

## Session 117 - (2007-2008)

### H 3073 General Bill, By W.D. Smith, G.R. Smith, Kirsh and Haskins

#### Summary: Behavioral Health Services Act

A BILL TO ENACT "THE BEHAVIORAL HEALTH SERVICES ACT OF 2007" BY AMENDING SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND THE DEPARTMENT OF MENTAL HEALTH; TO ADD SECTION 1-30-68 SO AS TO PLACE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, THE DEPARTMENT OF MENTAL HEALTH, AND THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-35, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; TO AMEND SECTION 1-30-110, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE OFFICE OF THE GOVERNOR, SO AS TO DELETE THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN FROM THE OFFICE OF THE GOVERNOR; TO AMEND SECTION 44-6-30, AS AMENDED, RELATING TO DUTIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO INCLUDE IN THESE DUTIES, ADMINISTRATION OF SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; TO ADD SECTIONS 44-6-32 AND 44-6-34 SO AS TO PROVIDE THAT ALL MEDICAID FUNDS MUST BE APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, WHICH SHALL REIMBURSE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES FOR THOSE MEDICAID SERVICES IT PROVIDES AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AND ADMINISTER A CENTRAL CARE MANAGEMENT SYSTEM FOR BEHAVIORAL HEALTH SERVICES; TO ADD CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DIVISION OF MENTAL HEALTH, THE DIVISION OF DISABILITIES AND SPECIAL NEEDS, AND THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO FURTHER PROVIDE THAT THE FINANCING AND THE FINANCING ADMINISTRATION OF THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES IS CENTRALIZED IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO AMEND CHAPTER 9, TITLE 44, RELATING TO THE DEPARTMENT OF MENTAL HEALTH AND ITS GOVERNING BOARD, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF DISABILITIES AND SPECIAL NEEDS; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND ARTICLE 23, CHAPTER 7, TITLE 20, RELATING TO THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN, SO AS TO CONFORM THIS ARTICLE TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE CONTINUUM; TO AMEND SECTIONS 20-7-5210 AND 20-7-5240, RELATING TO THE CREATION AND ADMINISTRATION OF THE CHILDREN'S CASE RESOLUTION SYSTEM, SO AS TO PLACE THIS SYSTEM UNDER THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN AND TO CONFORM THESE SECTIONS TO THE PROVISIONS OF

THIS ACT; TO AMEND SECTIONS 20-7-5710 AND 20-7-5730, RELATING TO THE CREATION AND ADMINISTRATION OF THE INTERAGENCY SYSTEM FOR CARING FOR EMOTIONALLY DISTURBED CHILDREN, SO AS TO PLACE THIS INTERAGENCY SYSTEM UNDER THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN AND TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT; AND TO AMEND SECTIONS 44-7-2520, 44-7-2570, AND 44-7-2600, RELATING TO BABYNET SERVICES PROVIDED TO INFANTS AND TODDLERS WITH DISABILITIES AND SPECIAL NEEDS, SO AS TO TRANSFER THIS PROGRAM FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THE DIVISION OF DISABILITIES AND SPECIAL NEEDS IN THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO CONFORM THESE SECTIONS WITH THE PROVISIONS OF THIS ACT.

**12/13/06 House Prefiled**  
**12/13/06 House Referred to Committee on Ways and Means**  
**01/09/07 House Introduced and read first time HJ-45**  
**01/09/07 House Referred to Committee on Ways and Means HJ-48**  
**02/14/08 House Member(s) request name added as sponsor: Haskins**