

## Session 115 - (2003-2004)

### H 3768 General Bill, By Rice, Clemmons and Edge

*Similar (H 3579, H 3685, H 3770)*

**Summary:** S.C. Health and Human Services Reorganization and Accountability Act of 2003

A BILL TO ENACT THE "SOUTH CAROLINA HEALTH AND HUMAN SERVICES REORGANIZATION AND ACCOUNTABILITY ACT OF 2003"; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 1 SO AS TO ESTABLISH THE OFFICE OF CHILDREN'S SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TO TRANSFER TO THIS OFFICE THE CHILDREN'S CASE RESOLUTION SYSTEM, CERTAIN SECTIONS OF THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN, CERTAIN SECTIONS OF THE DEPARTMENT OF SOCIAL SERVICES RESPONSIBLE FOR LICENSING AND MONITORING OUT-OF-HOME PLACEMENTS FOR CHILDREN, AND CERTAIN SECTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL RESPONSIBLE FOR LICENSING RESIDENTIAL TREATMENT FACILITIES AND OTHER OUT-OF-HOME PLACEMENT; TO ESTABLISH THE OFFICE OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TO TRANSFER TO THIS OFFICE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, INPATIENT ALCOHOL AND DRUG SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH, AND CERTAIN ALCOHOL AND DRUG TREATMENT FACILITIES OPERATED BY THE STATE AGENCY OF VOCATIONAL REHABILITATION UPON APPROVAL OF A PLAN; TO TRANSFER THOSE SECTIONS OF THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN RESPONSIBLE FOR CLIENT AND FAMILY SERVICES TO THE DEPARTMENT OF MENTAL HEALTH; TO TRANSFER THE SOUTH CAROLINA COMMISSION FOR THE BLIND TO THE STATE AGENCY OF VOCATIONAL REHABILITATION; TO ABOLISH THE BOARD OF THE COMMISSION FOR THE BLIND AND TO TRANSFER ITS DUTIES TO THE STATE AGENCY FOR VOCATIONAL REHABILITATION; TO ABOLISH THE SOUTH CAROLINA MENTAL HEALTH COMMISSION AND TO TRANSFER ITS DUTIES TO THE DEPARTMENT OF MENTAL HEALTH; AND TO PROVIDE TRANSFER AND TRANSITION PROVISIONS; TO ADD ARTICLE 5 TO CHAPTER 30, TITLE 1 SO AS TO ESTABLISH THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR HEALTH AND HUMAN SERVICES AGENCIES AND TO PROVIDE FOR ITS POWERS AND DUTIES, INCLUDING THE MANAGEMENT AND ADMINISTRATION FOR ALL INFORMATION TECHNOLOGIES ASSOCIATED WITH THESE AGENCIES AND THE APPROVAL OF INFORMATION TECHNOLOGIES EXPENDITURES; TO ADD CHAPTER 64 TO TITLE 2 SO AS TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE AND TO PROVIDE FOR ITS MEMBERSHIP, FUNCTIONS, DUTIES, AND RESPONSIBILITIES INCLUDING, AMONG OTHER THINGS, TO APPROVE REORGANIZATION PLANS AND TO REVIEW THE STATE MEDICAID PLAN; TO ADD ARTICLE 8 TO CHAPTER 6, TITLE 44 SO AS TO ESTABLISH THE STATE OFFICE OF MEDICAID AND HEALTH CARE AUDITS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROVIDE THAT THE AUDIT DIRECTOR MUST BE APPOINTED BY AND UNDER THE DIRECTION OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE, AND TO FURTHER PROVIDE FOR THE POWERS AND DUTIES OF THE AUDIT DIRECTOR, INCLUDING CONDUCTING AUDITS, PREVENTING WASTE, AND PROMOTING ACCOUNTABILITY; TO ADD SECTION 12-2-100 SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO PROVIDE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ELECTRONIC ACCESS TO TAXPAYER INFORMATION TO USE IN DETERMINING MEDICAID ELIGIBILITY; TO ADD SECTION 44-6-105 SO AS TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE TO REVIEW CHANGES TO MEDICAID ELIGIBILITY REQUIREMENTS; TO ADD SECTION 44-6-108 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE ON MEDICAID BENEFICIARIES NOT MAKING REQUIRED PAYMENTS; TO ADD SECTION 38-71-270 SO AS TO REQUIRE HEALTH INSURERS TO PROVIDE NAMES AND IDENTIFYING INFORMATION ON THEIR INSURED TO BE USED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN DETERMINING MEDICAID ELIGIBILITY; TO ADD SECTION 44-6-75 SO AS TO PROVIDE FOR A MEDICAID COST CONTAINMENT ACTION PLAN FOR THE PROJECTED EXPENDITURES FOR THE STATE MEDICAID PROGRAM FOR THE NEXT FISCAL YEAR AND TO PROVIDE FOR THE CONTENTS OF THE PLAN AND FOR ALTERNATIVE MEASURES WHEN REVENUE IS NOT SUFFICIENT TO ADEQUATELY FUND THE MEDICAID PROGRAM; TO ADD SECTION 44-6-120 SO AS TO ESTABLISH THE SOUTH CAROLINA MEDICAID MANDATORY MANAGED CARE PILOT PROGRAM TO BE IMPLEMENTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN CHARLESTON, FLORENCE, GREENVILLE, HORRY, AND RICHLAND COUNTIES, AND IN ONE RURAL COUNTY TO BE DESIGNATED BY THE DEPARTMENT, FOR FIVE YEARS TO ENROLL MEDICAID RECIPIENTS IN A HEALTH MAINTENANCE ORGANIZATION OR WITH PRIMARY CARE CASE MANAGEMENT PROVIDERS AND TO INCLUDE PROVISIONS TO ENSURE COMPETITION, ACCOUNTABILITY, AND

