ 750,000;</u>
<u>Z. Maintenance of Effort.....</u>	<u>\$ 29,000,000;</u>
<u>AA. IMD Transition Phase 2.....</u>	<u>\$ 13,000,000;</u>
<u>BB. MUSC Rural Dentist.....</u>	<u>\$ 250,000;</u>
<u>CC. GAPS.....</u>	<u>\$ 4,000,000;</u>
<u>DD. Diabetes.....</u>	<u>\$ 210,000;</u>
<u>EE. SYVEK Patch.....</u>	<u>\$ 200,000;</u>
<u>FF. X-Ray Services.....</u>	<u>\$ 125,000;</u>
<u>GG. Children's Dental.....</u>	<u>\$ 514,833;</u>
<u>HH. MUSC Transplant Services.....</u>	<u>\$ 100,000;</u>
<u>II. Kidney Disease Prevention.....</u>	<u>\$ 250,000;</u>
<u>JJ. Delivery Epidural Codes.....</u>	<u>\$ 33,000;</u>
<u>KK. Physician E&amp;M and Procedure Codes.....</u>	<u>\$ 1,638,000;</u>
<u>LL. Pediatric Specialists.....</u>	<u>\$ 658,000; and</u>
<u>MM. Shared Care.....</u>	<u>\$ 500,000.</u>

Of these funds the department is further directed to transfer the following amounts to the Department of Health and Environmental Control for the purposes stated:

<u>A. Vaccine Purchases for Underinsured Children.....</u>	<u>\$ 2,000,000;</u>
<u>B. EMS Statewide Data System.....</u>	<u>\$ 500,000;</u>
<u>C. Environmental/Restaurant/Septic Inspections.....</u>	<u>\$ 500,000;</u>
<u>D. Access to Care.....</u>	<u>\$ 2,000,000;</u>
<u>E. ADAP.....</u>	<u>\$ 2,400,000;</u>
<u>F. Infant Mortality Reduction.....</u>	<u>\$ 1,000,000;</u>
<u>G. BabyNet.....</u>	<u>\$ 1,600,000;</u>
<u>H. Children's Rehabilitative Services.....</u>	<u>\$ 2,000,000;</u>
<u>I. Trauma Centers.....</u>	<u>\$ 4,000,000;</u>
<u>J. Rural Hospital Grants.....</u>	<u>\$ 5,000,000;</u>
<u>K. Rural Hospital Equipment and Facilities.....</u>	<u>\$ 4,000,000;</u>
<u>L. Best Chance Network.....</u>	<u>\$ 2,000,000;</u>
<u>M. Colorectal Screenings.....</u>	<u>\$ 1,000,000;</u>
<u>N. Community Oral Health.....</u>	<u>\$ 300,000;</u>
<u>O. Hemophilia Services.....</u>	<u>\$ 100,000;</u>
<u>P. USC Rural Health Clinic.....</u>	<u>\$ 3,981,000; and</u>
<u>Q. HIV Prevention.....</u>	<u>\$ 1,000,000.</u>

Of these funds the department is further directed to transfer the following amounts to the Department of Disabilities and Special Needs for the purposes stated:

<u>A. Restoration of Waiver Programs.....</u>	<u>\$ 9,753,000;</u>
<u>B. Attrition Slots MR/RD Waiver.....</u>	<u>\$ 329,511;</u>
<u>C. Attrition Slots HASCI Waiver.....</u>	<u>\$ 327,600;</u>
<u>D. Early Intervention Services to Children.....</u>	<u>\$ 1,351,003;</u>

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<i>E. Day Support</i> .....	\$ 3,819,978;
<i>F. Residential Day Support Provider Adjustment</i> .....	\$ 1,833,210;
<i>G. PDD Waiver</i> .....	\$ 3,000,000;
<i>H. Restoration of Waiver Capacity Reductions</i> .....	\$ 829,617;
<i>I. Service Coordination Restoration</i> .....	\$ 3,350,831;
<i>J. Ancillary Waiver Services</i> .....	\$ 1,500,000;
<i>K. Residential Services</i> .....	\$ 984,000;
<i>L. Post Acute Care</i> .....	\$ 1,650,000;
<i>M. Family Support/Respite</i> .....	\$ 550,000;
<i>N. Special Olympics</i> .....	\$ 250,000; and
<i>O. Summer Services</i> .....	\$ 709,741.

