**South Carolina General Assembly**

126th Session, 2025-2026

**R10, S2**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Peeler, Alexander, Davis, Devine, Garrett, Turner, Jackson and Sutton

Document Path: SR-0099KM25.docx

Introduced in the Senate on January 14, 2025

Introduced in the House on March 5, 2025

Last Amended on April 9, 2025

Currently residing in the Senate

Governor's Action: April 28, 2025, Signed

Summary: Department of Behavioral Health and Developmental Disabilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2024 Senate Prefiled

12/11/2024 Senate Referred to Committee on **Medical Affairs**

1/14/2025 Senate Introduced and read first time ([Senate Journal‑page 23](h:\sj\20250114.docx))

1/14/2025 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 23](h:\sj\20250114.docx))

1/15/2025 Scrivener's error corrected

1/21/2025 Scrivener's error corrected

2/20/2025 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 10](h:\sj\20250220.docx))

2/25/2025 Scrivener's error corrected

2/26/2025 Senate Committee Amendment Adopted ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/26/2025 Senate Read second time ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/26/2025 Senate Roll call Ayes-42 Nays-2 ([Senate Journal‑page 28](h:\sj\20250226.docx))

2/27/2025 Scrivener's error corrected

2/27/2025 Senate Read third time and sent to House ([Senate Journal‑page 11](h:\sj\20250227.docx))

3/5/2025 House Introduced and read first time ([House Journal‑page 5](h:\hj\20250305.docx))

3/5/2025 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 5](h:\hj\20250305.docx))

4/3/2025 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 4](h:\hj\20250403.docx))

4/8/2025 Scrivener's error corrected

4/9/2025 House Amended ([House Journal‑page 30](h:\hj\20250409.docx))

4/9/2025 House Read second time ([House Journal‑page 30](h:\hj\20250409.docx))

4/9/2025 House Roll call Yeas-99 Nays-0 ([House Journal‑page 30](h:\hj\20250409.docx))

4/10/2025 House Read third time and returned to Senate with amendments ([House Journal‑page 13](h:\hj\20250410.docx))

4/16/2025 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 50](h:\sj\20250416.docx))

4/16/2025 Senate Roll call Ayes-40 Nays-2 ([Senate Journal‑page 50](h:\sj\20250416.docx))

4/24/2025 Ratified R 10

4/28/2025 Signed By Governor

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20241211.docx)

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250115.docx)

[01/15/2025-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250115a.docx)

[01/21/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250121.docx)

[02/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250220.docx)

[02/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250225.docx)

[02/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250226.docx)

[02/27/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250227.docx)

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250403.docx)

[04/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250408.docx)

