

# Healthcare and Regulatory Subcommittee

## Monday, June 19, 2023

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## AGENDA



# South Carolina House of Representatives Legislative Oversight Committee

## HEALTHCARE AND REGULATORY SUBCOMMITTEE

Chairman Joseph H. "Joe" Jefferson, Jr.

The Honorable April Cromer  
The Honorable Roger K. Kirby  
The Honorable Thomas Duval "Val" Guest, Jr.  
The Honorable Marvin "Mark" Smith

## AGENDA

Monday, June 19, 2023  
10:30 a.m.  
Room 110 - Blatt Building

Pursuant to Committee Rule 4.7, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

### AGENDA

- I. Approval of Minutes
- II. Discussion of the study of the Department on Aging
- III. Adjournment



## MINUTES



# South Carolina House of Representatives Legislative Oversight Committee

## Chair Jeffrey E. “Jeff” Johnson

William H. Bailey  
Gary S. Brewer  
April Cromer  
Kambrell H. Garvin  
Leon Douglas “Doug” Gilliam  
Thomas Duval “Val” Guest, Jr.

William M. “Bill” Hixon  
Joseph H. “Joe” Jefferson, Jr.  
Wendell Keith Jones  
Roger K. Kirby  
Josiah Magnuson  
John R. McCravy, III

## First Vice-Chair Chris Wooten

Timothy A. “Tim” McGinnis  
Adam M. Morgan  
Travis A. Moore  
Russell L. Ott  
Marvin R. Pendarvis  
Marvin “Mark” Smith

Lewis Carter  
Director

Cathy A. Greer  
Administration Coordinator

Roland Franklin  
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## MEETING MINUTES

Tuesday, June 6, 2022

10:30am

Room 516

### Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was 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

- II. The Healthcare and Regulatory Subcommittee meeting was called to order by Chair Joseph H. Jefferson, Jr. on Tuesday, June 6, 2023, in Room 516 of the Blatt Building. Representative April Cromer, Representative Thomas “Val” Guest, Representative Roger Kirby, and Rep. Marvin “Mark” Smith were present for 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.

## Approval of Minutes

### Approval of Minutes

- I. Representative Smith made a motion to approve the meeting minutes from prior meeting. A roll call vote was held, and the motion passed.

Rep. Smith's motion to approve meeting minutes.	Yea	Nay	Not Voting
Rep. Cromer	✓		
Rep. Guest			✓
Rep. Kirby	✓		
Rep. Smith	✓		
Rep. Jefferson	✓		

### Discussion of Commission on Higher Education

- I. Chair Jefferson explains this is the Subcommittee's fourth meeting with the Department on Aging and the purpose is to discuss the Community Resources Organizational Unit, website resources, Title III and Title IV Services, State Health Insurance Assistance Program & Senior Medicare Patrol, Eldercare Trust Fund, and Alzheimer's disease services.
- I. The following agency executives are sworn in:
- Thomas Williams, Community Resource Services Division Director
  - Rene Beard, Project Coordinator – GetCareSC/SC ACT and Privacy Liaison
  - Mary Beth Fields, Program Manager - Title III-B Programs
  - Rowan Goodrich, Program Manager - Senior Nutrition Programs & Evidenced-Based Programs
  - Crystal Strong, Program Manager -SC State Health Insurance (SHIP) & Senior Medicare Patrol (SMP) Programs
  - Jennifer Brewton, Caregiver and Alzheimer's Resource Division & Family Caregiver Support Program Manager
- II. The agency's program staff present information on the following programs and services:
- a. Rene Beard, Project Coordinator – GetCareSC/SC ACT and Privacy Liaison
    - a. GetCareSC
      - i. Resource database
      - ii. Guide to services

- iii. Articles
  - iv. Nursing facility bed locator
- b. Mary Beth Fields, Program Manager - Title III-B; Title III-C; Title V Programs
  - a. Title III-B programs
    - i. Assessments
    - ii. Transportation
      - 1. Group; Medical; Essential shopping; and Assisted transportation
    - iii. Homecare
      - 1. Chore; Homemaker; Personal Care; and Minor Home Repair
    - iv. Information and Referral/Assistance (I&R/A)
  - b. Title V – Senior Community Service Employment (SCSEP)
  - c. Rowan Goodrich, Program Manager - Senior Nutrition Programs & Evidenced-Based Programs
    - c. Title III-C1 and C2 Senior nutrition services
    - d. Title III-D Evidence-based disease prevention and health promotion
- c. Crystal Strong, Program Manager -SC State Health Insurance (SHIP) & Senior Medicare Patrol (SMP) Programs
  - a. SC State Health Insurance (SHIP) services
  - b. Senior Medicare Patrol (SMP) Program services
- b. Thomas Williams, Community Resource Services Division Director
  - a. Eldercare Trust
  - b. COVID-19 funding
  - c. Home modification program
- c. Jennifer Brewton, Caregiver and Alzheimer’s Resource Division & Family Caregiver Support Program Manager
  - a. Family caregiver support services
  - b. Lifespan respite
  - c. Break Room pilot initiative
  - d. Alzheimer’s Resource Coordination Center

## Adjournment

- I. There being no further business, the meeting is adjourned.



