

# *Healthcare and Regulatory Subcommittee Meeting*

Wednesday, January 15, 2020

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# AGENDA

## South Carolina House of Representatives



### Legislative Oversight Committee

#### **HEALTHCARE AND REGULATORY SUBCOMMITTEE**

*Chairman John Taliaferro (Jay) West, IV*

*The Honorable Robert L. Ridgeway, III*

*The Honorable Bill Taylor*

*The Honorable Chris Wooten*

**Wednesday, January 15, 2020**

**9:00 a.m.**

**Blatt Building - Room 110**

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.*

#### **AMENDED AGENDA**

- I. Approval of Minutes**
- II. Discussion of the Study of the Department of Alcohol and Other Drug Abuse Services**
- III. Adjournment**

# MINUTES FROM PREVIOUS MEETING

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Micajah P. (Micah) Caskey, IV  
Neal A. Collins  
Patricia Moore (Pat) Henegan  
William M. (Bill) Hixon  
Jeffrey E. (Jeff) Johnson  
Marvin R. Pendarvis  
Tommy M. Stringer  
Bill Taylor  
Robert Q. Williams*



**South Carolina House of Representatives**

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Research Director*

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Joseph H. Jefferson, Jr.  
Mandy Powers Norrell  
Robert L. Ridgeway, III  
Edward R. Tallon, Sr.  
John Taliaferro (Jay) West, IV  
Chris Wooten*

*Charles L. Appleby, IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

## **Healthcare and Regulatory Subcommittee Meeting**

**Tuesday, December 17, 2019, at 10:00 am  
Blatt Building Room 410**

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV is allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. Chair Jay West calls the Healthcare and Regulatory Subcommittee to order on Tuesday, December 17, 2019, in Room 410 of the Blatt Building. All members of the Subcommittee are present for all or a portion of the meeting.

### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Taylor moves to approve the minutes from the December 10, 2019, meeting. The motion passes.

Representative Taylor's motion to approve the minutes from the December 10, 2019, meeting.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway	✓			
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

### Discussion of the Department of Alcohol and Other Drug Abuse Services (DAODAS)

- I. Chair West explains this is the Subcommittee's fourth meeting with DAODAS and the purpose is to discuss the agency's Treatment and Recovery Services Division and recommendations for law changes.
- II. Chair West reminds agency representatives who have been previously sworn in that they remain under oath and administers the oath to the following agency representatives:
- a. Roberta Braneck, State Opioid Response Project Director
  - b. Joe Shenkar, General Counsel
- III. Director Sara Goldsby provides brief introductory comments.
- IV. The following DAODAS representatives present information related to the agency's Treatment and Recovery Services Division, various additional deliverables, and recommendations for law changes:
- a. Hannah Bonsu, Treatment Director
  - b. Lee Dutton, Chief of Staff
  - c. Roberta Braneck, State Opioid Response Project Director
  - d. Anthony Johnson, Screening, Brief Intervention, and Referral to Treatment (SBIRT) Director
  - e. Sharon Peterson, Manager of Finance and Operations
  - f. Joe Shenkar, General Counsel

During and after the presentation, these individuals and Director Goldsby respond to questions from Subcommittee members.

- V. Chair West makes closing remarks, then adjourns the meeting.

# DAODAS STUDY TIMELINE

## 2018

**December 5** At **Meeting 1**, the **full Committee votes** to make DAODAS the next agency for the Healthcare and Regulatory Subcommittee to study. [Video](#) and [minutes](#) of the meeting are available online.

## 2019

**January 9** The Committee provides the agency with [notice](#) about the oversight process.

**February 27 - April 1** The Committee solicits input from the public about the agency in the form of an **online public survey**. The [results of the public survey](#) are available online.

**August 13** The full Committee holds **Meeting 2** with the agency to receive **public input**.

**October 28** The Subcommittee holds **Meeting 3** with the agency to discuss an overview of its **mission, history, resources, major programs, successes, challenges, and emerging issues**.

**November 12** The Subcommittee holds **Meeting 4** with the agency to discuss the **deliverables of its Prevention & Intervention Services Division**.

**December 10** The Subcommittee holds **Meeting 5** with the agency to continue discussing the **deliverables of its Prevention & Intervention Services Division**.