*Of these funds the department is further directed to transfer the following amounts to the Department of Mental Health for the purposes stated:*

<i>A. Community Mental Health Centers</i> .....	\$ 9,000,000; and
<i>B. Inpatient Services</i> .....	\$ 9,000,000.

*Of these funds the department is further directed to transfer the following amounts to the Department of Social Services for the purposes stated:*

<i>A. Child Support Enforcement Fines</i> .....	\$ 13,436,000;
<i>B. Adoption Subsidy</i> .....	\$ 2,000,000; and
<i>C. Child Care Vouchers</i> .....	\$ 2,562,624.

*Of these funds the department is further directed to transfer \$1,000,000 to the Department of Alcohol and Other Drug Abuse Services for State Block Grant.*

*Of these funds the department is further directed to transfer \$2,000,000 to Vocational Rehabilitation for Restoration of Services.*

*There is created within the State Treasurer's Office the Health Care General Fund Restoration Reserve Fund which shall be used solely for health care purposes. Agencies shall utilize all unobligated FMAP funds received through the American Recovery and Reinvestment Act of 2009 to replace general funds under the respective agencies and agencies shall transfer those general funds to the State Treasurer to be deposited into the Health Care General Fund Restoration Reserve Fund.*

**90.14 CONFORM TO FUNDING / ADD (LGF) WMC:** ADD new proviso to suspend Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

*90.14. (SR: LGF) For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.*

**90.15 CONFORM TO FUNDING / ADD (State Budget Stabilization Fund) WMC:** ADD new proviso to state the intent of the General Assembly to accept all funds that are available from the State Budget Stabilization Fund contained in the American Recovery and Reinvestment Act of 2009 and to authorize such funds to be expended as delineated in this act. Fiscal Impact: Contingent on funding which the state receives.

**HOU:** ADOPT new proviso.



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**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

*90.15 (SR: State Budget Stabilization Fund) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009 and to authorize expenditure of such funds as delineated in this act.*

**90.16 CONFORM TO FUNDING / ADD (ARRA Fund Authorization) HOU:** ADD new proviso to state the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. Direct the Office of State Budget to increase agency federal fund authorization for State Budget Stabilization Fund monies allocated by the General Assembly. Sponsors: Reps. Cooper, Bingham, J.E. Smith and Sellers.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

*90.16. (SR: ARRA Fund Authorization) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. The Office of State Budget is directed to increase agency federal fund authorizations for funds from the State Budget Stabilization Fund allocated by the General Assembly.*

**90.17 CONFORM TO FUNDING / ADD (Insurance Reserve Fund Transfer) HOU:** ADD new proviso to require the B&C Board to suspend payment of up to \$37,454,011 of annual premiums for all Insurance Reserve Fund (IRF) insurance lines that would otherwise be paid by state agencies in order to meet the requirements of this provision for FY 09-10. Direct that this suspension applies to coverages that were in effect and would be subject to renewal in FY 09-10 and that new or additional coverages insured with the IRF during FY 09-10 are subject to premium collection. Direct each state agency, as so classified by the IRF for purposes of providing insurance, to remit the amount of premium savings, as reported by the IRF, to the B&C Board for deposit in an account established by the State Treasurer to the credit of the General Fund. Authorize each state agency to use funds from any source except federal funds for this payment. Direct that by this provision, these remittances are deemed to have occurred and are available for appropriation in the amount of \$37,454,011. Direct the Insurance Reserve Fund to adjust rates in future years as necessary to ensure actuarial soundness of the fund. Sponsors: Reps. Cooper and White.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION

*90.17. (SR: Insurance Reserve Fund Transfer) The Budget and Control Board is required to suspend the payment of annual premiums for all Insurance Reserve Fund insurance lines that would otherwise be paid by State agencies up to an amount of \$37,454,011 in order to meet the requirements of this proviso for Fiscal Year 2009-10. This suspension of annual renewal premium applies to coverages that were in effect and would be subject to renewal in Fiscal Year 2009-10. Any new coverages or additional coverages insured with the Insurance Reserve Fund during Fiscal Year 2009-10 are subject to premium collection. Each State agency, as so classified by the Insurance Reserve Fund for purposes of providing insurance, is*

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directed to remit the amount of premium savings, as reported by the Insurance Reserve Fund, to the Budget and Control Board for deposit in an account established by the State Treasurer to the credit of the General Fund. Each State agency is authorized to use funds from any source except federal funds for this payment. By this provision, these remittances are deemed to have occurred and are available for appropriation in the amount of \$37,454,011. The Insurance Reserve Fund is directed to adjust rates in future years as necessary to ensure actuarial soundness of the fund.

- 90.18**    **ADD (E-Verify) HOU:** ADD new proviso to require a state agency, for the current fiscal year, to certify that it is a participant in the E-verify federal work authorization program before it may accept or use federal stimulus package monies. State that failure to certify this is a violation of the provisions of Act 280 of 2008. Sponsor: Rep. Rice.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

90.18. (SR: E-Verify) For the current fiscal year, a state entity must certify that it is a participant in the E-verify federal work authorization program before it may accept or use any monies that are a part of the federal stimulus package. Failure to do so is a violation of the provisions of Act 280 of 2008.

- 90.19**    **CONFORM TO FUNDING / ADD (Nonrecurring Revenue) HOU:** ADD new proviso to direct that the source of revenue in this provision is \$5,391,797 of non-recurring funds carried forward from the prior fiscal year by the Second Injury Fund in Subfund 4260 and transferred to the State Treasurer and deposited in a fund separate and distinct from the General Fund. Direct the State Treasurer to disburse the funds by September 1<sup>st</sup> as follows: \$2,400,000 to the Department of Education for First Steps to School Readiness-CDEPP; \$330,000 to John de la Howe School for Roof Replacement/Repair; \$2,000,000 to CHE for Need-Based Grants; \$197,339 to Aid to Subdivision-Comptroller General: \$98,670 for Aid to County Auditors and \$98,669 for Aid to County Treasurers; and \$464,458 to the Budget and Control Board. Direct that the funds appropriated to the B&C board are to be used to reimburse the board for funds transferred to the Lieutenant Governor’s Office for the Office on Aging’s Meals on Wheels Program. Sponsor: Rep. Cooper.

**SFC SUBCOMMITTEE RECOMMENDATION:**    CONFORM TO FUNDING RECOMMENDATION

90.19. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$5,391,797 of non-recurring revenue generated from the specified source, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer’s Office. The Second Injury Fund is directed to transfer \$5,391,797 of the funds carried forward from the prior fiscal year in Subfund 4260. This transfer is deemed to have occurred and the funds are available for use in Fiscal year 2009-10 after September 1, 2009, following the Comptroller General’s close of the state’s books on Fiscal Year 2008-09.

(B) The State Treasurer shall disburse the following appropriations by September 1, 2009, for the purposes stated:

- (1) Department of Education  
First Steps to School Readiness-CDEPP ..... \$ 2,400,000;
- (2) John de la Howe School  
Roof Replacement/Repair..... \$ 330,000;

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- (3) Commission on Higher Education
  - Need-Based Grants ..... \$ 2,000,000;
- (4) Aid to Subdivisions - Comptroller General
  - (a) Aid Cnty-Auditors..... \$ 98,670;
  - (b) Aid Cnty-Treasurers ..... \$ 98,669; and
- (5) Budget and Control Board..... \$ 464,458.

The funds appropriated to the Budget and Control Board shall be utilized to reimburse the board for the funds transferred to the Lieutenant Governor's Office for the Office on Aging's Meals on Wheels Program.