## AGENCY PRESENTATION



# South Carolina **DEPARTMENT ON AGING**

House Oversight Committee  
Presentation

# FULL FINANCE PRESENTATION

# Flow of Older Americans Act Funding

## Federal Government

Administration for Community Living

Federal Spending \$35,975,922



## Providers



## State Level

South Carolina Department on Aging

State spent \$14,336,380

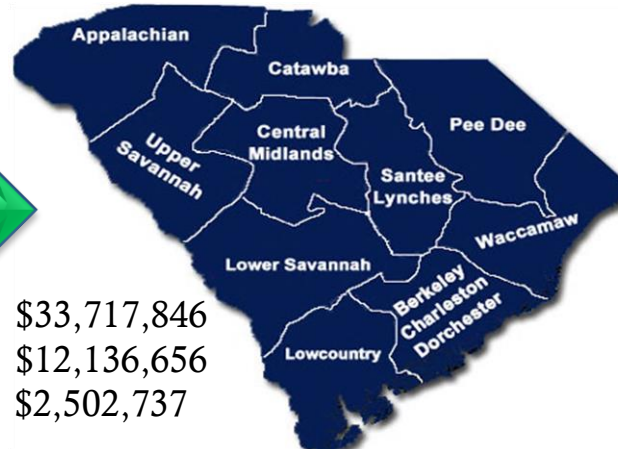
Federal \$2,258,076

State \$2,199,724 stays with SCDOA



## Regional Partner

Area Agency on Aging



Federal	\$33,717,846
State	\$12,136,656
Other Funds	\$2,502,737

# Flow of SCDOA Funding

- Federal funds are awarded throughout the year
- Title III and VII funds initial award is October, with the final notification of funds arriving 6 weeks after Congress passes a budget, generally in February
- Department of Labor funds are awarded in July
- Discretionary grants, those that the agency applies for such as HUD Home modification, LTSS, and Life Span Respite have award dates that vary by grant application cut off
- Insurance assistance funds are awarded at 3 different times during the year, depending on the grant: SHIP; SMP; MIPPA

**Federal Government**  
Administration for Community Living



**State Level**  
South Carolina Department on Aging



**\$36,547,052 Federal Funds  
Awarded throughout the year**

# Federal Funding Sources

SCDOA currently has 17 different grant funding sources

At present the agency has 48 active grants to account for and monitor

2 of the federal grants are pass through grants for non AAA entities

The majority of these funds are awarded to the 10 AAAs

# Federal Funds to SCDOA

## SCDOA Administrative Cost

- Title III OAA funds limit state administration to 5% of the award - Approximately 1.1 million
- Ombudsman Title VII funds and other LTCO do not limit the funds to operate the state office
- Department of Labor (SCSEP) limits total administrative dollars that are split between the state unit and the sub-grantee
- Federal appropriations for SFY22 was \$27 million
- Federal appropriations for administrative operation of SCDOA \$1.9 million
- Federal appropriations for pass through to sub-grantees \$25.1 million

# Federal Funds to AAA

Title III OAA funds limit AAA administration to 10% of the award

The balance of OAA funds must be used for services to seniors

Per federal regulations, SCDOA cannot mandate the AAA return excess funds

When a AAA determines they cannot expend the federal funds prior to the grant closing, they can request to return them to the state for redistribution

OAA mandates that these returned funds be allocated based on the Intrastate Funding Formula (IFF)

SCDOA utilizes the IFF to redistribute unused federal dollars to the AAA

# Tracking of Expenditures

SCEIS is utilized to track all revenue and expenditures of SCDOA, including the funds transmitted to AAA

Per federal guidance, SCDOA allows AAA to request cash in advance of the actual AAA expenditures

- This provides sufficient cash for AAA to pay providers in a timely manner

The AIM system tracks detailed spending for each AAA, and reports from that system are utilized as the backup documents for SCEIS payment transactions

AIM is also used to report the number of service units for the OAAPSS report

# Philosophy of the Intrastate Funding Formula

The guiding philosophy of the South Carolina Intrastate Funding Formula is to provide equitable funding to ensure quality services to persons age 60 and above, including:

- older persons with the greatest economic and social needs
- low-income
- minority persons
- older individuals with a disability
- persons residing in rural areas

# Intrastate Funding Formula Assumptions & Goals

The South Carolina Department on Aging (SUA) utilizes the following factors to distribute Older Americans Act funds by Planning and Service Areas (PSA).

The current formula provides specific weight for each of the following populations:

- Persons age 60 years of age and older;
- Persons age 85 years of age and older;
- Persons age 60 years of age and older and below the Federal Poverty Level; persons age 65 years of age and older and are a minority;
- Persons age 65 years of age and older that have one of the six Census defined disabilities;
  - These are people who have difficulties in hearing, vision, cognitive, independent living, ambulatory, and self-care;
- Proportion of state rural population as defined by ACL and based on Rural-Urban Commuting Area (RUCA) sub-category codes.

The Intrastate Funding Formula achieves the following goals:

- Satisfies requirements of the OAA and Title III regulations;
- Is simple and easy to apply; and
- Presents the method for allocating funds in an easily understood format.

*The funding formula reflects the requirements of the Older Americans Act, using current demographical and population data available from the United States Census Bureau.*

# Numerical Statement of the Intrastate Funding Formula

**Numerical Statement of the Intrastate Funding Formula**

$$\text{Pfund} = \text{Base} \times 0.25 + \text{P60} \times 0.10 + \text{P85} \times 0.10 + \text{Ppov} \times 0.20 + \text{Pm} \times 0.20 + \text{Pdis} \times 0.10 + \text{Prur} \times 0.05$$

$$\text{Amt} = \text{FedFunds} \times \text{Pfund}$$

Factor	Definition	Weight
Pfund	Proportion of funding for the Planning and Service Area (PSA)	
FedFunds	Federal Funds Available for Allocation	
Amt	Amount allocated to the PSA	
Base	Base is divided equally among the ten (10) PSAs	25.00%
P60	PSA Proportion of State 60 plus population	10.00%
P85	PSA Proportion of State 85 plus population	10.00%
Ppov	PSA Proportion of State 60 plus population at or below poverty	20.00%
Pm	PSA Proportion of State 65 plus minority population	20.00%
Pdis	PSA proportion of state 65 plus with a defined disability	10.00%
Prur	PSA Proportion of state rural	5.00%

**Intrastate Funding Formula Factors**

Adhering to the requirements of the Older Americans Act, the South Carolina Department on Aging demonstrates in the charts below the factors that determine how the Intrastate Funding Formula allocates funds for the 10 Area Agencies on Aging in the State of South Carolina.

