

**PROVISO SUBCOMMITTEE
HEALTHCARE
RECOMMENDATIONS FOR FY 2017-18
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

33.9 **AMEND** (Medicaid Eligibility Transfer) Authorizes the department to determine SC Medicaid Program applicant eligibility. Requires counties to provide office space and facility services for this function as they do for DSS functions.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to require the DHHS director, by November 1st, to provide each county governing authority and legislative delegation with information on the condition of space furnished for this purpose and to identify any known ADA deficiencies. Require the governing authorities to report to its legislative delegation and the DHHS director by May 1st on progress being made in correcting any identified ADA deficiencies. Requested by Department of Health and Human Services.

33.9. (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.

With funds available to the department and by November 1, the Director of the Department of Health and Human Services shall provide the governing authority and the legislative delegation of each county with information on the condition of space furnished for this purpose and shall specifically identify any known deficiencies with respect to the accessibility requirements of the Americans with Disabilities Act (ADA). By May 1, the governing authority of any county with an identified ADA-related deficiency shall report to its legislative delegation and the Director of the Department of Health and Human Services on its progress in correcting such deficiency.

33.16 **AMEND** (Carry Forward) Authorizes the department to carry forward prior year cash balances from any earmarked or restricted trust, agency, or special revenue account or subfund. Requires the department submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso authorize the department to carry forward and “expend” any “General Fund balance” as well as expend cash balances carried forward. *Merged proviso 33.22 into this proviso.* Requested by Department of Health and Human Services.

33.16. (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward *and expend any General Fund balance and any* cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

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- 33.22 DELETE** (Carry Forward Authorization) Authorizes the department to carry forward any general fund balance and spend the funds for the Medicaid program. Requires the department report the balance carried forward to the Chairmen of the Senate Finance and House Ways and Means Committees within thirty days after the close of the fiscal year.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Combined with proviso 33.16.* Requested by Department of Health and Human Services.

~~33.22. (DHHS: Carry Forward Authorization) For the current fiscal year, the Department of Health and Human Services is authorized to carry forward and expend any General Fund balances for the Medicaid program. Within thirty days after the close of the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.~~

- 33.bnc ADD** (BabyNet Compliance) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct 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. *Executive Order 2016-20 transferred the BabyNet lead agency status to DHHS effective July 1, 2017. Agency states this would replace Proviso 1.74, which imposed similar obligations upon First Steps during its administration of the BabyNet program.* Requested by Department of Health and Human Services.

33.bnc. (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 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

- 34.17 AMEND** (Nursing Home Medicaid Bed Day Permit) Authorizes the transfer of the Medicaid patient day permit to a nursing home receiving a patient from a facility that has violations of state or federal law or Medicaid certification requirements that necessitate the transfer. Requires the receiving facility to apply to retain the Medicaid patient day permit within sixty days of receipt of the patient.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete "is necessary due to violations of state or federal law or Medicaid certification requirements." Requested by Department of Health and Environmental Control.

~~34.17. (DHEC: Nursing Home Medicaid Bed Day Permit) When transfer of a Medicaid patient is transferred from a nursing home to a receiving nursing home is necessary due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit shall be transferred with the patient to the receiving nursing home. The receiving facility shall apply to permanently retain the Medicaid patient day permit within sixty days of receipt of the patient.~~

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34.18 DELETE (Mineral Sets Revenue) Authorizes the department to charge a reasonable fee for mineral sets and to retain the funds in a revolving account with a maximum carry forward of \$2,000. Directs that funds must be expended for mineral set supplies and related mining and reclamation educational products.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Mineral sets at a fee of \$3/each have not been sold in several years.* Fiscal Impact: Agency recommends closing the account and any remaining funds being transferred to the General Fund. Requested by Department of Health and Environmental Control.

~~**34.18.** (DHEC: Mineral Sets Revenue) The department is authorized to charge a reasonable fee for mineral sets. Funds generated from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of \$2,000 and must be expended for mineral set supplies and related mining and reclamation educational products.~~

34.42 DELETE (Obesity) Directs that DHEC shall be the convener and coordinator of the fight against Obesity in South Carolina. Directs SDE, DHHS, DSS, DMH, MUSC, USC Arnold School of Public Health, PRT, Department of Commerce, DOT, and Commission for the Blind to cooperate with DHEC and its partners to facilitate an environment that decreases body mass index (BMI). Requires school district provide DHEC with information on their progress toward meeting certain provisions of the Student Health and Fitness Act of 2005. Authorizes DHEC to collect, compile and assess State and school districts progress in meeting these goals.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Agency states partners are already working together voluntarily and have been doing so for 3 years as a part of the Scaledown Initiative and this proviso does not include all of the agencies and organizations involved.* Requested by Department of Health and Environmental Control.

