CHAPTER 9

Office of Mental Health

**SECTION 44-9-10. Creation of Office of Mental Health; jurisdiction.**

There is hereby created the Office of Mental Health, a component office of the Department of Behavioral Health and Developmental Disabilities. The office shall have jurisdiction over all of the state's mental hospitals, clinics and centers, joint state and community sponsored mental health clinics and centers and facilities for the treatment and care of alcohol and drug addicts, including the authority to name each facility. The office shall be headed by an office director appointed by the Director of the Department of Behavioral Health and Developmental Disabilities pursuant to Section 44-12-50(B)(1). The office director must be a person of proven executive and administrative ability with appropriate education and substantial experience in the field of mental illness treatment.

HISTORY: 1962 Code § 32-917; 1964 (53) 2078; 1969 (56) 653; 2025 Act No. 3 (S.2), § 12, eff April 28, 2025.

**SECTION 44-9-20. Transfer of powers, duties, records, and files from former Mental Health Commission.**

All the powers and duties vested in the South Carolina Mental Health Commission immediately prior to March 26, 1964, that were transferred to and vested in the Department of Mental Health are now transferred to and vested in the Office of Mental Health, a component of the Department of Behavioral Health and Developmental Disabilities. All records, files, and other papers belonging to the Department of Mental Health shall be continued as part of the records and files of the Office of Mental Health.

HISTORY: 1962 Code § 32-918; 1964 (53) 2078; 1993 Act No. 181, § 1070; 2025 Act No. 3 (S.2), § 13, eff April 28, 2025.

**SECTION 44-9-30. Authority of department director.**

The Director of the Department of Behavioral Health and Developmental Disabilities shall determine policies and promulgate regulations governing the operation of the Office of Mental Health and the employment of professional and staff personnel.

HISTORY: 1962 Code § 32-919; 1964 (53) 2078; 1967 (55) 699; 1991 Act No. 33, § 1; 1993 Act No. 181, § 1071; 2012 Act No. 222, § 12, eff June 7, 2012; 2025 Act No. 3 (S.2), § 14, eff April 28, 2025.

**SECTION 44-9-40. Repealed.**

HISTORY: Former Section, titled State Director of Mental Health; appointment and removal; powers and duties; qualifications, had the following history: 1962 Code § 32-920; 1964 (53) 2078; 1967 (55) 699; 1985 Act No. 62; 1993 Act No. 181, § 1072. Repealed by 2025 Act No. 3, § 17, eff April 28, 2025.

**SECTION 44-9-50. Repealed.**

HISTORY: Former Section, titled Divisions of department, had the following history: 1962 Code § 32-920.1; 1964 (53) 2078; 1969 (56) 653; 1976 Act No. 538; 1993 Act No. 181, § 1073; 2008 Act No. 266, § 2, eff June 4, 2008. Repealed by 2025 Act No. 3, § 17, eff April 28, 2025.

**SECTION 44-9-60. Appointment of directors of hospitals; employment of personnel.**

The Director of the Department of Behavioral Health and Developmental Disabilities may appoint a director of each hospital. Each director must be knowledgeable in the treatment of the mentally ill and in hospital administration. The director of each hospital under the jurisdiction of the Office of Mental Health is responsible for the employment of all personnel at the hospital, subject to the approval of the office director. The office director may serve as director of one or more hospitals or other mental health facilities.

HISTORY: 1962 Code § 32-920.2; 1964 (53) 2078; 1980 Act No. 479; 1993 Act No. 181, § 1074; 2008 Act No. 266, § 3, eff June 4, 2008.

**SECTION 44-9-70. Administration of Federal funds; development of mental health clinics.**

The Office of Mental Health is hereby designated as the State's mental health authority for purposes of administering Federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The Office of Mental Health is further designated as the State agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in Federal-State grants-in-aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. Provided, that nothing in this article shall be construed to prohibit the operation of outpatient mental health clinics by the South Carolina Medical College Hospital in Charleston. Provided, further, that nothing herein shall be construed to include any of the functions or responsibilities now granted the Department of Health and Environmental Control, or the administration of the State Hospital Construction Act (Hill-Burton Act), as provided in the 1976 Code of Laws and amendments thereto.

HISTORY: 1962 Code § 32-920.3; 1964 (53) 2078.

**SECTION 44-9-80. Utilization of Federal funds provided to improve services to patients.**

Payments made to a mental health facility which are derived in whole or in part from Federal funds which become available after June 30, 1967, and which are provided with the stipulation that they be used to improve services to patients shall not be considered fees from paying patients under the terms of Act No. 1100 of 1964 but may be utilized by the Office of Mental Health to improve South Carolina's comprehensive mental health program.

HISTORY: 1962 Code § 32-920.3:1; 1967 (55) 719.

