CALL TO ORDER
The June 4, 2009, meeting of the South Carolina Mental Health Commission was called to order at 10:35 a.m., by Alison Y. Evans, PsyD, Chair, at the Greenville Mental Health Center, 124 Mallard Street, Greenville, South Carolina. The Reverend Thomas J. Sloan, member of the Greenville Mental Health Center Board, delivered the invocation. Dr. Evans thanked Dr. Al Edwards and the staff of the Greenville Mental Health Center for all the courtesies extended to the Commission during its visit.

INTRODUCTION OF GUESTS
Dr. Evans acknowledged Commissioner Moore’s granddaughter as being in attendance at today’s meeting. No other guests were acknowledged.

APPROVAL OF MINUTES
Dr. Everard Rutledge moved to approve the minutes of the May 7, 2009 Mental Health Commission Meeting. The motion was seconded by Mr. Buck Terry. All voted in favor; motion carried.

MONTHLY REPORTS
• Patient Protection Reports/Client Advocacy Report
Mr. Magill asked Mark Binkley to address any pertinent issues from the Patient Protection Reports. Mr. Binkley said DMH Public Safety has an investigator whose primary responsibility is to investigate allegations of abuse and neglect involving children, primarily at Hall Institute. The State Law Enforcement Division (SLED) investigates allegations of abuse and neglect of adult patients. A backlog was developing of investigations at Hall due to an extended illness of the investigator, who has since retired. Public Safety has assigned a new investigator for these cases, Rayford Miller. Mr. Miller has completed the investigations of six of the pending eight cases during the past month.

Mr. Binkley said that SLED investigations continue to make progress in being completed. There are 15 pending cases for the month of May. This number is small compared to a year ago when the total was approximately 50. Mr. Binkley said that of the 15 outstanding cases, 11 are being investigated by SLED. The others are referred to other agencies for investigation, such as the Long Term Care Ombudsman.
Mr. Binkley presented some information received from a meeting he recently attended. He said that SLED was given the statutory responsibility to investigate cases of abuse and neglect of adults in DMH and the Department of Disabilities and Special Needs (DDSN) in 2006. SLED began these investigations in 2007. Mr. Binkley presented some statistical information prepared by SLED regarding their investigations at DMH and DDSN. Most of the cases of abuse and neglect being investigated by SLED arise from the DDSN system. For example, during the time period covered in the handout, SLED received 38 cases of alleged abuse and neglect from DMH, compared to the 140 from DDSN. The vast majority of the allegations come from DDSN and occur in the community treatment home settings.

Mr. Binkley commented again this month on the new format for the Client Advocacy Report that was presented last month by Rochelle Caton. This new format has proven most helpful.

**Legislative Update**

Ms. Hart gave a brief recap of the status of legislation impacting Mental Health.

**S.390 Mental Health Parity and Addiction Act** – This bill did pass in the General Assembly and became law on June 1.

**H.3199 Behavioral Health Services Act of 2009** – This is the restructure bill that was presumed “dead” for this legislative year. However, the bill was read in the House and is now in Senate Medical Affairs.

**Cigarette Tax** – This bill did pass the House and went to the Senate, where it was amended. The bill then became “favorable with amendment” and will be on the Senate calendar next legislative year. The Legislative Study Committee on Children has had an initial meeting. At this meeting, it was agreed that the ex-officio members would be full voting members.
The Behavioral Health Subcommittee has not met; however, the first meeting should be soon as the membership of the subcommittee has been identified. All the committee members are receiving a vast amount of information to help in the committee’s deliberations. One outside group that has been most influential in providing information is the South Carolina Hospital Association, which has provided much of the emergency room data to be reviewed.

Mr. Magill asked Ms. Hart to begin the Departmental Overview with the current financial update.

Ms. Hart presented a recap of how DMH began the fiscal year and a status to date. When the fiscal year ended June 30, 2008, DMH had a budget of $220 million. With all the cuts received during the year, the Department is now at $176 million. In 1998-1999, DMH’s budget was $178 million. The $176 million takes DMH back to below fiscal 1998-1999 levels.