~~**34.42.** (DHEC: Obesity) The Department of Health and Environmental Control is charged with addressing the public health of our citizens and shall be the convener and coordinator of the fight against Obesity in South Carolina. Because addressing the obesity epidemic requires behavioral, educational, systemic, medical, and community involvement, the following state agencies should use their best efforts to cooperate with the requests of the department and its partners to facilitate an environment that decreases body mass index (BMI): Department of Education; Department of Health and Human Services; Department of Social Services; Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of Public Health; Department of Parks, Recreation and Tourism; Department of Commerce; Department of Transportation; and Commission for the Blind.~~

~~In addition, school districts must provide the Department of Health and Environmental Control with information regarding their progress towards meeting certain provisions of the Student Health and Fitness Act of 2005, specifically: Section 59-10-10 regarding the average number of minutes students exercise weekly; Section 59-10-50 regarding the SC Physical Education Assessment; Section 59-10-310 regarding efforts to promote healthy eating patterns; Section 59-10-320 regarding assessment of school district health education programs; Section 59-10-340 regarding snacks in vending machines; and Section 59-10-360 regarding health curriculum. The department is given the authority to collect, compile and assess the progress of the State and the School Districts in meeting the goals of this act.~~

34.48 DELETE (Birthing Center Inspections) Requires accredited birthing centers to register an on-call agreement and any transfer policies with DHEC.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

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~~34.48. (DHEC: Birthing Center Inspections) For this fiscal year, birthing centers, accredited by the Commission on Accreditation of Birth Centers, must register an on call agreement and any transfer policies with the Department of Health and Environmental Control. The on call agreement shall contain provisions which provide that the on call physician is readily available to provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be within a thirty minute drive of the birthing center or hospital, must be licensed in the State of South Carolina, and shall provide consultation and advice to the birthing center at all times it is serving the public. Furthermore, a birthing center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (B) admitting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birthing center's consulting physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these provisions. Birthing centers registering on call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance with Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this fiscal year.~~

34.50 **AMEND** (Data Center Migration) Directs the department to use Data Center Migration funds for a variety of shared technology services offered by the DOA, Division of Technology Operations.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to authorize unexpended data center migration funds to be carried forward. *To assist the Division of Technology with costs associated with migrating DHEC's data center.* Fiscal Impact: In the event carry forward funds remain, they would not lapse to the general fund. Requested by Department of Health and Environmental Control.

~~34.50. (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from the prior fiscal year and used for the same purpose.~~

34.53 **DELETE** (Coastal Zone Boundary) Directs DHEC to report to the General Assembly by January 1, 2017 on initial recommendations to revise the coastal zone boundary, if any, and directs the study begin with Dorchester County.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~34.53. (DHEC: Coastal Zone Boundary) Of the funds appropriated, the Department of Health and Environmental Control shall report to the General Assembly by January 1, 2017, with an initial recommendation to revise the coastal zone boundary, if any, and the study shall begin with Dorchester County.~~

34.mp **ADD** (EMS Monetary Penalties) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the Bureau of Emergency Medical Services to retain up to the first \$40,000 of civil monetary penalties against nonconforming providers collected each fiscal year and direct that the funds to be used solely to carry out and enforce the provisions of applicable

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regulations. Direct a report be submitted to the Governor and Chairmen of the Senate Finance and House Ways and Means Committees on how these funds are expended. *The department states it does not currently have the authority to retain these funds, however provisos 34.24, 34.25, and 34.26 authorize the retention of certain health related monetary penalties.* Fiscal Impact: The agency states approximately \$18,000 was collected in the prior fiscal year and remitted to the General Fund.

34.mp. (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and personnel, the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain up to the first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's fiscal records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

34.rard **ADD** (Remedial Actions on Regulated Dams) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow DHEC to enter into contracts with one or more contractors to perform remedial actions on dams regulated under the SC Dams and Reservoir and Safety Act as necessary to protect life or property when an emergency order has been issued. Direct that these contracts shall be exempt from the Procurement Code's purchasing procedures.