[04/09/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/2_20250409.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R10, S2)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 12 TO TITLE 44 SO AS TO ESTABLISH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES COMPRISED OF THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND THE OFFICE OF SUBSTANCE USE SERVICES, AND TO PROVIDE FOR THE DEPARTMENT’S POWERS, DUTIES, AND AUTHORITY; BY AMENDING SECTION 1‑30‑10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND TO REMOVE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND THE DEPARTMENT OF MENTAL HEALTH; BY AMENDING SECTION 8‑17‑370, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE, SO AS TO EXEMPT THE DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES AND CERTAIN OTHER DEPARTMENT STAFF FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE; BY AMENDING SECTIONS 44‑20‑30, 44‑20‑210, 44‑20‑220, 44‑20‑230, 44‑20‑240, AND 44‑20‑255, ALL RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO MAKE CONFORMING CHANGES TO INCLUDE DEFINITION REVISIONS, ELIMINATION OF THE DEPARTMENT’S COMMISSION, RENAMING THE DEPARTMENT AS THE OFFICE OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WITHIN THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, AND REASSIGNMENT OF THE COMMISSION’S DUTIES; BY AMENDING SECTIONS 44‑49‑10 AND 44‑49‑20, BOTH RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO MAKE CONFORMING CHANGES BY RENAMING THE DEPARTMENT AS THE OFFICE OF SUBSTANCE USE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES; BY AMENDING SECTIONS 44‑9‑10, 44‑9‑20, AND 44‑9‑30, ALL RELATING TO DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES TO INCLUDE RENAMING THE DEPARTMENT AS THE OFFICE OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES, ESTABLISHING QUALIFICATIONS FOR THE OFFICE DIRECTOR, AND ELIMINATING THE DEPARTMENT OF MENTAL HEALTH’S COMMISSION AND REASSIGNING THE COMMISSION’S DUTIES; BY ADDING SECTION 1‑30‑150 SO AS TO REQUIRE CERTAIN STATE AGENCIES TO DEVELOP AND EXECUTE A PLAN TO ENSURE SERVICES AND SUPPORT ARE PROVIDED, TO THE GREATEST EXTENT POSSIBLE, TO INDIVIDUALS WITH DISABILITIES IN THE COMMUNITY, IN ACCORDANCE WITH FEDERAL LAW, AND TO PROVIDE FOR THE APPOINTMENT OF AN ADMINISTRATOR OF COMMUNITY LIVING INTEGRATION AND A HEALTH PLANNING ADVISORY COMMITTEE; BY AMENDING SECTION 44‑21‑80, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO REQUIRE THAT THE CENTERS PROVIDE NEURODEVELOPMENTAL EVALUATION AND LIMITED TREATMENT SERVICES FOR INDIVIDUALS UP TO TWENTY‑ONE YEARS OF AGE WHO HAVE CERTAIN SUSPECTED OR DIAGNOSED NEURODEVELOPMENTAL DISORDERS; BY REPEALING SECTIONS 44‑9‑40 AND 44‑9‑50 RELATING TO THE DEPARTMENT OF MENTAL HEALH; AND FOR OTHER PURPOSES.

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

Department of Behavioral Health and Developmental Disabilities

SECTION 1. Title 44 of the S.C. Code is amended by adding:

CHAPTER 12

Department of Behavioral Health and Developmental Disabilities

Section 44‑12‑10. 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.

Section 44‑12‑20. 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.

Section 44‑12‑30. 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).

Section 44‑12‑40. 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.

Section 44‑12‑50. (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.

Section 44‑12‑60. 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.

Departments of state government

SECTION 2. Section 1‑30‑10(A) of the S.C. Code is amended to read:

(A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration

2. Department of Agriculture

3.  Department of Behavioral Health and Developmental Disabilities

4. Department of Commerce

5. Department of Corrections

6. Department of Education

7. Department of Public Health

8. Department of Health and Human Services

9. Department of Insurance

10. Department of Juvenile Justice

11. Department of Labor, Licensing and Regulation

12. Department of Motor Vehicles

13. Department of Natural Resources

14. Department of Parks, Recreation and Tourism

15. Department of Probation, Parole and Pardon Services

16. Department of Public Safety

17. Department of Revenue

18. Department of Social Services

19. Department of Transportation

20. Department of Employment and Workforce

21. Department on Aging

22. Department of Veterans’ Affairs

23. Department of Environmental Services.

State employee grievance procedure exemptions

SECTION 3. Section 8‑17‑370 of the S.C. Code is amended by adding:

(21) The Director of the Department of Behavioral Health and Developmental Disabilities and all the department’s employees who report directly to the director or office director.

Definitions

SECTION 4. Section 44‑20‑30 of the S.C. Code is amended to read:

Section 44‑20‑30. As used in this chapter:

(1) “Applicant” means a person who is believed to have an intellectual disability, one or more related disabilities, one or more head injuries, one or more spinal cord injuries, or an infant at high risk of a developmental disability who has applied for services from the office.

(2) “Client” means a person who is determined by the office to have an intellectual disability, a related disability, head injury, or spinal cord injury and is receiving services or is an infant at risk of having a developmental disability and is receiving services.