**December 17** The Subcommittee holds **Meeting 6** with the agency to discuss the **deliverables of its Treatment & Recovery Services Division** and the **agency's recommendations for law changes**.

## 2020

**January 15 (TODAY)** The Subcommittee holds **Meeting 7** with the agency to discuss **evaluation and audit of funded programs** as well as **member questions and recommendations**.

**Ongoing** Public may submit written comments on the Oversight Committee's webpage, accessed from [www.scstatehouse.gov](http://www.scstatehouse.gov).

# DAODAS SNAPSHOT

## Department of Alcohol and Other Drug Abuse Services

### Mission and Services

To ensure the availability and quality of a continuum of substance use services, thereby improving the health status, safety, and quality of life of individuals, families, and communities across South Carolina

Coordinates a statewide system of local substance abuse agencies that provide prevention, treatment, and recovery services

### Organizational Units

Administration  
Services/External Affairs  
Program  
Accountability/Treatment  
Program  
Accountability/Prevention  
Finance & Operations  
Information Technology  
Health Integration & Innovation

### History

Initially created in 1957 as the S.C. Alcoholic Rehabilitation Center and granted treatment authority, the agency opened the first state-funded facility for alcoholism in 1962. In 1993, the agency was established as a cabinet agency, becoming the Department of Alcohol and Other Drug Abuse Services (DAODAS), and charged with ensuring quality services to prevent or reduce the negative consequences of substance use.

### Resources (FY 17-18)

Employees  
38  
filled FTE positions at the end of the year

Funding  
\$55,666,679  
appropriated and authorized

### Successes

Identified by the agency

- Obtaining a \$28 million state opioid response grant that will assist with increasing access to medication-assistant treatment; reducing unmet needs; and reducing opioid overdose-related deaths

- Emphasizing prevention programs associated with the reduction of underage drinking

- Impacting health of South Carolinians as patients' past 30-day use of alcohol decreased by 27.6%; patients past 30-day use of *any* substance decreased by 37.5%; and patients' past 30-day employment status rose by 7.7%

### Challenges

Identified by the agency

**Current:**

- Addressing stigma associated with substance use disorders
- Increasing the number and quality of recovery residences in South Carolina
- Sustaining capacity and providing financial assistance for treatment services to indigent South Carolinians long-term

**Emerging:**

- Increasing trends in cocaine and methamphetamine use
- Educating healthcare providers, parents, and educators about the risks of marijuana use among youth and women who are pregnant and nursing
- Filling vacancies in public addiction service provider system as anticipated turnover is over 25% in next five years

Sources: Agency PER (July 2019), Accountability Report (September 2018), and [website](#).

## AGENCY'S RECOMMENDED LAW CHANGES

The law changes on the following pages were recommended by the agency in its [Program Evaluation Report](#).

## V. Agency Ideas and Recommendations

### 23. Recommendations for changes in law.

LAW CHANGE #1			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
S.C. Code Ann, Section 44-49-10 – Section 44-49-80	<p><u>Current Law</u>: Agency’s Enabling Legislation</p> <p><u>Recommendation</u>: Modify</p>	The agency’s enabling legislation is outdated and does not accurately reflect the department’s current role and functions, with their wide scope of substance use disorder service, finance, and programmatic oversight.	<p><u>Presented and approved by agency’s governing body</u>: The proposal has been presented to the Governor’s Office and approved for consideration.</p> <p><u>Other entities potentially impacted</u>: None identified.</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly</u>: Not applicable.</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p><b>Title 44 - Health</b></p> <p><b>CHAPTER 49</b></p> <p>Department of Alcohol and Other Drug Abuse Services</p> <p><b>SECTION 44-49-10.</b> Department established; functions, powers, and duties; rules and regulations.</p> <p>(A) There is established the Department of Alcohol and Other Drug Abuse Services. The department shall be vested with all the functions, powers, and duties, of the South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse and shall have full authority for formulating, coordinating and administering the state plans for controlling narcotics and controlled substances and alcohol abuse.</p> <p>(B) All functions, powers, and duties of the commissioner of the narcotics and controlled substances section of the State Planning and Grants Division (Division of Administration in the Office of the Governor) are hereby transferred to the department, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44-53-130 which shall be vested in the State Law Enforcement Division.</p>		<p>The department would work with the Governor’s Office and the General Assembly to draft proposed language updates. The agency currently does not have recommendations for specific wording.</p>	



(C) All rules and regulations promulgated by the commissioner of narcotics and controlled substances shall remain in effect until changed by the department.