ACTUARIAL SOUNDNESS; TO ADD SECTION 44-6-125 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A PILOT PROJECT TO EVALUATE THE VIABILITY OF PRIVATIZING THE MEDICAID ELIGIBILITY PROCESS; TO ESTABLISH THE TASK FORCE ON EMERGENCY ROOM DIVERSION TO STUDY INAPPROPRIATE EMERGENCY ROOM USE AND TO MAKE RECOMMENDATIONS TO REDUCE SUCH USE; TO ADD SECTION 44-7-75 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT FOR THE MANAGEMENT AND OPERATION OF CERTAIN NURSING HOMES FORMERLY UNDER THE DEPARTMENT OF MENTAL HEALTH; TO ADD SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON CIGARETTES IN AN AMOUNT EQUAL TO 2.1 CENTS PER CIGARETTE, TO CREDIT THIS TAX TO THE MEDICAID SERVICES FUND, TO PROVIDE FOR THE USE OF THESE FUNDS, AND TO FURTHER PROVIDE THAT FIFTY PERCENT OF THESE FUNDS MUST BE USED TO OFFSET REDUCTIONS IN OTHER STATE-IMPOSED TAXES AND FEES INCLUDING, BUT NOT LIMITED TO, OFFSETTING REDUCTIONS IN STATE INDIVIDUAL INCOME TAXES; TO REQUIRE THE DIRECTOR OF THE LEGISLATIVE AUDIT COUNCIL TO EMPLOY AUDITORS NECESSARY TO PERFORM AUDITS ON DEPARTMENTS AFFECTED IN THIS ACT; AND TO ADD SUBARTICLES 2, 3, AND 4 TO ARTICLE 5, CHAPTER 21, TITLE 12 SO AS TO PROVIDE FOR TAX STAMPS ON CIGARETTE PACKAGES AS INDICIA OF TAX PAYMENT, TO PROVIDE FOR ADMINISTRATIVE FINES AND FORFEITURE OF CIGARETTES FOR DEFRAUDING THE STATE OR OTHERWISE FAILING TO COMPLY WITH THE SUBARTICLE, AND TO PROVIDE FOR CRIMINAL PENALTIES INCLUDING FINES, IMPRISONMENT, LICENSE REVOCATION, AND FORFEITURE FOR DEALING IN COUNTERFEIT CIGARETTES; TO PROVIDE PROCEDURES TO PREVENT VIOLATIONS AND ASSIST ENFORCEMENT OF THE TOBACCO ESCROW FUND ACT AND ADD SAFEGUARDS TO THE COMPLIANCE WITH THE MASTER SETTLEMENT AGREEMENT, INCLUDING CERTIFIED REPORTING REQUIREMENTS FOR PARTICIPATING AND NONPARTICIPATING MANUFACTURERS, PRODUCTION OF A WEBSITE FOR PUBLIC ACCESS TO NAMES AND BRAND FAMILIES OF MANUFACTURERS MEETING THE CERTIFICATION CRITERIA, PROHIBITION OF THE APPLICATION OF TAX STAMPS TO A PRODUCT WHOSE BRAND FAMILY DOES NOT APPEAR ON THE LIST, REQUIREMENT OF SALES REPORTS BY BRAND FAMILY, PROVISION OF LICENSE REVOCATION, FINES, INJUNCTIVE RELIEF, AND FORFEITURE FOR NONCOMPLIANCE, AND MAKING NONCOMPLIANCE AN UNFAIR AND DECEPTIVE TRADE PRACTICE; TO REGULATE THE DELIVERY SALES OF CIGARETTES BY PROVIDING AGE VERIFICATION, DISCLOSURE, SHIPPING, REGISTRATION, REPORTING, AND TAX COLLECTION REQUIREMENTS IN CONNECTION WITH A CIGARETTE SALE TO A CONSUMER AS THE RESULT OF A TELECOMMUNICATED ORDER OR DELIVERY BY THE MAILES OR OTHER DELIVERY SERVICE, AND TO PROVIDE FOR FINES AND INJUNCTIVE RELIEF FOR NONCOMPLIANCE; TO AMEND SECTION 12-21-2975, RELATING TO CONFISCATED PRODUCTS DONATED TO THE DEPARTMENT OF MENTAL HEALTH FOR PATIENT USE, SO AS TO DELETE CIGARETTES; TO DESIGNATE SECTIONS 1-30-10 THROUGH 1-30-120 AS ARTICLE 1, CHAPTER 30, TITLE 1 ENTITLED "DEPARTMENTS OF STATE GOVERNMENT" AND TO DESIGNATE SECTIONS 12-21-610 THROUGH 12-21-810 AS SUBARTICLE 1, ARTICLE 5, CHAPTER 21, TITLE 12; AND TO REPEAL SECTION 12-21-2870, RELATING TO CONFISCATION AND SALE OF UNSTAMPED CIGARETTES, AND SECTION 44-9-30, RELATING TO THE SOUTH CAROLINA MENTAL HEALTH COMMISSION.