(3) “County disabilities and special needs boards” means the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with an intellectual disability, related disabilities, head injuries, or spinal cord injuries and recognized by the department.

(4) “Day programs” means programs provided to persons with an intellectual disability, related disabilities, head injuries, or spinal cord injuries outside of their residences affording development, training, employment, or recreational opportunities as prescribed by the office.

(5) “Office” means the Office of Intellectual and Developmental Disabilities, a component of the Department of Behavioral Health and Developmental Disabilities.

(6) “Office director” means the head of the Office of Intellectual and Developmental Disabilities appointed by the Director of the Department of Behavioral Health and Developmental Disabilities.

(7) “Disabilities and special needs services” means activities designed to achieve the results specified in an individual client’s plan.

(8) “High risk infant” means a child less than thirty‑six months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

(9) “Least restrictive environment” means the surrounding circumstances that provide as little intrusion and disruption from the normal pattern of living as possible.

(10) “Improvements” means the construction, reconstruction of buildings, and other permanent improvements for regional centers and other programs provided by the department directly or through contract with county boards of disabilities and special needs, including equipment and the cost of acquiring and improving lands for equipment.

(11) “Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(12) “Obligations” means the obligations in the form of notes or bonds or contractual agreements issued or entered into by the commission pursuant to the authorization of this chapter and of Act 1377 of 1968 to provide funds with which to repay the proceeds of capital improvement bonds allocated by the State Fiscal Accountability Authority.

(13) “Regional residential center” means a twenty‑four‑hour residential facility serving a multicounty area and designated by the department.

(14) “Related disability” is a severe, chronic condition found to be closely related to an intellectual disability or to require treatment similar to that required for persons with an intellectual disability and must meet the following conditions:

(a) it is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness found to be closely related to an intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons;

(b) it is manifested before twenty‑two years of age;

(c) it is likely to continue indefinitely; and

(d) it results in substantial functional limitations in three or more of the following areas of major life activity: self‑care, understanding and use of language, learning, mobility, self‑direction, and capacity for independent living.

(15) “Residential programs” means services providing dwelling places to clients for an extended period of time with assistance for activities of daily living ranging from constant to intermittent supervision as required by the individual client’s needs.

(16) “Revenues” or “its revenues” means revenue derived from paying clients at regional residential centers and community residences but does not include Medicaid, Medicare, or other federal funds received with the stipulation that they be used to provide services to clients.

(17) “State capital improvement bonds” means bonds issued pursuant to Act 1377 of 1968.

Office of Intellectual and Developmental Disabilities, office director

SECTION 5. Section 44‑20‑210 of the S.C. Code is amended to read:

Section 44‑20‑210. There is created the Office of Intellectual and Developmental Disabilities, a component of the Department of Behavioral Health and Developmental Disabilities. 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).

Office of Intellectual and Developmental Disabilities, operational authority

SECTION 6. Section 44‑20‑220 of the S.C. Code is amended to read:

Section 44‑20‑220. The Director of the Department of Behavioral Health and Developmental Disabilities shall determine the policy and promulgate regulations governing the operation of the office and the employment of professional staff and personnel. Subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities, the office director may appoint advisory committees it considers necessary to assist in the effective conduct of the office’s responsibilities. The office director may educate the public and state and local officials as to the need for the funding, development, and coordination of services for persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries and promote the best interest of persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries.

Office of Intellectual and Developmental Disabilities, operational authority

SECTION 7. Section 44‑20‑230 of the S.C. Code is amended to read:

Section 44‑20‑230. Subject to the supervision, direction, and control of the Department of Behavioral Health and Developmental Disabilities, the office director shall administer the policies and regulations established by the department’s director. The office director may appoint and, in his discretion, remove all other officers and employees of the office subject to the approval of the department’s director.