Ms. Hart said the FY 09/10 State Appropriations Act was ratified by the General Assembly on May 13, 2009. As passed, the Act includes a base reduction of $2.4 million for DMH, and a one-time allocation of $19 million from the Health and Human Services Funding proviso. This proviso creates the Health Care Annualization and Maintenance of Effort Fund, to be used exclusively for health care, funded by unobligated state match funds from the various health agencies resulting from the increase in the Federal Medical Assistance Percentage (FMAP) as part of the federal stimulus funds.

Other provisos that were approved are:

- creation of an Uncompensated Patient Medical Care Fund, which will allow the carry-over of unspent obligated funds for the medical costs of patients who must be admitted to a private hospital;
- Elimination of the requirement that SLED investigate deaths at our veterans’ nursing homes if the coroner rules the death a result of natural
causes; and,

- Allow the DMH to carry forward funds, which are the result of the increased FMAP as part of the American and Recovery Reinvestment Act of 2009 from the current fiscal year.

Ms. Hart said further that the provisions for both voluntary and mandatory furloughs have been retained for next year. Employees can take up to 90 days of voluntary furlough; agency heads can institute mandatory furloughs and exempt certain pay bands or classes of employees providing direct patient care. Also, the proviso to eliminate the Teacher and Employee Retention Incentive (TERI) Program did not pass.

Mr. Magill commented that the carry forward deficits at the mental health centers were easier to handle for the agency. Inpatient deficits will be more difficult to control, and the only way to accomplish this is with a major downsizing of the organization, which is not something DMH wants to do at this time.

Concerning the current operating forecast, Ms. Hart said that the forecast shows the agency having a $1.4 million deficit as of April 30. There is a slight increase in patient revenues. Also, Inpatient Services is showing a deficit of $11 million. The mental health centers are doing a much better job, overall, of managing their deficits, and will end the year with a $7.7 million surplus. Ms. Hart said that Medicaid reimbursement has continued a downward trend.

Mr. Binkley reported that progress is continuing towards readying the property for sale. The Department of Health and Environmental Control DHEC has responded to the DMH work plan concerning further testing for environmental impact. Currently, both agencies are in communication regarding this. The broker, NAI Avant, has reported there has been continuing interest in the property from large and small developers.
Mr. Magill said that the second class of the Executive Leadership Training will be on July 30 and July 31. This will be a one day (four hours each day) retreat and the class and facilitators will be a little larger than the first class. All the candidates from the first class will be facilitators this year. The 2009 candidates for the Executive Leadership Training are:

Harvey Miller - Bryan Acute Hospital  
Valerie Perkins - Internal Audit  
Melanie Gambrell - Beckman Mental Health  
Debbie Blalock - Charleston Mental Health  
Alan Powell - Office of General Counsel  
Paul Cornely - Catawba Mental Health  
Ligia Latiff-Bolet - Quality Management  
Kevin Hoyle - Anderson-Oconee-Pickens Mental Health

Mr. Magill said that if any member of the Commission would like to attend any of the sessions, to please let his office know and it will be arranged.

Mr. Magill briefed the Commission on several other items not listed in the agenda.

- Outstanding Employee – Mr. Magill said that this year’s celebration was by far one of the best attended that he has seen. He explained the process that the committee undertakes to select an Outstanding Employee, not just from each separate division/center/facility, but the overall DMH Outstanding Employee. As the Commission heard previously, this year’s winner is from Greenville Mental Health, Mary Kay Campbell.

- On Monday, June 1, the Columbia Chamber of Commerce hosted the Covenant signing of the Returning Veterans Policy Academy. The signing of this document indicates the state’s commitment to acknowledge the contributions of its veterans, and to identify better
access to services for the veterans returning from the wars in Iraq and Afghanistan, and their families. Mr. Magill said this event was very well attended. Present were representatives from other state agencies, legislators, city officials, as well as the father of the first Iraq soldier from South Carolina killed in battle. All those who attended the ceremony said it was very well done and very moving.