# Count of Formula Factors by PSA

Geographic Region		Formula Factors							
PSA	Name	TotPop	Base	60+	85+	60+Pov	65+M	65+Dis	Rural
1	Appalachia	1,271,136	10.00%	287,366	21,218	26,414	31,358	75,726	118,213
2	Upper Savannah	218,645	10.00%	56,513	4,736	6,645	10,514	16,402	172,730
3	Catawba	417,981	10.00%	94,240	6,124	8,913	12,703	21,379	86,602
4	Central Midlands	762,394	10.00%	154,876	11,164	15,498	30,931	38,115	28,022
5	Lower Savannah	315,397	10.00%	82,942	6,999	9,999	20,712	21,397	109,618
6	Santee-Lynches	223,191	10.00%	54,456	3,988	7,570	15,672	15,280	23,051
7	Pee Dee	340,205	10.00%	81,494	5,465	12,668	22,067	21,643	158,839
8	Waccamaw	425,448	10.00%	133,891	7,550	12,341	14,783	32,058	65,829
9	Trident	774,508	10.00%	160,313	11,918	15,059	30,946	38,250	9,421
10	Lowcountry	271,901	10.00%	84,219	6,236	5,756	12,228	17,833	91,408
Total	South Carolina	5,020,806	100.00%	1,190,310	85,398	120,863	201,914	298,083	863,733

Count of Formula Factors by PSA, FFY 2016

# Proportions for Formula Factors by PSA

Geographic Region		Formula Factors								Overall Prop
PSA	Name	TotPop	Base	60+	85+	60+Pov	65+M	65+Dis	Rural	
1	Appalachia	25.32%	10%	24.14%	24.85%	21.85%	15.53%	25.40%	13.69%	18.101%
2	Upper Savannah	4.35%	10%	4.75%	5.55%	5.50%	5.21%	5.50%	20.00%	7.221%
3	Catawba	8.32%	10%	7.92%	7.17%	7.37%	6.29%	7.17%	10.03%	7.961%
4	Central Midlands	15.18%	10%	13.01%	13.07%	12.82%	15.32%	12.79%	3.24%	12.178%
5	Lower Savannah	6.28%	10%	6.97%	8.20%	8.27%	10.26%	7.18%	12.69%	9.075%
6	Santee-Lynches	4.45%	10%	4.57%	4.67%	6.26%	7.76%	5.13%	2.67%	6.876%
7	Pee Dee	6.78%	10%	6.85%	6.40%	10.48%	10.93%	7.26%	18.39%	9.752%
8	Waccamaw	8.47%	10%	11.25%	8.84%	10.21%	7.32%	10.75%	7.62%	9.472%
9	Trident	15.43%	10%	13.47%	13.96%	12.46%	15.33%	12.83%	1.09%	12.137%
10	Lowcountry	5.42%	10%	7.08%	7.30%	4.76%	6.06%	5.98%	10.58%	7.229%
<b>Total</b>	<b>South Carolina</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Factor Weight</b>		<b>0%</b>	<b>25%</b>	<b>10%</b>	<b>10%</b>	<b>20%</b>	<b>20%</b>	<b>10%</b>	<b>5%</b>	<b>100%</b>

# Demonstration of the allocation of funds through the Intrastate Funding Formula

Fund Description	Title III B-C Admin	Title III-B Support Services	Title III-C1 Congregate Dining	Title III-C-2 Home Delivered Meals	Title III-D Evidence Based	Title III-E Admin	Title III-E Family Caregiver Services	Total
Appalachia	\$318,060	\$1,158,314	\$402,949	\$987,238	\$69,382	\$51,772	\$465,945	\$3,453,660
Upper Savannah	\$126,878	\$462,066	\$160,741	\$393,822	\$27,677	\$20,652	\$185,871	\$1,377,709
Catawba	\$139,881	\$509,421	\$177,215	\$434,183	\$30,514	\$22,769	\$204,921	\$1,518,903
Central Midlands	\$213,984	\$779,289	\$271,095	\$664,192	\$46,679	\$34,831	\$313,478	\$2,323,548
Lower Savannah	\$159,464	\$580,735	\$202,023	\$494,964	\$34,785	\$25,956	\$233,608	\$1,731,536
Santee-Lynches	\$120,816	\$439,989	\$153,061	\$375,005	\$26,355	\$19,666	\$176,990	\$1,311,881
Pee Dee	\$171,364	\$624,076	\$217,101	\$531,903	\$37,381	\$27,894	\$251,042	\$1,860,760
Waccamaw	\$166,439	\$606,140	\$210,861	\$516,616	\$36,307	\$27,092	\$243,827	\$1,807,282
Trident	\$213,275	\$776,708	\$270,197	\$661,992	\$46,524	\$34,716	\$312,440	\$2,315,852
Lowcountry	\$127,025	\$462,599	\$160,927	\$394,276	\$27,709	\$20,676	\$186,086	\$1,379,297
State Total	\$1,757,187	\$6,399,337	\$2,226,171	\$5,454,191	\$383,313	\$286,023	\$2,574,207	\$19,080,429

Demonstration of the Allocation of Funds by PSA, FFY 2021

# FY 2021-2022 State Dollars Spent

Administrative Funds (Not Tied to Grants)  
Vulnerable Adult Guardian ad Litem  
Funds Used as Matches for Federal Funds  
Funds Distributed to AAAs (Providing Services)  
Other Awards (Silver Haired Legislature, etc.)

