**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3115**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Kirsh

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Companion/Similar bill(s): 273

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Residential care facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑53

1/13/2009 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑54

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3115_20081209.docx)

**A** **BILL**

TO AMEND SECTION 44‑7‑350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY RESIDENTIAL CARE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY NOT REMOVE A RESIDENT FROM SUCH A FACILITY IF THE RESIDENT, THE RESIDENT’S FAMILY, THE RESIDENT’S PHYSICIAN, AND THE FACILITY AGREE TO THE RESIDENT’S CONTINUED STAY AND THE FACILITY IS CAPABLE OF PROVIDING OR OBTAINING NECESSARY SERVICES FOR THE RESIDENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑7‑350 of the 1976 Code is amended to read:

“Section 44‑7‑350. (A) The agency placing a client in a community residential care facility shall develop an individual plan of care in cooperation with the provider. The placing agency shall monitor the plan to the extent considered appropriate by the placement agency.

(B) The department must not order the removal of a resident from a community residential care facility if the resident, the resident’s family, the resident’s physician, and the facility agree to the resident’s continued stay in the community residential care facility and the facility is capable of providing, obtaining, or arranging for necessary services for the resident including, but not limited to, home health care and hospice care.

(C) Prior to a community residential care facility being licensed for operation in an area which is outside incorporated areas of a county, the following conditions must be met:

(1) The governing body for the area must be given notice of the proposed location.

(2) Where the governing body objects to the proposed site for the facility, the arbitration procedures set forth in Act 449 of 1978 must be employed.”

SECTION 2. This act takes effect upon approval by the Governor.

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