Office of Intellectual and Developmental Disabilities, organizational structure

SECTION 8. Section 44‑20‑240 of the S.C. Code is amended to read:

Section 44‑20‑240. The office has authority over all of the state's services and programs for the treatment and training of persons with an intellectual disability, related disabilities, head injuries, and spinal cord injuries. This authority does not include services delivered by other agencies of the State as prescribed by statute. The office must be comprised of, at a minimum, an Intellectual Disability Division, an Autism Division, and a Head and Spinal Cord Injuries Division. The office may be divided into additional divisions as may be determined by the office director and approved by the department’s director. Responsibility for all autistic services is transferred from the Office of Mental Health to the Office of Intellectual and Developmental Disabilities.

Department of Behavioral Health and Developmental Disabilities, property ownership

SECTION 9. Section 44‑20‑255 of the S.C. Code is amended to read:

Section 44‑20‑255. (A) Upon execution of the deed as provided in subsection (B) of this section, ownership of the tract of real property in Richland County described in Section 1 of Act 1645 of 1972 is confirmed in the Department of Behavioral Health and Developmental Disabilities, as the successor agency to the South Carolina Department of Disabilities and Special Needs.

(B) The State Department of Administration shall cause to be executed and recorded an appropriate deed conveying the tract to the Department of Behavioral Health and Developmental Disabilities.

(C) Proceeds of a subsequent sale of the tract that is the subject of this section may be retained by the Department of Behavioral Health and Developmental Disabilities.

Office of Substance Use Services

SECTION 10. Section 44‑49‑10 of the S.C. Code is amended to read:

Section 44‑49‑10. (A) There is established the Office of Substance Use Services. The office shall be vested with all the functions, powers, and duties of the Department of Alcohol and Other Drug Abuse Services, the successor to the South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse and shall have full authority for formulating, coordinating, and administering the state plans for controlling narcotics and controlled substances and alcohol abuse, subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities.

(B) All functions, powers, and duties of the commissioner of the narcotics and controlled substances section of the State Planning and Grants Division (Division of Administration in the Office of the Governor) that were transferred to the Department of Alcohol and Other Drug Abuse Services are hereby transferred to the Office of Substance Use Services, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44‑53‑130 which shall be vested in the State Law Enforcement Division.

(C) All rules and regulations promulgated by the predecessor agencies shall remain in effect until changed by the department.

(D) The department is authorized to establish a block grant mechanism to provide such monies as may be appropriated by the Legislature for this purpose to each of the agencies designated under Section 61‑12‑20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61‑12‑20(a) must expend any funds received through this mechanism in accordance with the county plans required under Section 61‑12‑20(b).

(E) Subject to the approval of the Director of the Department of Behavioral Health and Developmental Disabilities, the department is authorized to develop such rules and regulations not inconsistent with the provisions of this chapter as it may find to be reasonably appropriate for the government of the county plans called for in Section 61‑12‑20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the department to agencies designated under Section 61‑12‑20(a).

Office of Substance Use Services, office director

SECTION 11. Section 44‑49‑20 of the S.C. Code is amended to read:

Section 44‑49‑20. The component 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).

Office of Mental Health, creation and office director

SECTION 12. Section 44‑9‑10 of the S.C. Code is amended to read:

Section 44‑9‑10. 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 director must be a person of proven executive and administrative ability with appropriate education and substantial experience in the field of mental illness treatment.

Office of Mental Health, powers and duties

SECTION 13. Section 44‑9‑20 of the S.C. Code is amended to read:

Section 44‑9‑20. 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.

Office of Mental Health, operational authority

SECTION 14. Section 44‑9‑30 of the S.C. Code is amended to read:

Section 44‑9‑30. The department director shall determine policies and promulgate regulations governing the operation of the office and the employment of professional and staff personnel.

Olmstead rights planning, community services and support for individuals with disabilities

SECTION 15. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1‑30‑150. (A) The Departments of Health and Human Services, Veterans’ Affairs, Administration, Public Health, Social Services, and Behavioral Health and Developmental Disabilities shall collaboratively develop and execute a cohesive and comprehensive plan that addresses how to ensure that services and support for South Carolinians with disabilities are, to the greatest extent possible, provided in the community instead of in an institutional setting in accordance with the requirements of the Americans with Disabilities Act and the U.S. Supreme Court’s decision in Olmstead v. L.C., 527 U.S. 581.