\$1,356,286

\$ 843,438

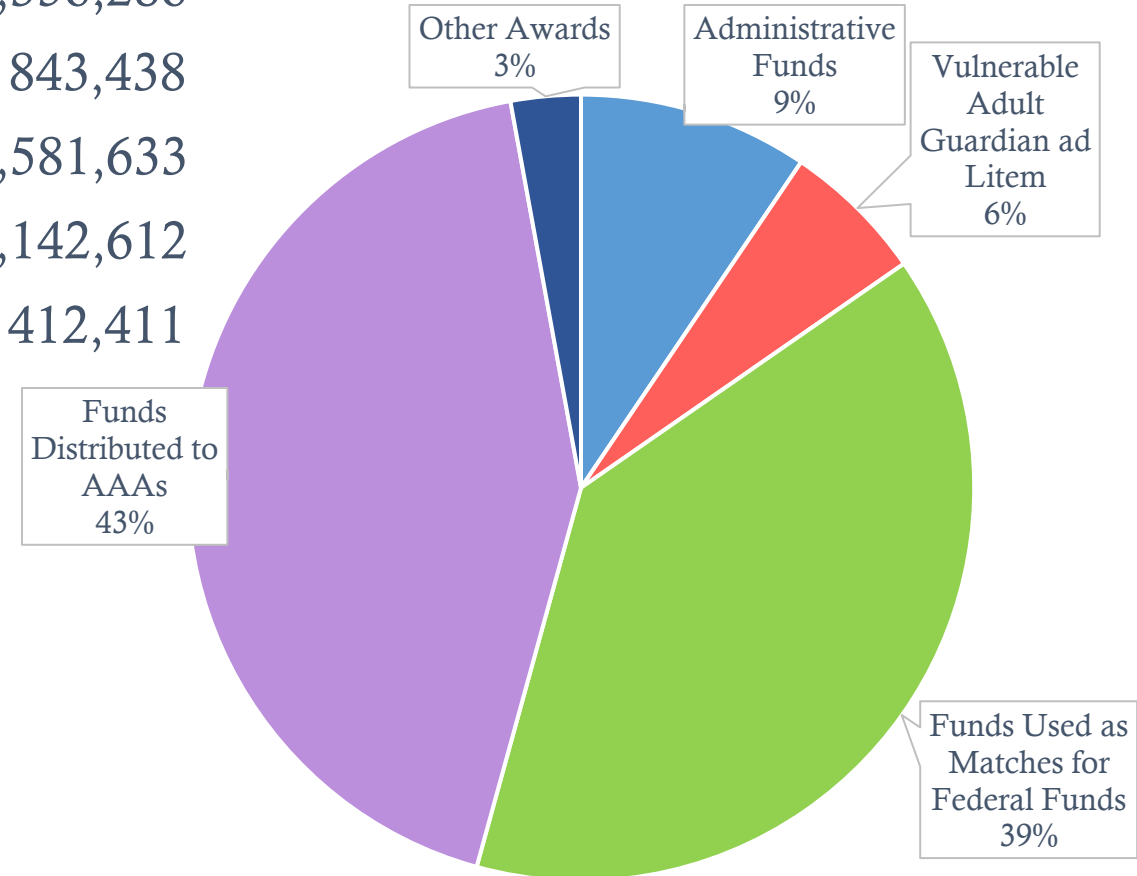
\$5,581,633

\$6,142,612

\$ 412,411

**Total State Dollars Spent**

**\$14,336,380.28**



# State Funds Appropriated to SCDOA

## SCDOA non grant related administrative cost

- 2022 Spending for general administration - \$1,356,286
  - Salary – \$929,685
  - Employee Benefits - \$360,260
  - Other Operating – \$66,341
- VAGAL - \$843,437

## State appropriations

- Administration - \$1,685,681
- VAGAL - \$928,132
- Employee Benefits - \$660,867
- SCDOA uses excess state administrative funds to award additional grants to AAA.
- In February 2021 SCDOA awarded \$709,500 to 4 AAA's that applied for additional funds. These funds were used to address additional senior needs for Homemaker, Transportation, Yard Work, and Home Repair.

# Appropriated State Funds to SCDOA

Appropriated State Funds to SCDOA pass through  
\$15,671,592

## Aid and Allocation to Entities

- Family Caregiver - \$2,400,000
- HCBS – \$10,972,000 (Match)
  - SCDOA holds \$27,430 for administrative cost
- Aging Assistance to subgrantee - \$2,099,592 (Match)

## Pass through to other groups

- ARCC - \$150,000
- Geriatric Loan Forgiveness - \$35,000
- Silver Haired Legislature - \$15,000

# Funds spent by SCDOA for grant Administrative Cost

## SCDOA grant related administrative cost state funds

- 2022 Spending of state funds as a part of match for administrative costs - \$331,016
  - Salary - \$202,633
  - Employee Benefits - \$86,000
  - Other Operating – \$42,383
- These state funds are leveraged against federal to cover either 10% of cost or 25% of the total cost.

## SCDOA grant related administrative cost federal funds

- 2022 Spending of federal funds for general administration - \$2,089,184
  - Salary – \$1,177,886
  - Employee Benefits - \$477,395
  - Other Operating – \$433,903

# HCBS Funding Formula – Regulated by Proviso 40.4

The state may utilize 0.25% of the funds for administrative oversight.

1.25% of the funds are held back for use when there is a declared disaster. If not used during the current state year, the funds are included in the distribution to AAA.

These funds do not follow the same funding formula as the federal funds.

The State now recovers unspent HCBS funds at the end of the year, and reallocates the funding throughout the state on a different formula.

# HCBS Funding Formula Regulated by Proviso 40.4

## HCBS Funding Formula (HFF)

### Appropriations Language

Section 40.5 of the SC Appropriations Act

The Department on Aging shall develop and implement a structured methodology to allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to reallocate funds amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal years federally allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the mission of the Department on Aging to provide as many services as possible to the citizens of South Carolina.

### Factors

Base Amount – each region gets 1/10<sup>th</sup>

Federally Allocated Funds – The Intrastate Funding Formula in the State Plan

Carry Forward – The percentage of federal and state funds expended through the fiscal year. This only includes funds that pay for HCBS services, i.e. B, C1, C2, HCBS, Bingo and their respective Admin/Program & Administration.

Weighted Portion – Equal parts percentage of population 60+ and percentage of population with 1 or more disabilities

### Percentages

- 25% for Base, Federally Allocated Funds, and Carry Forward
- 12.5% for percentage 60+ and 12.5% percentage with 1 or more disabilities

## HCBS Funding Formula

Region	Base (25%)	IFF (25%)	% Spent (25%)	60+ (12.5%)	Disability (12.5%)		SFY23 HFF	State Funds Allocated using new HFF
Appalachia	10%	18.10%	76.07%	287,366	75,726		16.16%	\$ 1,746,806.96
Upper Savannah	10%	7.22%	53.16%	56,513	16,402		7.64%	\$ 826,131.25
Catawba	10%	7.96%	70.66%	94,240	21,379		9.11%	\$ 984,730.63
Central Midlands	10%	12.18%	46.32%	154,876	38,155		10.56%	\$ 1,141,516.67
Lower Savannah	10%	9.07%	66.72%	82,942	21,397		9.12%	\$ 985,622.06
Santee-Lynches	10%	6.88%	70.64%	54,456	15,280		8.17%	\$ 882,518.98
Pee Dee	10%	9.75%	54.71%	81,494	21,643		8.82%	\$ 953,127.06
Waccamaw	10%	9.47%	55.66%	133,891	32,058		9.77%	\$ 1,056,223.86
Trident	10%	12.14%	72.78%	160,313	38,250		11.64%	\$ 1,257,906.00
Lowcountry	10%	7.23%	79.10%	84,219	17,833		9.00%	\$ 972,836.53
	100%	100%	645.84%	1,190,310	298,083		100.00%	\$ 10,807,000.00

