SECTION 32 - H730 - DEPARTMENT OF VOCATIONAL REHABILITATION

- **32.dm ADD** (Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow Vocational Rehabilitation to establish a fund for deferred maintenance appropriations. Requested by Department of Vocational Rehabilitation.
 - 32.dm. (VR: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.
- **32.lde ADD** (Licensing Requirements for Disability Examiners) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to waive the licensing requirements for physicians employed by Disability Determination Services who only perform claimant determinations in order to expedite determinations for services.
 - 32.lde. (VR: Licensing Requirements for Disability Examiners) For the current fiscal year, the licensing requirements for physicians employed by Disability Determination Services for evaluation of medical evidence for disability benefits claims shall be waived, provided that physicians do not perform examinations or have any contact with claimants, and only perform Disability Determination Services in order to allow the agency to expedite determinations for services provided through funding appropriated and authorized in this act.

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

33.23 AMEND (BabyNet Compliance) Directs the department to report to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2017, on the status of the department's efforts to bring the BabyNet program into compliance with federal requirements.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update calendar year reference from "2017" to "2018." Requested by Department of Health and Human Services.

33.23. (DHHS: BabyNet Compliance) With the funds available to the department, the Department of Health and Human Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than December 31, 2017 2018 on the status of the department's efforts to bring the BabyNet program into compliance with federal requirements. This report must specifically address areas in which the BabyNet program has received low performance scores and include any relevant correspondence from the U.S. Department of Education. The report must explain the department's plan for bringing BabyNet into compliance, including specific steps and the associated timeline.

SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- **34.42 AMEND** (Tuberculosis Outbreak) Allows the department, upon discovering a tuberculosis outbreak, to expend any available funds for related surveillance, investigation, containment, and treatment. Stipulates procedures for DHEC to follow for notifying the community or specific individuals regarding any tuberculosis contact investigation.
 - **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the language in Subsection (B) requiring the "patient's community" be notified and replace with requirements for the department to conduct a contact investigation in order to alert the appropriate healthcare providers and community members. *Agency requests changes to limit automatic alerts to providers that do not provide primary care or treat tuberculosis.* Requested by Department of Health and Environmental Control.
 - **34.42.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment, and treatment activities related thereto.
 - (B) During an investigation of an index tuberculosis patient, the Department of Health and Environmental Control, through the South Carolina Health Alert Network, must notify the patient's community that a tuberculosis contact investigation is being conducted into the possible exposure to tuberculosis. This subsection only applies if the investigation of the patient has met all of the following criteria:
 - (1) abnormal chest x-rays;
 - (2) positive Acid Fast Bacilli (AFB) sputum results; and
 - (3) first round of contact investigation completed with results of individuals testing positive outside of the index patient's family. Upon identification of a tuberculosis outbreak, the department will conduct a comprehensive contact investigation and implement control measures consistent with guidance from the Centers for Disease Control and Prevention. As part of the investigation and control of the outbreak, the department will alert the appropriate healthcare providers and community members using the most effective means available.
 - (C) Upon being informed of or having reason to suspect a case of tuberculosis that is capable of transmitting tubercle bacilli at a school or child care center involving a student, teacher, employee, volunteer, or an individual working at the school or child care center for an employer providing services to the school or child care center, the department immediately shall notify:
 - (1) if the case is at a school, the principal, and the Superintendent of the school district if the school is a public school; and
 - (2) if the case is at a child care center, the director of the child care center; and
 - (D) When informing the principal of a school or the director of a child care center about a known or suspected case of tuberculosis that is capable of transmitting tubercle bacilli as provided for in subsection (C), the department shall provide:
 - (1) an update addressing the:
 - (a) status of the investigation, including the steps the department is taking to identify the source and extent of the exposure and the risks of additional exposure; and
 - (b) steps the school or child care center must take to assist the department in controlling the spread of the tuberculosis infection; and
 - (2) information and other resources to distribute to parents and guardians that discuss how to assist the department in identifying and managing the tuberculosis infection.

SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES

37.cf ADD (Carry Forward Unexpended Funds) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to carry forward unexpended funds in excess of 10% of its general fund appropriations and use the funds for opioid addiction services and addiction programs.

