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**Healthcare and Regulatory Subcommittee Meeting
Tuesday, August 27, 2019, at 10:00 am
Blatt Building Room 427**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. Chair Jay West calls the Healthcare and Regulatory Subcommittee to order on Monday, August 12, 2019, in Room 410 of the Blatt Building. All members of the Subcommittee are present for all or a portion of the meeting, with the exception of Representative Robert Ridgeway.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Wooten moves to approve the meeting minutes from the August 12, 2019, meeting. The motion passes.

Representative Wooten's motion to approve the meeting minutes from the August 12, 2019, meeting.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor				✓
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

Meeting

- I. Chair West explains that this is the Subcommittee's twelfth meeting with the Department of Mental Health, and that the purpose is to inquire about responses to the Subcommittee's letters to the agency and discuss the agency's recommendations.
- II. Mark Binkley, Interim Director, provides testimony about an agency recommendation and responds to Subcommittee member questions about the agency's recommendations and subjects addressed in prior letters to the agency.
- III. Representative Taylor moves that the Subcommittee report include a recommendation that the General Assembly consider removing the pass through of funds to the Alzheimer's Disease and Related Disorders Association (Proviso 35.3 - 2019), Department of Social Services (Proviso 117.53 - 2019) and the Department of Children's Advocacy (Proviso 35.1 - 2019 referring to the Continuum of Care) from the Department of Mental Health's section of the General Appropriations Act and include those funds in the most-applicable Department's section.

Representative Taylor's motion that the Subcommittee report include a recommendation that the General Assembly consider removing the pass through of funds to the Alzheimer's Disease and Related Disorders Association (Proviso 35.3 - 2019), Department of Social Services (Proviso 117.53 - 2019) and the Department of Children's Advocacy (Proviso 35.1 - 2019 referring to the Continuum of Care) from the Department of Mental Health's section of	Yea	Nay	Not Voting (Absent)	Not Voting (Present)

the General Appropriations Act and include those funds in the most-applicable Department's section.				
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

- IV. Representative Taylor moves that the Subcommittee receive for information the agency's recommendation to consider amending the statutory subsection created by Section 6 of Act 65 of 2019, which amended Section 44-53-360(j) to require practitioners to electronically prescribe controlled substances unless exempted from the subsection, to add an exemption specifically for DMH practitioners and facilities.

Representative Taylor's motion that the Subcommittee receive for information the agency's recommendation to consider amending the statutory subsection created by Section 6 of Act 65 of 2019, which amended Section 44-53-360(j) to require practitioners to electronically prescribe controlled substances unless exempted from the subsection, to add an exemption specifically for DMH practitioners and facilities.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

- V. Representative Taylor moves that the Subcommittee report include a recommendation that the General Assembly consider amending S.C. Code Ann. § 44-22-40 to make the priority list of people who may provide substitute consent consistent with recent changes to the priority list of relationships in S.C. Code § 44-66-30 (Adult Healthcare Consent Act).

Representative Taylor's motion that the Subcommittee report include a recommendation that the General Assembly consider amending S.C. Code Ann. § 44-22-40 to make the priority list of people who may provide substitute consent consistent with recent changes to the priority list of relationships in S.C. Code § 44-66-30 (Adult Healthcare Consent Act).	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

- VI. Representative Taylor moves that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 15-78-10 et seq. (Tort Claims Act) to provide the same limits on the tort liability of contractors providing services on behalf of state agency, as those in existence for state agencies.

Representative Taylor's motion that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 15-78-10 et seq. (Tort Claims Act) to provide the same limits on the tort liability of contractors providing services on behalf of state agency, as those in existence for state agencies.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

- VII. Representative Wooten moves that the Subcommittee report include a recommendation that the Department of Mental Health collaborate with the Office of the Attorney General and the

criminal defense bar to review the amendments to S.C. Code Ann. §44-48-10 et seq. (Sexually Violent Predator Act) in Senate Bill 797, as introduced in 2019.

Representative Wooten's motion that the Subcommittee report include a recommendation that the Department of Mental Health collaborate with the Office of the Attorney General and the criminal defense bar to review the amendments to S.C. Code Ann. §44-48-10 et seq. (Sexually Violent Predator Act) in Senate Bill 797, as introduced in 2019.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

VIII. Representative Wooten moves that the Subcommittee report include a recommendation that the Department of Mental Health provide to the Subcommittee a summary of suggested changes to the Senate Bill 797, as introduced in 2019, if any, based on that input (See Section VII above).

Representative Wooten's motion that the Subcommittee report include a recommendation that the Department of Mental Health provide to the Subcommittee a summary of suggested changes to the Senate Bill 797, as introduced in 2019, if any, based on that input (See Section VII above).	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

IX. Representative Taylor moves that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 44-23-430, regarding commitments of

defendants for treatment services to restore capacity to stand trial, to allow for restoration in a place other than an inpatient facility, if appropriate.

Representative Taylor's motion that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 44-23-430, regarding commitments of defendants for treatment services to restore capacity to stand trial, to allow for restoration in a place other than an inpatient facility, if appropriate.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

- X. Representative Taylor moves that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 44-23-430, regarding defendants found to lack capacity to stand trial and further found to be unlikely to be able to be restored, to allow at least 180 days for defendants to be restored..

Representative Taylor's motion that the Subcommittee receive for information the agency's recommendation to consider amending S.C. Code Ann. § 44-23-430, regarding defendants found to lack capacity to stand trial and further found to be unlikely to be able to be restored, to allow at least 180 days for defendants to be restored.	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Robert Ridgeway			✓	
Rep. Bill Taylor	✓			
Rep. Chris Wooten	✓			
Rep. Jay West	✓			

XI. There being no further business, the meeting is adjourned.