# State Funds to Family Caregiver & Dementia

- For SFY23 \$900,000 were permanently moved from DMH to SCDOA to use for Alzheimer patient's family
  - Funds are allocated to AAA based on the Alzheimer Dementia Registry maintained by the University of South Carolina.
  - SCDOA retains 5% = \$45,000 for administration of these funds and to cover the other administrative costs of managing Alzheimer funds.
- State funds also include \$150,000 in Alzheimer funds (ARCC)
  - Funds are awarded based on community applications throughout the state
    - ❖ Magnolia Memory Care
    - ❖ Golden Corner
    - ❖ Mother Deveau
    - ❖ Alzheimer Services of Greater Beaufort
    - ❖ The ARK of SC
    - ❖ Lexington County Sheriff -
    - ❖ MapHabit
    - ❖ St. James South Santee Senior and Comm.

# State Funds to Family Caregiver & Dementia

Family Caregivers has a specific line item of state funds \$2,400,000

These funds are used in several ways to support family caregivers:

- Match for the Title III-E Family Caregiver grant
- Match for the Life Span Respite grant
- Match for the ADPI Alzheimer Disease Program Initiative
- The remaining funds are awarded to the AAA regions to supplement any funding shortfall since the Title III E grant IFF may not fully cover the regions needs for caregiver support

# AAA Allocations

April 2022 - March 2023	Federal Funds	Non-Federal Funds	Totals Funds
Appalachia	\$ 4,641,477	\$ 2,303,484	\$ 6,944,961
Upper Savannah	\$ 1,908,816	\$ 1,109,495	\$ 3,018,311
Catawba	\$ 2,163,926	\$ 1,254,659	\$ 3,418,585
Central Midlands	\$ 3,391,545	\$ 1,331,587	\$ 4,723,132
Lower Savannah	\$ 2,415,024	\$ 1,155,945	\$ 3,570,969
Santee-Lynches	\$ 1,904,908	\$ 1,075,997	\$ 2,980,904
Pee Dee	\$ 2,528,101	\$ 1,202,643	\$ 3,730,744
Waccamaw	\$ 2,504,611	\$ 1,213,474	\$ 3,718,084
Trident	\$ 3,254,037	\$ 1,571,216	\$ 4,825,253
Lowcountry	\$ 1,929,499	\$ 1,217,162	\$ 3,146,661
<b>Total</b>	<b>\$ 26,641,944</b>	<b>\$ 13,435,660</b>	<b>\$ 40,077,604</b>
** Federal Funds includes non-federal funds used as required match			

# Accountability Staff

## Kevin Pondy – IT Manager

Calculates the IFF amounts to each AAA, prepares NGAs, Distributes the Payment Request Forms after contract is properly signed. Manages the AIM system and runs monthly reports for SCDOA

## Rhonda Walker – Budget and Finance Manager

Reviews and approves a portion of the PRFs submitted by AAA, oversee and approve SCEIS payments, prepares annual budgets based on federal funding projections and estimated state fund needs

## Lisa Crosby – Grants Administrator

Prepares and submits all federal financial reports as required, tracks grant budgets and expenditures to ensure spending is within budget and allowable

## Andrew Walsh – Fiscal Monitor

Performs an onsite monitoring visit to all AAA. Provides a written monitoring report. Is also responsible for the SCDOA internal audit program

## Loretta Dykes – Fiscal Accountant

Enters and processes all invoices and cash receipts in SCEIS. Provides monthly spending reports as required

# Recommended Law Changes

# Law Change #1

Section 43-21-130. Long Term Care Council; membership; meetings; reports.

Current Law: The law outlines the voting members of the Long Term Care Council; Section 43-21-130(A)(6) makes reference to the Department on Aging.

Recommendation:

- Correct the agency name in Section 43-21-130(A)(6).
- Add Director of Veterans Affairs
- Remove “Lieutenant”
- Remove Chairman of the Joint Legislative Health Care Planning Oversight Committee

Basis: Provide consistency within the S.C. Code

# Law Change #1

## Section 43-21-130. Long Term Care Council; membership; meetings; reports.

(A) There is created the Long Term Care Council (council) composed of the following voting members:

- (1) the Governor or his designee;
- (2) the Director of the Department of Social Services;
- (3) the Director of the Department of Health and Environmental Control;
- (4) the Director of the Department of Mental Health;
- (5) the Director of the Department of Disabilities and Special Needs;
- (6) the Director of the ~~Division~~ Department on Aging;
- (7) the Director of the Department of Health and Human Services;
- (8) The Director of Veterans Affairs;
- (8) ~~the Chairman of the Joint Legislative Health Care Planning and Oversight Committee, or his designee;~~
- (9) the Chairman of the Joint Legislative Committee on Aging, or his designee;
- (10) one representative of each of the following groups appointed by the ~~Lieutenant~~ Governor annually:
  - (a) long term care providers;
  - (b) long term care consumers;
  - (c) persons in the insurance industry developing or marketing a long term care product.

(B) Each director serving as a council member may authorize in writing a designee to vote on his behalf at two meetings a year. Members appointed by the ~~Lieutenant~~ Governor to represent private groups serve without compensation.

(C) The council shall meet at least quarterly, provide for its own officers, and make an annual report to the General Assembly before January second each year. This report must include new council recommendations.

# Law Change #1 (con't)

## SECTION 43-21-140

The council has no authority to direct or require any implementing action from any member agency. The council shall identify future policy issues in long term care and may conduct research and demonstration activities related to these issues. Through close coordination of each member agency's planning efforts, including sharing necessary data and information, the council shall develop recommendations for a statewide service delivery system for all health-impaired elderly or disabled persons, regardless of the persons' resources or source of payment. These recommendations must be updated annually as needed. The service delivery system must provide for:

- (1) charges based on ability to pay for persons not eligible for Medicaid;
- (2) coordination of community services;
- (3) access to and receipt of an appropriate mix of long term care services for all health-impaired elderly or disabled persons;
- (4) case management; and
- (5) discharge planning and services.