37.cf. (DAODAS: Carry Forward Unexpended Funds) The Department of Alcohol and Other Drug Abuse Services is authorized to carry forward from the prior fiscal year into the current fiscal year unexpended funds in excess of ten percent of the agency's general fund appropriations to continue to fund prevention, treatment and recovery services for opioid addiction services and addiction programs as prioritized by the department.

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.19 AMEND (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete authorization for Vocational Rehabilitation to retain the net proceeds from the sale of 3.205 acres in Clinton. *Agency states the property was sold and the proceeds were designated to capital project #9554, Lyman VR Center.* Requested by Department of Vocational Rehabilitation.

93.19. (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located at 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, the Forestry Commission, and the Department of Vocational Rehabilitation shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY

108.nrb ADD (Non-Revocation of Beneficiary Designations) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to suspend the revocation of benefits for beneficiaries affected by divorce for the administration of employee benefit plans established in Article 5, Chapter 11, Title 1 [EMPLOYEES AND RETIREES INSURANCE ACCOUNTING FOR POST-EMPLOYMENTS BENEFITS], Chapter 23, Title 8 [RETIREMENT SYSTEMS] and Title 9 [DEFERRED COMPENSATION PROGRAM].

<u>108.nrb.</u> (PEBA: Non-Revocation of Beneficiary Designations) For the payment of benefits during Fiscal Year 2018-19, the provisions of Section 62-2-507 of the 1976 Code related to the revocation of beneficiary designations upon divorce are hereby suspended for the administration of the employee benefit plans established pursuant to Article 5 of Chapter 11 of Title 1, Chapter 23 of the Title 8, or Title 9 of the 1976 Code.

108.rnr ADD (Removal of Notarization Requirement for Retirement Systems) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to suspend the requirement that written beneficiary designations be duly acknowledged pursuant to multiple provisions in the Retirement Systems code section. Suspend requirement that PEBA member forms concerning requirements for revoking spousal retirement benefits be notarized.

<u>108.rnr.</u> (PEBA: Removal of Notarization Requirement for Retirement Systems) The provisions in Sections 9-1-1650, 9-9-70(A), 9-9-100(2), 9-11-110(1), 9-11-170(5) and 9-11-170(6) of the 1976 Code requiring a written beneficiary designation to be "duly acknowledged" are hereby suspended for Fiscal Year 2018-19. The requirement that a PEBA form or other writing signed by a member be "notarized" pursuant to Section 9-9-70(B) is hereby suspended for Fiscal Year 2018-19.

108.sfa ADD (Suspension of Fiduciary Audit) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to suspend the requirement that a private audit firm submit a fiduciary audit of PEBA by January 15, 2019.

<u>108.sfa.</u> (PEBA: Suspension of Fiduciary Audit) The provision of Section 9-4-40 of the 1976 Code requiring the performance and completion of a fiduciary audit of the Public Employee Benefit Authority by January 15, 2019, is hereby suspended for Fiscal Year 2018-19.

SECTION 117 - X900 - GENERAL PROVISIONS

117.97 AMEND (BabyNet Quarterly Reports) Requires certain quarterly reports be submitted and directs First Steps to collaborate with the School for the Deaf and Blind, DDSN, DHHS, DMH, and DSS to develop a common reporting format.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to First Steps and to delete directive for agencies to develop a common template. *Agency states the template has been developed and BabyNet is now with DHHS.* Requested by Department of Health and Human Services.

- 117.97. (GP: BabyNet Quarterly Reports) First Steps to School Readiness, the <u>The</u> School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide on a common template developed by the agencies, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C.
- **117.129 AMEND** (BabyNet) Directs EBO to conduct an inventory of all BabyNet related spending and submit it to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees by July 15, 2017.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update calendar year reference from "2017" to "2018." Requested by Department of Health and Human Services.

- **117.129.** (GP: BabyNet) From funds available in the current fiscal year for budgetary analysis and oversight, the Executive Budget Office shall conduct an inventory of all BabyNet-related spending, which shall be submitted to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than July 15, 2017 2018. All affected agencies shall support the Executive Budget Office in this effort by providing information upon request, so that the first recommendation of the Legislative Audit Council's 2011 report on BabyNet may be implemented.
- **117.130 DELETE** (Equestrian Center Therapy Program) Directs Vocational Rehab to transfer \$500,000 to Lander University for the Lander Equestrian Center to provide equine assisted psychotherapy geared towards the treatment of PTSD. Directs that the funds must be used for the center and may not be transferred and used for other purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Agency states they do not have authority in the general fund appropriation to cover this expenditure without reducing services and losing matching federal funds.