34.rard. (DHEC: Remedial Actions on Regulated Dams) With funds appropriated or authorized for the Department of Health and Environmental Control in Fiscal Year 2017-18, the department may enter into contracts with one or more contractors to perform remedial actions on dams regulated under the SC Dams and Reservoir and Safety Act as necessary to protect life or property. Remedial actions may be implemented where the department has issued an emergency order for a dam to protect life or property. Remedial actions include, but are not limited to, lowering water levels, placing rip rap, and breaching dams. These contracts shall be exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code.

34.gse **ADD** (Greenwood Sewer Extension Line) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to redirect nonrecurring funds appropriated in the FY 2007-08 Appropriation Act for the Greenwood Sewer Extension Line to any project on the Eagles Harbor priority list, less outstanding expenses associated with the sewer extension line. Authorize unexpended funds to be carried forward.

34.gse. (DHEC: Greenwood Sewer Extension Line) Funds remaining from the \$990,000 appropriated in Act 117 of 2007, by proviso 73.12, Item 65(S) to the Department of Health and Environmental Control for the Greenwood Sewer Extension Line shall be redirected for any project on the Eagles Harbor priority list, less any outstanding expenses associated with the Greenwood Sewer Extension Line. Unexpended funds may be carried forward into the current fiscal year to be expended for the same purpose.

34.lcd **ADD** (Lake Conestee Dam and Reservoir) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DHEC to appropriate up to \$185,000 to the Conestee Foundation to conduct an expert dam engineering study to examine alternatives to rehabilitate and/or replace the Lake Conestee Dam. Direct that that study include related construction and long term care costs and identify a Final Recommended Alternative appropriate

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for final design and construction. Provide for the membership of a panel to select a contractor to conduct the study. Direct that funding of the study does not obligate the state for the future costs of anticipated dam rehabilitation or replacement.

34.lcd. (DHEC: Lake Conestee Dam and Reservoir) Of the funds appropriated and authorized to the Department of Health and Environmental Control, the department shall appropriate up to \$185,000 to the Conestee Foundation, the owner of the Lake Conestee Dam, to conduct an expert dam engineering study. The objective of this study shall be to examine alternatives for the rehabilitation and/or replacement of the present Lake Conestee Dam. The study shall include all inspection, survey, engineering analysis, risk calculations, sampling and environmental testing activities, and hydrologic modeling necessary to evaluate all viable alternatives, and related construction and long term care costs and other related requirements necessary to compare the alternatives in accordance with appropriate state and federal agency requirements, and customary dam engineering requirements. The study shall identify a Final Recommended Alternative appropriate for final design and construction.

The contractor conducting the study on behalf of the Conestee Foundation shall be selected in a manner similar to state procurement standards. The panel selecting the contractor shall be made up of one representative of the Conestee Foundation, one representative of the Department of Health and Environmental Control, and one appointee selected by the Greenville County legislative delegation. The study must meet all regulatory requirements and the department will provide review of the study and scope of work. The funding of this study does not obligate the State of South Carolina in any way for the future cost of the anticipated rehabilitation or replacement of the dam.

SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH

35.7 AMEND (Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) Authorizes the department to establish an interest bearing fund with the State Treasurer to deposit deferred maintenance funds and other one-time funds from any source. Authorizes the department to spend these funds for deferred maintenance, capital projects and ordinary repair and maintenance. Authorizes the funds to be carried forward and used for the same purpose. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete specific reference to depositing funds “appropriated” for deferred maintenance and other one-time funds from any source. Authorize the department to retain and deposit into the fund the proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. Requested by Department of Mental Health.

35.7. (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health 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. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real property owned by, under the control of, or assigned to the department. 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.

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SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

36.7 **AMEND** (Unlicensed Medication Providers) Authorizes the department to license or certify select unlicensed persons in community-based programs to provide select medications. Limits the medications allowed to be administered. Requires the department to establish curriculum and standards for training and oversight. Directs that this provision does not apply to an intermediate care facility for individuals with intellectual and/or related disability.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “selected” to “designated” unlicensed persons. Direct that unlicensed persons must have documented “successful completion of” medication training and direct that in addition to nurses, “licensed pharmacists and licensed medical doctors” may train and supervise designated unlicensed persons to provide medication. Amend the type of medications designated unlicensed persons may provide. Require a written or electronic record about each medication be provided as part of the provision of medication. Direct that nurses, pharmacists and medical doctors that train, approve, and supervise designated unlicensed persons shall be protected against tort liability. Requested by Department of Disabilities and Special Needs.