The council, through its member agencies, shall study and make recommendations concerning the costs and benefits of: adult day care centers, in-home and institutional respite care, adult foster homes, incentives for families to provide in-home care, such as cash assistance, tax credits or deductions, and home-delivered services to aid families caring for chronically impaired elderly relatives. The council, shall work to establish and maintain state-wide access system for consumers to access long term supports and services.

HISTORY: 1987 Act No. 174 Section 1, eff June 30, 1987; 2008 Act No. 353, Section 2, Pt 25C, eff July 1, 2009.

# Law Change #2

Section 43-35-25. Long Term Care Ombudsman Program Representatives; Reporting methods

Current Law: Persons required to report abuse, neglect, or exploitation of adult; reporting methods

Recommendation: Add language to make it clear that, consistent with federal law and regulations, the representatives of the Long-Term Care Ombudsman Program in South Carolina are not mandatory reporters for the purpose of South Carolina abuse reporting laws.

Basis: Both the Older Americans Act and the Rule prohibit reporting of resident-identifying information without the resident's consent, which precludes mandated reporting of suspected abuse.; state law does not specifically exclude the Long-Term Care Ombudsman Program representatives from the list of mandated reporters, and Congress has clearly spoken on the issue, there is an inherent conflict between federal and state law.

# Law Change #2

## Section 43-35-25. Persons required to report abuse, neglect, or exploitation of adult; reporting methods

(A) A physician, nurse, dentist, optometrist, medical examiner, coroner, other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher, counselor, psychologist, mental health or intellectual disability specialist, social or public assistance worker, caregiver, staff or volunteer of an adult day care center or of a facility, or law enforcement officer having reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited shall report the incident in accordance with this section. Any other person who has actual knowledge that a vulnerable adult has been abused, neglected, or exploited shall report the incident in accordance with this section. Notwithstanding the provisions of this section, the Long Term Care Ombudsman Program and its representatives shall be exempt from reporting suspected abuse, neglect, or exploitation where such reporting would violate the Federal requirement that the Long Term Care Ombudsman Program is prohibited from disclosing the identity of a complainant or resident without appropriate consent or court order, except as otherwise provided in 42 U.S.C. § 3058d and 45 C.F.R. 1324.19(b)(3) through (9). Where the Ombudsman or a representative of the office personally witnesses abuse, neglect, or exploitation of a resident, the Ombudsman or a representative of the office shall seek communication of informed consent from such resident to disclose resident-identifying information in accordance with the procedures outlined in 45 C.F.R. 1324.19(b)(8).

# Law Change #3

Section 43-21-200. Physicians trained in geriatrics or geropsychiatry; student loan repayment program.

Current Law: The Geriatric Physician Loan Forgiveness Program was created to encourage physicians who are completing, or have completed, fellowships in the field of geriatrics and/or geriatric psychiatry to practice in South Carolina by helping repay medical school loans.

## Recommendation:

- Correct the agency name in Section 43-35-310(A)(2)(b).
- Increase the amount of the award each year;
- Change the number of participants accepted each year to two;
- Consider expanding the program to allied geriatric health care professionals such as: geriatric physicians and psychiatrists who have not completed a geriatric fellowship program, nurse practitioners, social workers, physical therapists, and occupational therapists.

Basis: Because of the stringent requirements for the program, the Agency often has trouble finding qualified applicants; an expansion of the program to other allied health professionals would help remove South Carolina from classification as a healthcare professional shortage area and attract more talent to the state.

# Law Change #3

Section 43-21-200. Physicians trained in geriatrics or geropsychiatry; student loan repayment program.

(A) There is established within the Department of Aging the State Loan Repayment Program to reimburse student loan payments of: 1) a physician licensed or certified to practice in this State, who has completed a fellowship training program in geriatrics or geropsychiatry accredited by the Accreditation Council for Graduate Medical Education; 2) a physician licensed or certified to practice in this State in the area of geriatrics or geriatric psychology; 3) a nurse practitioner in the area of geriatrics; 4) social workers; 5) physical therapists who primarily serve the geriatric population; and 5) occupational therapists serving a primarily geriatric population, is accepted into the program, and contracts with the department as provided in subsection (C) of this section.

...

(C)(1) A physician accepted for the program shall execute a contract with the department in which the physician agrees:

- (a) to practice in this State for no fewer than five consecutive years immediately following completion of his or her fellowship;
- (b) to accept Medicare and Medicaid patients;
- (c) to accept reimbursement or contractual binding rates; and
- (d) not to discriminate against patients based on the ability to pay.

(2). Upon execution of the contract, the department shall reimburse student loan payments made by the physician or other qualified health professional as outlined in subsection (A) during the last completed calendar quarter. No more than four physicians or other qualified health professionals a year may participate in the program unless sufficient funding is available to reimburse, in accordance with this section, more than four per year. The total amount that may be reimbursed to one physician or other qualified health professional is ~~thirty-five~~ fifty thousand dollars multiplied by the number of years of the fellowship completed, prorated for periods less than one year if awarded to a physician participating in a fellowship program.

# Law Change #4

Section 43-35-310. Council created; membership; filling vacancies.

Current Law: The current law outlines those members who serve on the Adult Protection Coordinating Council.

Recommendation: Correct the agency name in Section 43-35-310(A)(2)(b).