117.130. (GP: Equestrian Center Therapy Program) The Department of Vocational Rehabilitation shall transfer \$500,000 to Lander University for the Lander Equestrian Center. These funds shall be used for the operation of the Equestrian Center and to create a Herd 2 Human pilot program to provide equine assisted psychotherapy geared towards military members as a method of treating post traumatic stress disorder (PTSD) and other similar disorders. These funds shall be used solely for the Equestrian Center and shall not be transferred and used for any other purpose.

117.132 DELETE (Adult Protective Services Coordination Teams) Directs the Department of Social Services Adult Protective Services Program to develop county level multi-agency interdisciplinary Adult Protective Services Coordination Teams to develop and implement strategies to ensure appropriate services are available to vulnerable adults during the investigation and adjudication of the report of alleged abuse, neglect and exploitation. Directs DSS to submit a progress report to the Governor and Chairmen of the House Ways and Means and Senate Finance Committees by January 1, 2018.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Team evaluations and report have been completed.*

117.132. (GP: Adult Protective Services Coordination Teams) In order to best coordinate services for the South Carolina vulnerable adult population, the Adult Protective Services Program at the Department of Social Services shall develop county level multi agency interdisciplinary Adult Protective Services Coordination Teams. These teams must develop and implement strategies to ensure appropriate services are available and provided to vulnerable adults during the investigation and adjudication of the report of alleged abuse, neglect, and exploitation of vulnerable adults.

The following agencies are required to participate and/or designate a local entity to serve on the Adult Protective Services Coordination Teams to address abuse and neglect and to prevent or delay institutionalization: Department of Health and Human Services, Department of Disabilities and Special Needs, Department of Mental Health, and with advice and resources from the Lt. Governor's Office on Aging. Participating agencies may expend necessary funds as authorized and/or appropriated in the current fiscal year, to develop the APS Coordination Teams. The teams must give priority for services for assessment of mental and physical conditions, eligibility for services, home and community based services waivers, home health, hospice, targeted case management, Optional State Supplementation & OSCAP, service coordination, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), behavioral health programs such as community mental health programs, inpatients psychiatric services, nursing facility care, and other home and community based services such as home delivered meals and transportation.

The Department of Social Services shall submit a report on the progress of the implementation and any necessary funding requests to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by January 1, 2018.

117.oap ADD (Opioid Abuse Prevention and Treatment Plan) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Departments of Alcohol and Other

Drug Abuse Services and Health and Human Services to establish a coalition of state agencies, providers, and other related entities to coordinate opioid abuse prevention and treatment services throughout the state. (A) Direct DAODAS and DHHS to establish an advisory board to provide oversight and administrative direction to the coalition. Require the advisory board to consider recommendations made in the 2018 report by S.C. House of Representatives Opioid Abuse Prevention Study Committee and by the S.C. Behavioral Health Coalition and to create a plan to ensure appropriate recommendations are implemented. (B) Allow DHHS to leverage any federal funds possible to implement enhanced treatment services and resources. Allow the department to develop a waiver application through CMS to cover treatment for other populations. (C) Allow DHHS, in consultation with DAODAS and the MUSC Hospital Authority to expand the Medication-Assisted Treatment services pilot program to additional providers. (D) Direct DAODAS to assist DHEC with funding to implement necessary programmatic enhancements to the Prescription Monitoring Program. (E) Direct DAODAS to solicit potential coordination from law enforcement, solicitors, and Magistrate and Circuit Courts to establish a diversion program in at least one judicial circuit. (F) Direct DAODAS and DHHS to coordinate with at least one 4year college or university and one 2-year technical college with on-campus dorms to establish a Collegiate Recovery Program pilot program to target student intervention and retention. (G) Direct the advisory board provide to the Chairmen of the Senate Finance and House Ways and Means Committee and to the Governor by January 31, 2019 a report on the development of the plan and implementation of recommendations.