36.7. (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by ~~selected~~ *designated* unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of Disabilities and Special Needs, provided ~~such selected~~ *the* unlicensed persons have documented *successful completion of* medication training and ~~skill~~ competency evaluation. Licensed nurses, *licensed pharmacists and licensed medical doctors* may train and supervise ~~selected~~ *designated* unlicensed persons to provide medications and, after reviewing competency evaluations, may approve ~~selected~~ *designated* unlicensed persons for the provision of medications. The provision of medications by ~~selected~~ *designated* unlicensed persons is limited to oral, *sublingual, buccal, and topical, inhalation and transdermal* medications; *ear drops, eye drops, nasal sprays, injections of and to* regularly scheduled insulin and *injections of* prescribed anaphylactic treatments. ~~under established medical protocol and does not include~~ *The provision of medications by designated unlicensed persons does not include rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or electronic record regarding each medication provided, including time and amount administered, is required as part of the provision of medication. Provision of medication does not include judgment, evaluation or assessment by the designated unlicensed persons. The selected designated unlicensed persons and the nurses, pharmacists and medical doctors that train, approve, and supervise these staff shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical protocol.*

The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related disability.

SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

38.3 **AMEND** (~~Foster Children~~ *Burial Expenses*) Directs that the expenditure of funds allocated for burials of foster children not exceed \$1,500 per burial.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to include adults who are in DSS custody. Requested by Department of Social Services.

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38.3. (DSS: ~~Foster Children~~ Burial *Expenses*) The expenditure of funds allocated for burials of foster children *and adults in the custody of the Department of Social Services* shall not exceed one thousand five hundred dollars per burial.

38.wtc **ADD** (Wilderness Therapeutic Camps) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DSS to make and promulgate any licensing standards rules and regulations necessary to carry out the purposes of Article 1 of Title 63, Chapter 11 [CHILD WELFARE AGENCIES] as applied to Wilderness Therapeutic Camps. Define “Wilderness Therapeutic Camp.”

38.wtc. (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11, Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a “Wilderness Therapeutic Camp” is a therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days, and does not include any licensed residential group care organization, child caring institution or group home or facility that meets the facility requirements of S.C. Code of Regulations Section 114-590.

SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY

108.1 **DELETE** (Lottery, Infrastructure Bank, and Magistrates Health Insurance) Allows Lottery Commissioners, Transportation Infrastructure Bank Board members, magistrates, if the magistrate’s county participates in the plan, and eligible dependents, to participate in the State Health and Dental Plan upon payment of full premium costs.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~108.1. (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the Public Employee Benefit Authority.~~

108.fs **ADD** (Former Spouses on the State Health Plan) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the State Health Plan of Benefits, effective January 1, 2018, to cover a subscriber’s former spouse, who is eligible to be covered pursuant to a court order, on the former spouse’s individual policy at the full amount of the premium for the elected coverage. Direct that the former spouse may only elect such health, dental and vision coverage as required by the court order and may continue coverage as long as the subscriber remains a participant in the State Health Plan. Direct that this proviso does not affect a subscriber’s ability to cover a current spouse on a policy when the subscriber’s former spouse is covered on a separate policy.

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108.fs. (PEBA: Former Spouses on the State Health Plan) In its Plan of Benefits effective January 1, 2018, the State Health Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former spouse's own individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other administrative policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health, dental, and vision coverage as required by the court order. The former spouse's individual coverage may continue under the State Health Plan as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso does not affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the subscriber's former spouse is covered on a separate policy.

SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER

113.7 AMEND (Political Subdivision Flexibility) Authorizes political subdivisions that receive Local Government Fund monies to reduce the amount of support they provide to any state mandated program or requirement up to the percentage their Local Government Fund appropriation has been reduced compared to the amount required to be funded by law, but excludes the court system from the reductions.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference to "2017-18." Amend the list of entities for which political subdivisions may not reduce support to include "assessment for indigent medical care pursuant to Section 44-6-146" [COUNTY ASSESSMENTS FOR INDIGENT MEDICAL CARE; PENALTIES FOR FAILURE TO PAY ASSESSMENTS IN TIMELY MANNER]. *The department states that counties are using the current proviso to reduce their indigent medical care payments, however the department is obligated to continue covering MIAP beneficiaries and is not permitted to reduce the cost of the program.* Fiscal Impact: The department states they currently absorb up to \$4,000,000 in lost revenue from counties MIAP assessment reductions. Requested by Department of Health and Human Services.

113.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2016-17~~ 2017-18, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

SECTION 117 - X900 - GENERAL PROVISIONS

117.73 AMEND (IMD Operations) Directs that funds received by State child placing agencies (SDE, DJJ, DDSN, DMH, DSS, and OEPP-Continuum of Care) for the Institution for Mental Diseases Transition Plan (IMD) be applied only for out of home placement in providers which operate DSS or DHEC licensed institutional, residential, or treatment programs. Requires an annual IMD transition funds expenditure report. Directs DHHS to review the numbers of out of home placements by type and agency each year and make recommendations to the General Assembly. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the requirement that all funds received for IMD be applied only for out-of-home placement in

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providers which operate DSS or DHEC programs. Delete the requirement that “each state child placing agency” submit an IMD expenditure report on IMD transition funds and instead direct DHHS to produce an annual report on “Medicaid-funded out-of-home placements and associated” expenditures. Delete the requirement that DHHS review the numbers of out of home placements by type and agency each year and make recommendations to the General Assembly. *The department proposes to update the language to focus on providing information on out-of-town home placements as this information has represented the volume of the reports in recent years.* Requested by Department of Health and Human Services.

~~117.73. (GP: IMD Operations) All funds received by the Department of Education, the Department of Juvenile Justice, the Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the Department of Administration, Office of Executive Policy and Programs Continuum of Care as State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children’s Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed institutional, residential, or treatment programs. An *The Department of Health and Human Services shall produce an annual report by each state child placing agency shall be made on the on Medicaid-funded out-of-home placements and associated expenditures of all IMD transition funds and which shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year. The Department of Health and Human Services shall review the numbers of out of home placements by type and by agency each year and make recommendations to the General Assembly.*~~

117.98 AMEND (First Steps-BabyNet) Requires the First Steps Board of Trustees to ensure compliance with Part C of the Individuals with Disabilities Act and to fully implement the LAC’s BabyNet Program recommendations contained in the 2011 audit report. Directs First Steps to submit necessary statutory changes to appropriate Senate and House Education Committees and to submit budget recommendations to the Governor in their agency’s budget request. Requires certain quarterly and monthly 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 the BabyNet responsibilities specifically associated with First Steps as the lead agency. *Executive Order 2016-20 transferred the BabyNet lead agency status to DHHS effective July 1, 2017.* Requested by SC First Steps to School Readiness.

~~117.98. (GP: First Steps-BabyNet *Quarterly Reports*) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the board shall ensure the state’s compliance with the Individuals with Disabilities Act, Part C and the First Steps’ full implementation of recommendations contained in the 2011 audit report of the LAC regarding the BabyNet Program. First Steps shall submit any necessary statutory changes to the Chairman of the House Education and Public Works Committee and the Chairman of the Senate Education Committee and any budget recommendations in the agency’s budget request as submitted to the Governor. Until completion, First Steps shall post on its’ website a quarterly report on the timelines of its progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees.~~

**PROVISO SUBCOMMITTEE
HEALTHCARE
RECOMMENDATIONS FOR FY 2017-18
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~When First Steps has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its' adoption. Upon approval by the Board of Trustees, the final report shall be published on First Steps' homepage.~~ First Steps to School Readiness, the 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.bn ADD (BabyNet) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct 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. *Executive Order 2016-20 transferred the BabyNet lead agency status to DHHS effective July 1, 2017.*

117.bn. (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. 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.ec ADD (Equestrian Center Therapy Program) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct Voc Rehab to transfer \$500,000 to Lander University for the Lander Equestrian Center and direct Lander to use these funds to operate the center and to create a Herd 2 Human pilot program to provide equine assisted psychotherapy geared towards the treatment of PTSD and other similar disorders for members of the military. Direct that the funds must be used for the center and may not be transferred and used for other purposes.

117.ec. (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.