Basis: Consistency within the S.C. Code

# Law Change #4

## Section 43-35-310. Council created; membership; filling vacancies.

- (A) There is created the Adult Protection Coordinating Council under the auspices of the South Carolina Department of Health and Human Services and is comprised of:
- (1) one member from the institutional care service provision system who is a consumer or a family member of a consumer of that system and one member from the home and community-based service provision system who is a consumer or a family member of a consumer of that system, both of whom must be appointed by the council for terms of two years; and
  - (2) these members who shall serve ex officio:
    - (a) Attorney General or a designee;
    - (b) ~~Office~~ Department on Aging, Executive Director, or a designee;
    - (c) Criminal Justice Academy, Executive Director, or a designee;
    - (d) South Carolina Department of Health and Environmental Control, Commissioner, or a designee;
    - (e) State Department of Mental Health, Director, or a designee;
    - (f) South Carolina Department of Disabilities and Special Needs, Director, or a designee;
    - (g) Adult Protective Services Program, Director, or a designee;
    - (h) South Carolina Department of Health and Human Services, Executive Director, or a designee;
    - (i) Police Chiefs' Association, President, or a designee;
    - (j) South Carolina Commission on Prosecution Coordination, Executive Director, or a designee;
    - (k) Protection and Advocacy for People with Disabilities, Inc., Executive Director, or a designee;
    - (l) South Carolina Sheriffs Association, Executive Director, or a designee;
    - (m) South Carolina Law Enforcement Division, Chief, or a designee;
    - (n) Long Term Care Ombudsman or a designee;
    - (o) South Carolina Medical Association, Executive Director, or a designee;
    - (p) South Carolina Health Care Association, Executive Director, or a designee;
    - (q) South Carolina Home Care Association, Executive Director, or a designee;
    - (r) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee;
    - (s) executive director or president of a provider association for home and community-based services selected by the members of the council for terms of two years, or a designee;
    - (t) South Carolina Court Administration, Executive Director, or a designee;
    - (u) executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee.
- (B) Vacancies on the council must be filled in the same manner as the initial appointment.

# Law Change #5

Section 40-25-40. Commission of Hearing Aid Specialists established; membership; terms; per diem and expenses.

Current Law: The law establishes members of the Commission of Hearing Aid Specialists and provides that the Governor will seek recommendations from various agencies, including the Department on Aging, prior to making appointments; Section 40-25-40(C) makes specific reference to the Department on Aging.

Recommendation: Correct the agency name in 40-25-40(C).

Basis: Provide consistency within the S.C. Code

# Law Change #5

**Section 40-25-40.** Commission of Hearing Aid Specialists established; membership; terms; per diem and expenses.

(A) A Commission of Hearing Aid Specialists is established to guide, advise, and make recommendations to the department.

(B)(1) Members of the commission must be residents of the State. The commission consists of:

- (a) five licensed hearing aid specialists, and each must be a principal dealer of a different manufacturer's hearing aid who are not audiologists;
- (b) one otolaryngologist;
- (c) one representative of the general public who is a user of a hearing aid, is not associated with a hearing aid specialist or manufacturer, and is not a member of the other groups or professions required to be represented on the commission;
- (d) the State Health Officer or his designee.

(2) Each hearing aid specialist on the commission must have no less than five years experience under this chapter.

(C) Members of the commission in subsection (B)(1)(a) through (d) must be appointed by the Governor. Before appointing the member in subsection (B)(1)(d), the Governor shall invite recommendations from the South Carolina Hearing Aid Society, the ~~Commission~~ Department on Aging, the Department of Consumer Affairs, the Department of Education, the Department of Vocational Rehabilitation, the Board of Commissioners of the School for the Deaf and the Blind, and other agencies or organizations which might have knowledge of qualified citizens to serve on the commission. The term of each member is four years. Before a member's term expires the Governor shall appoint a successor to assume his duties at the expiration of the term. A vacancy must be filled in the manner of the original appointment. The members annually shall designate one member as chairman and another as secretary. No member of the commission who has served two or more full terms may be reappointed until at least one year after the expiration of his most recent full term of office.

(D) Commission members may receive per diem and mileage provided by law for members of state boards, committees, and commissions for each day actually spent in the duties of the commission. No member may receive more than fifteen days per diem in one fiscal year.

## Law Change #6

Section 51-3-60 Use of facilities free of charge by aged, blind or disabled; disabled veterans;

Current Law: Provides that South Carolina residents over the age of sixty-five may use certain facilities of South Carolina state park at no cost, or reduced cost for campsites.

Recommendations: Remove the South Carolina Department on Aging from this statute and provide for government IDs or other authorized means of identification as a way of demonstrating age.

Basis: The statute implies that the S.C. Department on Aging approves cards to be used to demonstrate age (e.g., Medicare cards). The S.C. Department on Aging is not statutorily authorized to approve cards or identification as a way of demonstrating age.

# Law Change #6

Section 51-3-60. Use of facilities free of charge by aged, blind or disabled; disabled veterans; reduced rates for campsites.

Any South Carolina resident who is over sixty-five years of age or disabled or legally blind as defined in Section 43 25 20 of the 1976 Code may use any facility of a state park except campsites, overnight lodging and recreation buildings without charge. Such residents may also use campsite facilities at one half of the prescribed fee. A person exercising this privilege on the basis of age shall present his Medicare card or other ~~card approved by the South Carolina Commission on Aging~~ valid form of identification to include a birth certificate, state-issued driver's license or identification card, REAL ID, valid unexpired passport or military-issued identification or dependent identification card to the employee of the State Department of Parks, Recreation and Tourism who is in charge of the particular state park, and a person who is disabled or legally blind shall present to such person in charge of the park a certificate to that effect from a licensed doctor of medicine or an official of an agency authorized by law to make determinations of disability or blindness. The authorization for use of the facilities as provided by this section shall not be effective if it conflicts with any federal law, rule or regulation.

# Law Change #7

Section 53-3-100. Family Week: creation of committee to choose "South Carolina Family of the Year."

Current Law: Creates a committee to determine the South Carolina Family of the Year.

Recommendation: Correct the agency name in Section 53-3-100.

Basis: Consistency within the S.C. Code

# Law Change #7

**Section 53-3-100.** Family Week: creation of committee to choose "South Carolina Family of the Year."

A committee is created to choose and honor the "South Carolina Family of the Year" which must be recognized by the presentation of an appropriate award by the Governor on Saturday of "Family Week in South Carolina". The committee is composed of one member appointed by the Governor and one member appointed by the head of each of the following state agencies: the Department of Parks, Recreation and Tourism, the Department of Youth Services, the South Carolina ~~Commission~~ Department on Aging, the Department of Social Services, the Commission on Alcohol and Drug Abuse, and the Department of Agriculture Clemson College Extension Service. The terms of the members are for four years and until their successors are appointed and qualify. The committee shall meet as soon after the appointment of its members as practicable and organize by electing one of its members as chairman, one as secretary, and such other officers that it may determine. The expenses of the committee must be paid by the Department of Parks, Recreation and Tourism from funds appropriated for this purpose.