- Telepsychiatry – Dr. Bank said that as of today, telepsychiatry is active in five emergency rooms and approximately 125 live consultations have been done. This service is now available in emergency rooms that are in rural locations. On one day, 13 live consults were performed. Dr. Bank said that reimbursement is being tracked. He also said that four to six additional emergency rooms are being planned for telepsychiatry by the Fall. One additional hospital, Springs Memorial, will be on line next Monday. Mr. Magill is hopeful that the Duke Endowment will give DMH the year three money now. He feels confident that this will occur as the Duke Endowment has been pleased with the results thus far.

- Blue Cross/Blue Shield Foundation Ceremony in Orangeburg – Mr. Magill said that the Blue Cross/Blue Shield Foundation presented two checks, each totaling $100,000, to DMH to put School-based counselors in rural areas of Orangeburg. The Blue Cross Foundation Chairman said he feels the Foundation has made an excellent investment in schools by investing in the School-based Program.

- Mr. Magill said that after the Commission Meeting today will be a modified regional meeting of the centers and hospitals in this region. The reasons for this meeting are to look at utilization of Harris, the emergency room situation in the hospitals in the upstate, the impact of the telepsychiatry program, and the relationship with the Greenville Hospital System. Mr. Magill would like to hold these types of meetings in other parts of the state as well.

- Mr. Magill said that recently there was a meeting in Columbia that addressed housing opportunities for clients coming from the hospital.
The Department is working with Palmetto Health, Lexington Medical Center, Lexington/Richland Alcohol and Drug Abuse Commission (LRADAC) to develop a project to give DMH the beds needed to meet this need. Mr. Magill said that Geoff Mason is chair of a committee that is providing data to review the options for the clients going into the community. With the closure of the CRCF homes, it was felt that an alternate placement is needed for people who are in enhanced CRCF’s, to step them down, and move those individuals into a higher level of care.

Mr. Binkley said that with the closure of Peachtree Manor in Fairfield County due to the facility’s numerous problems, DHEC’s Health Licensing staff began a process of reviewing their agency’s enforcement of CRCF regulations. DHEC recently held a meeting to present the changes they have made as a result of their internal review. They presented a new, additional resident-focused inspection process. When DHEC goes to a facility for a resident-focused inspection, they look at items that directly affect the quality of life of residents, such as making sure the care plan is being followed. Based on a facility’s track record of compliance or non-compliance, DHEC will determine whether a facility will receive the resident-focused inspections and the frequency of these inspections. Mr. Binkley said that this may have an impact on the smaller types of facilities utilized by DMH clients remaining in business. Since January 2008, there was a net loss of 125 beds from these facilities and there may be more.

Mr. Terry commented that this new resident-focused inspection will have an adverse affect on the DMH system. He further stated that the back-up in DMH’s inpatient system will definitely increase.

Dr. Edwards said that Greenville Mental Health Center does not use CRCF facilities; however, it took many years (approximately 15 years) and community partnerships to accomplish this. He feels it can be done,
but takes time and resources.

NOTICE/AGENDA

A notice and agenda of the meeting were posted and notification of the meeting was sent to all individuals and news media who requested notification, in accordance with state law.

ADJOURNMENT

At 11:35 p.m., on a motion by Joan Moore, seconded by Buck Terry, the Commission entered into executive session to receive legal advice concerning a potential claim. Upon reconvening in open session at 11:55 a.m., it was noted there was only information received; no votes were taken. The meeting was formally adjourned at 12:00 p.m.

ATTENDANCE

Alison Y. Evans, PsyD, Chair  J. Buxton Terry
Jane B. Jones  Everard Rutledge, PhD
Joan Moore, Vice Chair

Staff/Guests

John H. Magill  Thomas Sloan  Al Edwards, MD
Neil Caldwell  Gayle Peek  Ken McColl
Judy Bishop  Denny Young  Clint Bryant
Kelly C. Adams  Debra Dinolfo  Robert Nelson
Lee Rogers  Julia Mullen  Mary Kay Campbell
Walt McCain  John Fletcher  Allen McEniry
Melanie Gambrell  Michele Murff  Geoff Mason
Kevin Hoyle  Shanna Amerson  Bill Lindsey
Daniel Craft  Versie Bellamy  Mark Binkley
Robert Bank, MD  Brenda Hart  Thomas Faulkner

APPROVALS

Alison Y. Evans, PsyD, Chair  Connie Mancari, Recording Secretary