CHAPTER 12

Department of Behavioral Health and Developmental Disabilities

**SECTION 44-12-10. Definitions.**

For the purposes of this chapter:

(1) "Director" means the head of the Department of Behavioral Health and Developmental Disabilities.

(2) "Department" means the Department of Behavioral Health and Developmental Disabilities.

(3) "Office" or "component office" means any one or more of the component offices or divisions that comprise the Department of Behavioral Health and Developmental Disabilities.

(4) "Office director" means a person, appointed by the department director, to serve as the head of a component office. An office director shall answer directly to the oversight of the department director.

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.

**SECTION 44-12-20. Department of Behavioral Health and Developmental Disabilities; creation.**

There is created within the executive branch of the state government an agency to be known as the Department of Behavioral Health and Developmental Disabilities. The department shall be organized as provided in this chapter and shall have the duties, functions, and powers provided for in this chapter and other applicable provisions of law.

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.

**SECTION 44-12-30. Director; appointment and removal.**

The department shall be headed by a director who shall be appointed by the Governor with the advice and consent of the Senate. The director may be removed from office as provided in Section 1-3-240(B).

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.

**SECTION 44-12-40. Director; powers and duties.**

In performing his duties as authorized by this chapter, the director:

(1) shall develop and execute a cohesive and comprehensive plan for services provided by the component offices housed within the department;

(2) shall develop the budget for the department, including the component offices, to reflect the priorities of its comprehensive service plan;

(3) shall procure collaboration technology that enables coordination and accountability across the department and with local partners. At a minimum, the technology should have the capability for authorized users to:

(a) securely access relevant information regarding the needs and care journey of individuals served;

(b) communicate bidirectionally with referring organizations using a secure chat feature; and

(c) send referrals on behalf of the individual, track and store the outcome of that referral, and track and store the outcome of services delivered within a single client record using an unique identifier;

(4) shall, subject to applicable federal law, require data sharing to the fullest extent possible among the component offices and necessary state agencies;

(5) shall consolidate administrative services among the component offices that include, but are not limited to:

(a) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing, and financial reporting assistance;

(b) human resources administrative support, such as transaction processing and reporting, payroll processing, and human resources training;

(c) budget support, such as budget transaction processing and budget reporting assistance; and

(d) information technology;

(6) shall, with regard to information technology, ensure that the department and the component offices comply with all plans, policies, and directives of the Department of Administration;

(7) may employ such persons as he determines are necessary to carry out the department's duties, functions, and powers;

(8) may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals that the director determines would be beneficial to carrying out the department's duties, functions, and powers; and

(9) shall, pursuant to Sections 1-1-810 and 1-1-820 of the S.C. Code, provide to the Governor and General Assembly, an annual accountability report containing the agency's or department's mission, objectives to accomplish the mission, and performance measures that show the degree to which objectives are being met. Through the Calendar Year 2028, and to the extent permitted by applicable state and federal laws, the department's annual accountability report shall include a review of efforts to maximize efficiency and identify any duplicative services to develop a plan to consolidate or coordinate identified duplicative programs, and to eliminate redundancy, while ensuring that the quality, accessibility, and specialization of services are preserved or enhanced.

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.

**SECTION 44-12-50. Component offices; creation.**

(A) The Department of Behavioral Health and Developmental Disabilities shall consist of the following component offices:

(1) the Office of Intellectual and Developmental Disabilities;

(2) the Office of Mental Health; and

(3) the Office of Substance Use Services.

(B)(1) Each component office shall be headed by an office director who shall be appointed by the department's director. Office directors shall serve at the pleasure of the department director.

(2) The director may, to the extent authorized through the annual appropriations act or relevant permanent law, organize the administration of the department, including the assignment of personnel to the component offices, as is necessary to carry out the department's duties.

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.

**SECTION 44-12-60. Component offices; subject to management of department director.**

The component offices shall carry out their duties, functions, and powers as provided in their respective enabling statutes and as otherwise provided by laws subject to the management decisions, policy development, and standards established of and by the department director as provided in this chapter.

HISTORY: 2025 Act No. 3 (S.2), § 1, eff April 28, 2025.