**SECTION 44-9-90. Powers and duties of Mental Health Commission.**

The Office of Mental Health shall:

(1) form a body corporate in deed and in law with all the powers incident to corporations;

(2) cooperate with persons in charge of penal institutions in this State for the purpose of providing proper care and treatment for mental patients confined in penal institutions because of emergency;

(3) inaugurate and maintain an appropriate mental health education and public relations program;

(4) collect statistics bearing on mental illness, drug addiction, and alcoholism;

(5) provide vocational training and medical treatment which must tend to the mental and physical betterment of patients and which is designed to lessen the increase of mental illness, drug addiction, and alcoholism;

(6) encourage the directors of hospitals and their medical staffs in the investigation and study of these subjects and of mental health treatment in general; and

(7) provide a statewide system for the delivery of mental health services to treat, care for, reduce, and prevent mental illness and provide mental health services for citizens of this State, whether or not in a hospital. The system must include services to prevent or postpone the commitment or recommitment of citizens to hospitals.

HISTORY: 1962 Code § 32-922; 1952 Code § 32-954; 1942 Code § 6223; 1932 Code § 6223; Civ. C. '22 § 5074; Civ. C. '12 § 3355; Civ. C. '02 § 2248; G. S. 1585; R. S. 1780; 1827 (11) 322; 1871 (15) 672; 1915 (29) 147; 1920 (31) 704; 1938 (40) 1665; 1952 (47) 2042; 1979 Act No. 42 § 1; 2000 Act No. 253, § 1; 2008 Act No. 266, § 4, eff June 4, 2008.

**SECTION 44-9-100. Additional powers and duties of commission.**

The Office of Mental Health may:

(1) prescribe the form of and information to be contained in applications, records, reports, and medical certificates provided for under this chapter, Chapter 11, Chapter 13, Article 1 of Chapter 15, Chapter 17, Chapter 22, Chapter 23, Chapter 24, Chapter 27, Chapter 48, and Chapter 52;

(2) require reports from the director of a state hospital relating to the admission, examination, diagnosis, discharge, or conditional discharge of a patient;

(3) investigate complaints made by a patient or by a person on behalf of a patient;

(4) adopt regulations not inconsistent with this chapter, Chapter 11, Chapter 13, Article 1 of Chapter 15, Chapter 17, Chapter 22, Chapter 23, Chapter 24, Chapter 27, Chapter 48, and Chapter 52 as it may find to be reasonably necessary for the government of all institutions over which it has authority and of state mental health facilities and the proper and efficient treatment of persons with a mental illness or substance abuse disorder;

(5) take appropriate action to initiate and develop relationships and agreements with state, local, federal, and private agencies, hospitals, and clinics as the Office of Mental Health considers necessary to increase and enhance the accessibility and delivery of emergency and all other types of mental health services.

HISTORY: 1962 Code § 32-924; 1952 Code § 32-954; 1942 Code § 6223; 1932 Code § 6223; Civ. C. '22 § 5074; Civ. C. '12 § 3355; Civ. C. '02 § 2248; G. S. 1585; R. S. 1780; 1827 (11) 322; 1871 (15) 672; 1915 (29) 147; 1920 (31) 704; 1938 (40) 1665; 1952 (47) 2042; 1958 (50) 1634; 1979 Act No. 42 § 2; 1993 Act No. 37, § 1; 2000 Act No. 253, § 2; 2008 Act No. 266, § 5, eff June 4, 2008.

**SECTION 44-9-110. Acceptance of gifts and grants by commission.**

The Department of Behavioral Health and Developmental Disabilities may accept on behalf of the Office of Mental Health or any of its facilities or services, gifts, bequests, devises, grants, donations of money or real and personal property of whatever kind, but no such gift or grant shall be accepted upon the condition that it shall diminish an obligation due the office. The department may refuse to accept any such gift or grant and the acceptance of any such gift or grant shall not incur any obligation on the part of the State. Any gift or grant given to a specific facility or service shall be used for that facility or service only, or to its successor. The department may promulgate rules and regulations governing the disposition of such gifts and grants.

HISTORY: 1962 Code § 32-923; 1971 (57) 473.

**SECTION 44-9-120. Annual report of commission.**

The Department of Behavioral Health and Developmental Disabilities shall submit an annual report to the Governor before the eleventh day of January of each year setting forth its activities, the financial affairs and the state and condition of the State mental health facilities and any other statistical information which is usually required of facilities of the type over which it has charge. The report shall include any recommendations which in the opinion of the Office of Mental Health will improve the mental health program of the State. A copy of the report shall also be submitted to the General Assembly.

HISTORY: 1962 Code § 32-927; 1952 Code § 32-988; 1951 (47) 734; 1952 (47) 2042.

**SECTION 44-9-160. Construction of certain references in Code.**

Wherever in the 1976 Code reference is made to the State Hospital, it shall mean a state hospital; wherever reference is made requiring the signature of the superintendent of any mental health facility, it shall mean the superintendent or his designee; and wherever reference is made to the Office Director of the Office of Mental Health, it shall mean the Office Director of the Office of Mental Health, a component office of the Department of Behavioral Health and Developmental Disabilities.

HISTORY: 1962 Code § 32-920.4; 1964 (53) 2078; 1993 Act No. 181, § 1075.