<b>03/11/03</b>	<b>House</b>	<b>Introduced and read first time HJ-14</b>
<b>03/11/03</b>	<b>House</b>	<b>Referred to Committee on Ways and Means HJ-18</b>
<b>03/12/03</b>		<b>Scrivener's error corrected</b>
<b>03/13/03</b>		<b>Scrivener's error corrected</b>
<b>03/19/03</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Clemmons, Edge</b>
<b>03/19/03</b>	<b>House</b>	<b>Committee report: Favorable with amendment Ways and Means HJ-1</b>
<b>03/20/03</b>	<b>House</b>	<b>Special order, set for Thursday, 3/20/03, immediately following adoption of H 3832 HJ-11</b>
<b>03/20/03</b>	<b>House</b>	<b>Amended HJ-18</b>
<b>03/20/03</b>	<b>House</b>	<b>Read second time HJ-83</b>
<b>03/20/03</b>	<b>House</b>	<b>Roll call Yeas-79 Nays-35 HJ-83</b>
<b>03/25/03</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-19</b>
<b>03/26/03</b>	<b>Senate</b>	<b>Introduced and read first time SJ-23</b>
<b>03/26/03</b>	<b>Senate</b>	<b>Referred to Committee on Medical Affairs SJ-23</b>
<b>03/26/03</b>	<b>Senate</b>	<b>Recalled from Committee on Medical Affairs SJ-23</b>
<b>03/26/03</b>	<b>Senate</b>	<b>Committed to Committee on Finance SJ-23</b>
<b>04/22/03</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Finance SJ-28</b>
<b>04/22/03</b>	<b>Senate</b>	<b>Recommitted to Committee on Medical Affairs SJ-28</b>
<b>04/23/03</b>		<b>Scrivener's error corrected</b>

03/30/04 Senate Committee report: Favorable with amendment Medical Affairs SJ-12