(B) The Director of the Department of Public Health shall appoint an Administrator of Community Living Integration who will be responsible for providing oversight in the assessment of the current state of community integration in South Carolina and in the creation of the community integration goals and objectives to be included in the State Health Plan. The Administrator of Community Living will report to the Director of the Department of Public Health and shall select an Americans with Disabilities Coordinator to ensure compliance with responsibilities outlined by the Americans with Disabilities Act and the U.S. Supreme Court’s decision in Olmstead v. L.C., 527 U.S. 581.

(C) The Director of the Department of Public Health shall establish and appoint members to a health planning advisory committee, upon consultation with the other departments charged with participating in developing the plan, to provide advice in the development of the plan. Members of the advisory committee should include healthcare providers, representatives from the disabled community, disability advocacy agencies, consumers, payers, and public health professionals. When developing the community integration goals and objectives, the committee must seek input from people with disabilities of different types and varying levels of severity, family members of people with disabilities, and people currently providing services to the disabled community. The committee must identify objectives for the successful implementation of the community integration program. Members of the advisory committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions.

Developmental evaluation centers

SECTION 16. Section 44‑21‑80 of the S.C. Code is amended to read:

Section 44‑21‑80. (A) The Medical University of South Carolina, the Prisma Health Medical Group‑Midlands, and the Prisma Health‑University Medical Group are each hereby authorized, as agents of the State of South Carolina, to fulfill the role of Regional Tertiary Level Developmental Evaluation Centers, hereinafter collectively referred to as “developmental evaluation centers.”

(B) As developmental evaluation centers, the above named institutions shall provide neurodevelopmental evaluation and limited treatment services for individuals up to twenty‑one years of age who have a suspected or diagnosed neurodevelopmental disorder or who are referred and accepted for services.

(C) Contingent upon sufficient funding, developmental evaluation centers shall work with institutions, state agencies, and other organizations to increase the number of neurodevelopmental professions, increase community provider neurodevelopmental services capacity through provider training programs, provide technical assistance to improve regionalized, community‑based, and family centered systems of care for individuals with neurodevelopmental disorders, and participate in neurodevelopmental research.

(D) For the purposes of this section, “neurodevelopmental disorders” are characterized by disruptions in the functioning neurological system and the brain, leading to difficulties in one or more of cognition, behavior, social interaction, communication, or motor function. Neurodevelopmental disorders primarily manifest early in development, typically during infancy, childhood, or adolescence.

Repeal

SECTION 17. Sections 44‑9‑40 and 44‑9‑50 of the S.C. Code are repealed.

Code Commissioner

SECTION 18. (A) The Code Commissioner is directed to change references in the S.C. Code from “State Department of Mental Health,” “South Carolina Mental Health Commission,” and “commission” in Chapter 9, Title 44 and otherwise in the S.C. Code where “commission” refers to the “South Carolina Mental Health Commission” to the “Office of Mental Health,” “component office,” or “office” as appropriate.

(B) The Code Commissioner is directed to change references in the S.C. Code from “Department of Disabilities and Special Needs” or “department” in Chapter 20, Title 44 to “Office of Intellectual and Developmental Disabilities,” “component office,” or “office” as appropriate. The Code Commissioner is further directed to change references in the S.C. Code to the “Department of Disabilities and Special Needs Commission” or where “commission” refers to the “Department of Disabilities and Special Needs Commission” to “Director of the Office of Intellectual and Developmental Disabilities,” “office director,” or “director” as appropriate.

(C) The Code Commissioner is directed to change references in the S.C. Code from “Department of Alcohol and Other Drug Abuse Services” or “department” when referring to the “Department of Alcohol and Other Drug Abuse Services” to “Office of Substance Use Services,” “component office,” or “office” as appropriate.