(D) The department is authorized to establish a block grant mechanism to provide such monies as may be appropriated by the Legislature for this purpose to each of the agencies designated under Section 61-12-20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61-12-20(a) must expend any funds received through this mechanism in accordance with the county plans required under Section 61-12-20(b).

(E) The department is authorized to develop such rules and regulations not inconsistent with the provisions of this chapter as it may find to be reasonably appropriate for the government of the county plans called for in Section 61-12-20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the department to agencies designated under Section 61-12-20(a).

HISTORY: 1962 Code Sections 32-896, 32-1510.21; 1957 (50) 336; 1966 (54) 2182; 1971 (57) 800; 1974 (58) 2284; 1984 Act No. 512, Part II, Section 25; 1993 Act No. 181, Section 1108.

**SECTION 44-49-20.** Director of department; appointment; removal.

The Department of Alcohol and Other Drug Abuse Services shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor pursuant to the provisions of Section 1-3-240.

HISTORY: 1962 Code Section 32-897; 1957 (50) 336; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

**SECTION 44-49-40.** Powers and duties of department relating to narcotics and controlled substances.

(A) The department shall arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances.

(B) Results, information, and evidence received from the Department of Health and Environmental Control relating to the regulatory functions of this chapter and Article 3 of Chapter 53, including results of inspections conducted by such department, may be relied upon and acted upon by the department in conformance with its administration and coordinating duties under this Chapter and Article 3 of Chapter 53.

(C)(1) The department shall: Plan, coordinate and cooperate in educational programs for schools, communities and general public designed to prevent and deter misuse and abuse of controlled substances;

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| <p>(2) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;</p> <p>(3) Assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;</p> <p>(4) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;</p> <p>(5) Evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;</p> <p>(6) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them;</p> <p>(7) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances;</p> <p>(8) Encourage research on misuse and abuse of controlled substances;</p> <p>(9) Cooperate in establishing methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;</p> <p>(10) Cooperate in making studies and in undertaking programs of research to</p> <p>(a) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of Sections 44-49-10, 44-49-40 and 44-49-50 and Article 3 of Chapter 53;</p> <p>(b) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and</p> <p>(c) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances.</p> <p>(D) The department may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.</p> <p>(E) The department may enter into contracts for educational and research activities without performance bonds.</p> <p>(F) The department is authorized to accept gifts, bequests, devises, contributions, and grants, public or private, including federal funds, or funds from any other source for use in furthering the purpose of the department. The department is authorized to</p> |  |
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administer the grants and contracts arising from the federal program entitled the Drug-Free Schools and Communities Act of 1986, P.L. 99-570.

HISTORY: 1962 Code Section 32-1510.23; 1971 (57) 800; 1993 Act No. 181, Section 1108.

**SECTION 44-49-50.** Cooperation; legal services.

It shall be the duty of all departments, officers, agencies, and employees of the State to cooperate with the Department of Alcohol and Other Drug Abuse Services in carrying out its functions. The Attorney General shall furnish such legal services as are necessary to the department.

HISTORY: 1962 Code Section 32-1510.22; 1971 (57) 800; 1993 Act No. 181, Section 1108.

**SECTION 44-49-60.** Adult alcoholic education program; supervisor.

The department shall appoint a supervisor of adult education for the prevention of alcoholism, who shall be responsible for activating and implementing an adequate alcoholic education program for the citizens of this State above high school age. The program shall be designed to prevent or reduce alcoholism in this State and to create a recognition and understanding of the problem.

In carrying out the provisions of this section the department and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, the department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.

HISTORY: 1962 Code Section 32-902; 1954 (48) 1751; 1957 (50) 336; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

**SECTION 44-49-70.** Department shall aid supervisor in effecting program.

The department shall furnish the supervisor of adult education for the prevention of alcoholism adequate ways and means to accomplish an effective educational program for the prevention of alcoholism in this State.