117.oap. (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder services. General funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried forward and expended for the same purpose.

(A) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and administrative direction to the coalition. The advisory board may also include representation from the Department of Health and Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association, Behavioral Health Centers and other related entities. The advisory board must consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention Study Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance use disorders and create a plan to ensure implementation of appropriate recommendations.

(B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced treatment services and resources for this coalition. The department may also develop a waiver application through the Centers for Medicaid and Medicare Services that could provide coverage for populations that have a substance use

disorder diagnosis. The department must also work with Medicaid Managed Care Organizations to ensure policies governing the clinical review, utilization management, and determinations of medical necessity for Medication-Assisted Treatment (MAT) for opioid use disorder are consistent with American Society for Addiction Medicine (ASAM) criteria.

- (C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South Carolina Hospital Authority, the department shall review and evaluate outcomes data from the 2018 pilot program for MAT services for prescription opioid dependency and addiction established by Act 97 of 2017. Based on the success rate and ability to replicate this pilot, the department may provide funding not to exceed \$2,500,000 to continue and expand the program to additional providers that are necessary to ensure greater impact in geographical areas of critical need.
- (D) The Department of Alcohol and Other Drug Abuse Services shall assist the Department of Health and Environmental Control with any funding required to implement necessary programmatic enhancements to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and patient support tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program must be expanded to include the administration of naloxone and other opioid overdose antidotes.
- (E) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment, consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic monitoring.
- (F) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs must offer academic support in designated spaces that provide for group meetings, clinical support, technology access, and academic advising, to assist students in recovery.
- (G) The advisory board shall provide a report on the success of the development of the plan and the implementation of recommendations to the Chairman of the Senate Finance Committee, the Chairman of the House Ways & Means Committee, and the Governor no later than January 31, 2019. The report may also include proposals for amending existing recommendations or the establishment of new policies to combat the opioid epidemic.
- 117.aps ADD (Adult Protective Services Study Committee) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to establish a study committee to make recommendations for the best method to fund coordinated services for adult protective services. Direct that recommendations include, but not be limited to, whether or not adult protective services should be within one state agency, and if so what agency; creation and oversight of a public guardianship program; establishment of standards and oversight for private guardians; determination of appropriate jurisdiction; and creation of an adult abuse registry. Require recommendations be submitted to the Senate Finance and House Ways and Means Committees by November 1, 2018. Direct the study committee to invite specific agencies and associations to participate.

117.aps. (GP: Adult Protective Services Study Committee) A study committee shall be established to study and make recommendations regarding the best and most efficient method for the State to appropriate and authorize funding that will best coordinate services available for the needs and protection of the vulnerable adult population of South Carolina. Recommendations shall include but are not limited to: creation and/or reorganization of a state agency focused on the protection of and services for vulnerable adults; establishment of a single point of entry for vulnerable adult services; creation and oversight of a public guardianship program; establishment of standards and oversight for private guardians; determination of the appropriate jurisdiction for Adult Protective Services cases; creation of an adult abuse registry; and identification and development of any other services to best protect vulnerable adults from physical and/or financial abuse and exploitation.

The primary focus of the study committee shall be to develop and make recommendations regarding the establishment of a state agency or entity where these services can be consolidated. Recommendations shall be made no later than November 1, 2018 to the Senate Finance Committee and House Ways and Means Committee.

The study committee shall invite participation from the following agencies and associations:

Department Social Services, Department of Disabilities and Special Needs, Lieutenant
Governor's Office on Aging, Department of Mental Health, Department of Health and Human
Services, SC Probate Judges Association, SC Family Court Judges Association, SC Bar,
Commission on Indigent Defense, Attorney General's Office, South Carolina Law Enforcement
Division Vulnerable Adult Unit, South Carolina Crime Victims Council, AARP South Carolina,
South Carolina Sheriff's Association, Adult Protection Coordinating Council, Prosecution
Coordination Commission, SC Law Enforcement Officers' Association, South Carolina
Protection and Advocacy for People with Disabilities, and South Carolina Legal Services. The
study committee shall also invite participation from the United States Social Security
Administration, the Veteran's Administration, the SC Hospital Association and the SC Health
Care Association.