Interim office leadership

SECTION 19. (A) Upon the effective date of this act the Director of the Department of Disabilities and Special Needs shall serve as the Interim Director of the Office of Intellectual and Developmental Disabilities, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director’s position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(B) Upon the effective date of this act, the Director of the Department of Mental Health shall serve as the Interim Director of the Office of Mental Health, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director’s position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(C) Upon the effective date of this act the Director of the Department of Alcohol and Other Drug Abuse Services shall serve as the Interim Director of the Office of Substance Use Services, unless otherwise removed by the Director of the Department of Behavioral Health and Developmental Disabilities, until such time as a successor is appointed by the Director of the Department of Behavioral Health and Developmental Disabilities and assumes the position. In the case of a vacancy in the office director’s position on or after the effective date of this act and prior to the appointment of a successor, the Director of the Department of Behavioral Health and Developmental Disabilities may assign an employee of the department to perform the duties required of the vacant position in the interim.

(D) Nothing in this act prevents the Director of the Department of Behavioral Health and Developmental Disabilities from reappointing the directors of their respective departments serving in those roles as of the effective date of this act.

State agency restructuring, effect of transfer of agencies

SECTION 20. (A) Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Intellectual and Developmental Disabilities shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Disabilities and Special Needs as a standalone agency in the Appropriations Act of 2025. Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Mental Health shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Mental Health as a standalone agency in the Appropriations Act of 2025. Except for personnel and funds transferred pursuant to subsection (B) of this section, the Office of Substance Use Services shall operate as a component department of the Department of Behavioral Health and Developmental Disabilities in the 2025‑2026 Fiscal Year using the authority and funds appropriated to the Department of Alcohol and Other Drug Abuse Services as a standalone agency in the Appropriations Act of 2025.

(B) Upon appointment and confirmation, the Director of the Department of Behavioral Health and Developmental Disabilities may cause the transfer to the Department of Behavioral Health and Developmental Disabilities such: (1) personnel and attendant funding included in the administrative areas of the 2025 Appropriations Act, and (2) operating expenses included in the administrative areas of the 2025 Appropriations Act of one or more of the component departments of the Department of Behavioral Health and Developmental Disabilities as, in the determination of the director, is necessary to carry out the duties of the department. The Department of Administration shall cause all necessary actions to be taken to accomplish any such transfer and shall in consultation with the Director of the Department of Behavioral Health and Developmental Disabilities prescribe the manner in which the transfer provided for in this section shall be accomplished. The Department of Administration’s actions in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Except for those positions transferred pursuant to this section or otherwise specifically referenced in this act, employees of the Departments of Disabilities and Special Needs, Mental Health, or Alcohol and Other Drug Abuse Services shall maintain their same status with the appropriate component departments of the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Mental Health shall become employees of the Office of Mental Health within the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Disabilities and Special Needs shall become employees of the Office of Intellectual and Developmental Disabilities within the Department of Behavioral Health and Developmental Disabilities. Employees of the Department of Alcohol and Other Drug Abuse Services shall become employees of the Office of Substance Use within the Department of Behavioral Health and Developmental Disabilities.

(D) Nothing in this act affects bonded indebtedness, if applicable, real and personal property, assets, liabilities, contracts, regulations, or policies of the Departments of Disabilities and Special Needs, Mental Health, or Alcohol and Other Drug Abuse Services existing on the effective date of this act. All applicable bonded indebtedness, real and personal property, assets, liabilities, contracts, regulations, or policies shall continue in effect in the name of the Department of Behavioral Health and Developmental Disabilities or the appropriate component department.

One subject

SECTION 21. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of healthcare delivery as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

Severability

SECTION 22. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 23. This act takes effect upon approval by the Governor.

Ratified the 24th day of April, 2025.

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President of the Senate

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Speaker of the House of Representatives

Approved the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2025.

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Governor

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