HISTORY: 1962 Code Section 32-900(b); 1954 (48) 1751; 1957 (50) 336; 1958 (50) 1990; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

**SECTION 44-49-80.** Establishment of drug abuse treatment program.

The department shall establish a program to provide alcohol and drug abuse

intervention, prevention, and treatment services for the public schools of the State. The department shall provide staff and support necessary to administer the program. Funds for this program must be annually appropriated by the General Assembly from the Education Improvement Act of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the South Carolina Department of Alcohol and Other Drug Abuse Services from the Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct.

**HISTORY:** 1984 Act No. 512, Part II, Section 9, Division II, Subdivision B, SubPart 4, Section 1; 1993 Act No. 181, Section 1108.

## LAW CHANGE #2

Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
S.C. Code Ann. Section 59-150-230(l)	<p><u>Current Law:</u> The law requires that the General Assembly allocate unclaimed prize funds to the department annually for problem or pathological gambling.</p> <p><u>Recommendation:</u> Modify.</p>	When funds were first granted to the department for problem gambling services, the (then) Budget and Control Board, now the Department of Administration, awarded the funds through an RFP process. Unclaimed prize funds are now directly appropriated to the department, and therefore the language is outdated and no reports are filed with the Department of Administration, as they are no longer part of the appropriation process.	<p><u>Presented and approved by agency's governing body:</u> The proposal has been presented to the Governor's Office for consideration.</p> <p><u>Other entities potentially impacted:</u> Department of Administration.</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable.</p>
Current Law Wording	Proposed Revisions to Law Wording		
(l) Unclaimed prize money must be deposited in the Education Lottery Account each year. A portion of the unclaimed prize money, in an amount to be determined by the General Assembly in its annual general appropriations bill and other bills appropriating monies for previous or current fiscal years, must be allocated to the Department of Education for the purchase of new school buses. A portion, in an amount to be determined by the General Assembly, of the unclaimed prize money in the Education Lottery Account, must be allocated by the General Assembly in its annual general	(l) Unclaimed prize money must be deposited in the Education Lottery Account each year. A portion of the unclaimed prize money, in an amount to be determined by the General Assembly in its annual general appropriations bill and other bills appropriating monies for previous or current fiscal years, must be allocated to the Department of Education for the purchase of new school buses. A portion, in an amount to be determined by the General Assembly, of the unclaimed prize money in the Education Lottery Account, must be allocated by the General Assembly in its annual general appropriations bill or any bill appropriating		

appropriations bill or any bill appropriating monies for previous or current fiscal years to the South Carolina Department of Alcohol and Other Drug Abuse Services or an established nonprofit public or private agency recognized as an affiliate of the National Council on Problem Gambling to receive monies from the fund for the prevention and treatment of compulsive gambling disorder and educational programs related to that disorder, including a gambling hotline, to be used for prevention programs including, in part or in totality, mass media communications. Nothing in this section prevents the State Department of Administration from contracting with any combination of agencies which meet the criteria provided for in this section, including a combination that includes the Department of Alcohol and Other Drug Abuse Services for the treatment of compulsive gambling disorder and educational programs related to that disorder, including a gambling hotline. Semi-annually, the director of the selected agency shall report to the board on the programs implemented with these funds, including nonidentifying statistical information pertaining to persons served by these programs. The director of the agency also shall provide a copy of the report to the General Assembly promptly upon receipt of the semi-annual reports.

monies for previous or current fiscal years to the South Carolina Department of Alcohol and Other Drug Abuse Services or an established nonprofit public or private agency recognized as an affiliate of the National Council on Problem Gambling to receive monies from the fund for the prevention and treatment of compulsive gambling disorder and educational programs related to that disorder, including a gambling hotline, to be used for prevention programs including, in part or in totality, mass media communications. ~~Nothing in this section prevents the State Department of Administration from contracting with any combination of agencies which meet the criteria provided for in this section, including a combination that includes the Department of Alcohol and Other Drug Abuse Services for the treatment of compulsive gambling disorder and educational programs related to that disorder, including a gambling hotline. Semi-annually, the director of the selected agency shall report to the board on the programs implemented with these funds, including nonidentifying statistical information pertaining to persons served by these programs. The director of the agency also shall provide a copy of the report to the General Assembly promptly upon receipt of the semi-annual reports.~~