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August 19, 2019

Mark W. Binkley, Interim Director
South Carolina Department of Mental Health
Post Office Box 485
Columbia, South Carolina 29202

Dear Director Binkley:

On behalf of the Healthcare and Regulatory Subcommittee, thank you, and your staff for your recent presentation to the subcommittee. As a follow-up to the meeting, please respond to the following:

Amendments to the Sexually Violent Predator Act (2019 S.797)

- 1) What is the timeline to receive input from the criminal defense bar (i.e., attorneys representing the group of inmates affected by S.C. Code Ann. § 44-48-10 et seq.)?

Amendments to Title 44, Chapter 23 Regarding Commitments of Defendants for Treatment Services to Restore Capacity to Stand Trial and Regarding Defendants Found to Lack Capacity to Stand Trial and Further Found to be Unlikely to be Able to be Restored

- 2) Provide proposed strikethrough and underline language.
- 3) Provide citations to the studies referenced in the August 12, 2019, meeting regarding the improvements to the system that could be gained by creating flexibility in the settings (e.g., hospital, detention center, and/or community) where a defendant can be restored and how much time is allowable for restoration.
- 4) Quantify the increase in the agency's evaluative capacity with the addition of each new evaluator.

Amendments to Tort Claims Act

- 5) Provide proposed strikethrough and underline language.

Inpatient Services

- 6) Provide a detailed organizational chart.
- 7) For inpatient medical services, provide the following:
 - Position descriptions for nurse practitioners, primary care physicians and psychiatrists, including scopes of practice, skill set requirements, and the reporting chain.
 - How do South Carolina's position descriptions, scopes of practice, skill set requirements, and reporting chain compare to public psychiatric hospitals in other states?
- 8) What positions perform the practitioner evaluations described by Representative Ridgeway, beginning at time stamp 1:45 of the August 12, 2019, meeting? What position in the inpatient services organizational chart includes the responsibilities typically performed by a hospital peer-review coordinator?
- 9) For the last three years, what are the annual morbidity and mortality rates for each inpatient facility?

Following are questions from prior correspondence, which require responses that are more complete or warrant follow-up. Please respond to these questions, and do not hesitate to contact Committee staff for clarity.

Date of Original Correspondence	Topic	Original Question	Request for Follow-Up or Additional Information
2/7/19	Human Resources	Please provide any completed DMH-specific comparative salary studies. Also describe employee retention programs, employee benefits unique to DMH, and recruitment policies.	How does the agency measure the effectiveness of its different recruitment methods? What changes have been made, based on what the agency has learned about the relative effectiveness of its different recruitment methods?
		How many embedded mental health counselors are in hospital emergency departments? How is the effectiveness of embedded counselors evaluated, and are you able to forecast future needs?	Are you able to forecast future needs?*
	Relationships with Other Entities	What is the agency's role, if any, in addressing mental illness in the Departments of Corrections and Juvenile Justice?	When the re-draft of the MOA with DJJ is complete, provide it to the Subcommittee. What is the difference in PRTF Medicaid reimbursement rates for South Carolina and Georgia?
		Please provide an analysis of patients treated by county. Which counties have definitive gaps in service?	Is DHHS aware of the disparity and its presumed impact on the availability of slots for South Carolina residents in custody of DJJ?
	Agency Strategic Planning	Please provide an analysis of patients treated by county (i.e., what categories of mental illness present from each county?).*	Please provide an analysis of patients treated by county (i.e., what categories of mental illness present from each county?).*

Date of Original Correspondence	Topic	Original Question	Request for Follow-Up or Additional Information
			Which counties have definitive gaps in service (i.e., what percentage of patients from each county can be treated by the community mental health center serving that county without being referred to a different community mental health center)?)*
2/20/19	Inpatient Services Planning	Does the agency have a schedule by which policies related to inpatient services are reviewed and updated?	Is there a notation of the review, such that it is easy for agency management and auditors to determine if the review has actually occurred?
		What methods do agency staff use to estimate capacity needs?	Quantify the shortage. Explain the method for the quantification.
	Inpatient Services Human Resources	What are the onboarding and continuous training strategies for front line employees in inpatient services? How does the agency measure the effectiveness of these strategies?	Does the agency know if higher scores on the training assessments correlate with a higher rate of service provision with fidelity to agency policies? If so, how does the agency know this?
4/11/19	Screening Procedures	How often does the agency review the screening/clinical evaluation tool to determine if it is an accurate method of triaging patients?	What types of needs precipitate adjustments? Is there a regular review schedule? If so, what is it?
		Where are the significant vulnerabilities in this system?	Is the inadequacy of the workforce related to numbers of staff, training, experience, or some other issue?
5/10/19	Feedback	Describe the formal and informal mechanisms used to obtain employee feedback.	Provide the results of the most recent employee survey. How do agency staff synthesize and use the feedback? Provide some examples of changes made based on employee feedback.
7/22/19	Community Mental Health Services	Provide a list of county contributions to community mental health center operations. If there are in-kind contributions that can be quantitatively valued, please provide those.	Break down by contribution from each county.
	Patient Care	Do medical professionals in administrative positions have the opportunity to get work with patients in order to maintain their skills?	On average, what percentage of an administrator's time is spent providing patient care? If this allocation of duties is present in their position descriptions and is accurate in practice, use those time allocations.

Date of Original Correspondence	Topic	Original Question	Request for Follow-Up or Additional Information
7/26/19	Feedback	What drug classes are being prescribed and to what percentage of the DMH population?	What drug classes are being prescribed and to what percentage of the DMH population?*
		What mechanisms are in place for members of the public to provide feedback to agency leadership and the commission?	Is public input a regular agenda item on the DMH Commission agenda? Provide examples of positive or negative feedback being used to influence agency decisions.
	Employee Training	Does internal audit or the risk management office review employee training compliance?	Are employees ever asked what was successful or unsuccessful about training, as far as preparation for work? When was the Clinical Competency Oversight Committee established and what are its guiding principles and procedures?
	Vulnerable Adult Fatalities Review Committee	Who is the agency's current designee for the Vulnerable Adult Fatalities Review Committee? How does that person provide feedback to the administration on the committee's discussions of statistical studies, cross-agency training and technical assistance needs, and service gaps?	How does that person provide feedback to the <i>agency's</i> administration on the committee's discussions of statistical studies, cross-agency training and technical assistance needs, and service gaps?*
		Please provide the Vulnerable Adult Fatalities Review Committee attendance record of the agency's designee for the last three years.	Please provide the Vulnerable Adult Fatalities Review Committee attendance record of the agency's designee for the last three years, when the agency receives it.
	Residencies	What percentage of the agency's current psychiatric staff were residents in the Prisma Health (formerly Palmetto Health) residency program and interacted with DMH during that residency?	What percentage of the agency's current psychiatric staff were residents in the Prisma Health (formerly Palmetto Health) residency program and interacted with DMH during that residency?*

Table Note: An asterisk (*) indicates the question was not answered in the agency's initial response.

The Subcommittee looks forward to our next meeting on August 27, 2019. Please be prepared to discuss your responses to these questions at that meeting and provide a written response by September 3, 2019. If these questions would yield responses that are not an accurate reflection of the agency or if additional time is needed to respond, please contact Committee staff. Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process.

Sincerely,

A handwritten signature in black ink that reads "Jay West". The signature is fluid and cursive, with "Jay" on the left and "West" on the right, connected by a horizontal stroke.

Jay West
Subcommittee Chair

cc: The Honorable Robert L. Ridgeway, III
The Honorable Bill Taylor
The Honorable Chris Wooten