# Special Projects

# Special Projects

## **Social Isolation**

- **Social Isolation Task Force** - In partnership with the South Carolina Institute of Medicine and Public Health, the South Carolina Department on Aging will convene South Carolina experts and those with lived experiences to work collaboratively to create state-specific recommendations to reduce social isolation in older adults.
- **Robotic Companion Pets** - Our agency purchased Robotic Pets for two separate initiatives: One was aimed at providing support to caregivers of persons with Alzheimer's and Related Dementias, the other was aimed at socially isolated older adults. Both groups benefited from the pets and many AAA regions have purchased additional pets to provide to the clients in their regions.
- **Healthy Palmetto Initiative** –  
Partnership with SC Thrive - Increase Senior Enrollment in SNAP Benefits  
SCDOA and SC Thrive partnered together to Increase Senior Enrollment in SNAP by producing a Senior SNAP Toolkit to assist older adults with understanding SNAP, myth busting, and to identify allowable deductions to assist with increasing benefits. Additionally, training sessions are being provided to community workers to assist with understanding how to have conversations with older adults about SNAP, how to apply, and how they can use specific deductions to increase their benefit.

# Emerging Issues

# Emerging Issues

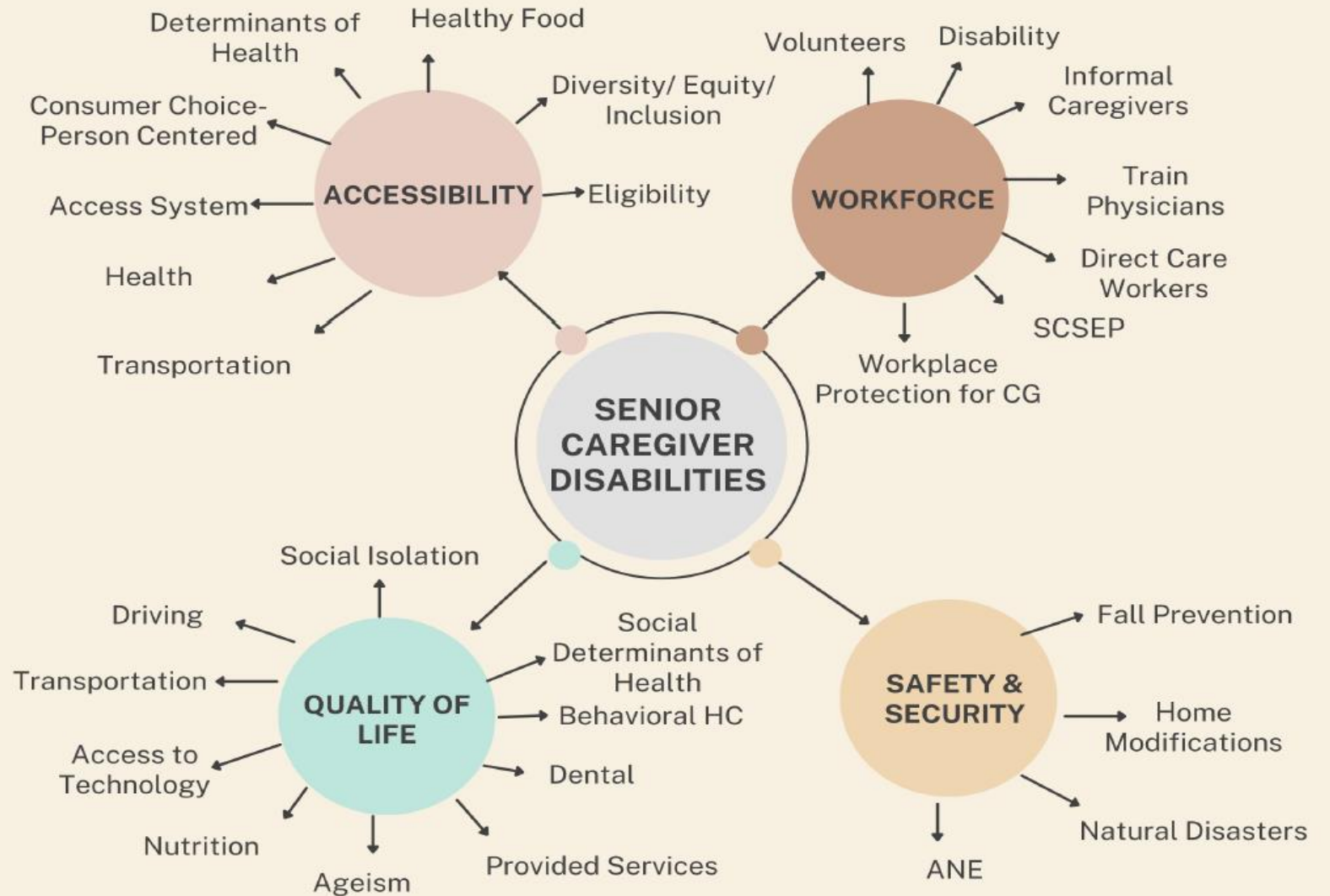
Senior Population	<ul style="list-style-type: none"><li>• Senior population will double by 2030 and approximately 11.5% of that population lives in poverty.</li></ul>
Senior Housing	<ul style="list-style-type: none"><li>• Housing-affordable options for older adults, HUD grant, Twenty-six percent of the state's <b>seniors</b> live alone. This makes the need for quality <b>housing options</b> for these and all <b>seniors</b> an emerging issues</li></ul>
Alzheimer's disease or dementia	<ul style="list-style-type: none"><li>• At least 11% of S.C.'s 65 or over has Alzheimer's or a related dementia.</li></ul>
Mental Health	<ul style="list-style-type: none"><li>• Mental health problems are common among older adults and may include isolation, affective and anxiety disorders, dementia, and psychosis, among others.</li></ul>
Senior Hunger	<ul style="list-style-type: none"><li>• One in 11 S.C. seniors are at risk for hunger and S.C. ranks third in the nation for food insecurities (food insecurities is a term used by AARP to designate people that often go hungry because they cannot afford food.)</li></ul>

# Emerging Issues (con't)

## Sustainable Workforce

- IMPH Report – The Direct Care Workforce in Long-Term Care Settings
- Capacity – Aging Network
- Tunneling Skill Sets

# Blueprint



Targets: Person, Laws, Services, Research, Future Solutions, Empowerment/ Education



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