

ABSTRACT

2021 Mental Health Legislation

HB 1063

An Act to make an appropriation to contract for mental health insurance for certain first responder organizations and to declare an emergency.

Description:

The bill would have appropriated \$150,000 from the General Fund to the South Dakota Firefighters Association for the purposes of contracting to provide mental health insurance for volunteer members of first responder organizations for the State of South Dakota. Such insurance would have covered volunteer members of 1) Fire suppression organizations; 2) emergency medical services, including medical technicians and paramedics; and, 3) organizations providing emergency dispatch services to any eligible organization as listed. Insurance would have provided a minimum of ten thousand dollars coverage per covered volunteer for a minimum of three years. At the end of the contract funded by the appropriation, the South Dakota Firefighters' Association, or the covered entities would have been responsible for any financial obligations for continuing or establishing new coverage for mental health insurance.

Source:

Sponsored by Rep. Milstead.

Status:

First Reading 1/19; Referred to House Commerce and Energy. 2/5 Commerce and Energy Referred as Amended to House Committee on Appropriations (with a Do Pass Recommendation, Passed, 13-0. 2/23 Committee on Appropriations Motion to Amend, Passed. 2/23 Committee on Appropriations Do Pass Amended, Passed, 9-0. 2/25 House of Representatives Tabled, Passed, 60-7.

Comment:

This legislation arose as a recommendation of the "Mental Health of First Responders Task Force", which convened during the summer of 2020. The appropriation would have been used to provide EAP and mental health insurance to volunteer first responders through Provident. The SD Firefighters Association would have managed the contracts for the coverage. The bill was supported by Insurance Benefits Inc., SD Emergency Medical Services Association, SD Firefighters Association, Fire Chaplains Association, SD Sheriff's Association, SD Municipal League, Independent Insurance Agents of SD, Provident, and Fischer Rounds & Associates. It was opposed by the Bureau of Finance and Management. The tabling motion that killed the bill came by surprise, but was supported by the bill sponsor. It was determined that funding to support the proposal could be attained through the fire insurance premium tax derived through SB 149 rather than tapping the General fund.

Disposition:

Measure Failed

HB 1064

An Act to make an appropriation for and the establishment of peer support and critical incident stress management training for first responder organizations, and to declare an emergency.

Description:

The bill appropriated \$200,000 to the Department of Public Safety to create an endowment to provide ongoing moneys for the "Heroes Wellness Grant", to be called the Heroes Wellness endowment, held in trust and vested with the South Dakota Community Foundation, and administered by the Department of Public Safety. It also appropriated \$50,000 to the Department of Public Safety to initially fund the grant program. The

Secretary of Public Safety is required to provide grants to eligible applicants for the purpose of creating, establishing, and developing first responder peer support programs and first responder critical incident stress management programs that are, or similar to those, developed by the International Critical Incident Stress Foundation, Inc. The bill also established eligibility, application, and review criteria.

Source:

Sponsored by Rep. Milstead.

Status:

First Reading 1/19; Referred to House Health and Human Services. 1/28 Health and Human Services, Referred to Joint Committee on Appropriations (with a Do Pass Recommendation), Passed, 11-0. 2/23 Committee on Appropriations Motion to Amend, Passed. 2/23 Committee on Appropriations Do Pass Amended, Passed, 9-0. 2/25 House of Representatives Motion to Amend, Passed. 2/25 House of Representatives Do Pass Amended, Passed, 67-0. First Reading 3/1; Referred to Senate Committee on Appropriations. 3/3 Committee on Appropriations Do Pass, Passed, 7-0. 3/8 Senate Do Pass Amended, Passed, 34-0. 3/9 House of Representatives Concurred in Amendments, Passed, 66-0. 3/10 Signed by the Speaker. 3/11 Signed by the President. 3/11 Delivered to the Governor. 3/25 Signed by the Governor.

Comment:

The legislation arose as a recommendation of the “Mental Health of First Responders Task Force”, which convened during the summer of 2020. It was supported by a broad representation of individual first responders, SD Emergency Medical Services Association, SD Sheriff’s Association, SD Joint Fire Council, and SD Municipal League.

Disposition:

Measure Passed

HB 1077

An Act to provide for licensure by endorsement for certain licensed professionals and occupations.

Description:

The bill amended SDCL Chapter 36-1C to require licensing boards operating under the authority of Title 36, notwithstanding any existing provisions already in place, to implement a licensure by endorsement process to simplify and facilitate interstate licensure reciprocity. Conditions that must be met to satisfy licensure by endorsement are enumerated in the Act. The bill also amended SDCL Chapter 36-1C to authorize licensing boards to issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement as determined by the board. Nothing in the Act may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession under title 36. Provisions of the Act applied to those practitioners licensed pursuant to a wide range of Chapters under Title 36, including, among others, those regulating physicians, physician assistants, certified nurse practitioners, occupational therapists, RNs/LPNs, social workers, psychologists, counselors, marriage and family therapists, and addiction and prevention professionals.

Source:

Introduced by the Committee on State Affairs at the request of the Governor.

Status:

First Reading 1/22; Referred to House State Affairs. 1/27 State Affairs Do Pass Amended, Passed, 13-0. 2/1 House of Representatives Do Pass Amended, Passed, 67-3. First Reading 2/2; Referred to Senate Commerce and Energy. 2/9 Commerce and Energy Do Pass, Passed, 8-0. Placed on Consent Calendar. 2/10 Senate Do Pass, Passed, 34-1. 2/11 Signed by the Speaker. 2/16 Signed by the President. 2/17 Delivered to the Governor. 2/23 Signed by the Governor.

Comment: This measure was modeled after code that was recently implemented by the SD Board of Examiners for Counselors and Marriage and Family Therapists. It was brought by the Governor to help remove barriers related to recruiting and hiring health professionals who are licensed and practicing in other jurisdictions. The bill was supported by a broad base of interests including Americans for Prosperity, Avera Health, SD Academy of Physicians Assistants, Sanford Health, SD Medical Association, SDAHQ, SD Funeral Directors Association, and SD Health Care Association. The SDCCBH supported this bill.

Disposition: **Measure Passed**

HB 1151 **An Act to create a peer support services program.**

Description: The bill would have required the Department of Social Services to establish a program to provide peer support services. In doing so, the department would have been required to promulgate rules in accordance with SDCL Chapter 1-26 to regulate and set standards for peer support specialists and otherwise implement the provisions of the Act. The Act would have required that funding for the program be budgeted and expended through the General Appropriations Act, pursuant to SDCL Chapter 4-7.

Source: Sponsored by Rep. Reed.

Status: First Reading 1/28. 2/2 Referred to House Health and Human Services. 2/9 Health and Human Services Referred to House Committee on Appropriations (with Do Pass Recommendation), Passed, 7-6. 2/17 Committee on Appropriations Motion to [Amend](#), Passed. 2/23 Committee on Appropriations Tabled, Passed, 7-2.

Comment: This bill tracked with recommendations that arose from previous legislative summer studies including the “Community Services and Supports” Legislative Task Force (2019) and the “Mental Health Services Delivery” Legislative Task Force (2020). The SDCCBH supported the measure.

Disposition: **Measure Failed**

HCR 6008 **A CONCURRENT RESOLUTION, To authorize the Mental Health Services Delivery Task Force for the limited purposes of monitoring the growth and development of current initiatives in the delivery of mental health services, reviewing and proposing adjustments to the levels of funding, and ensuring that the statutory and regulatory framework complements intended outcomes.**

Description: The resolution directed the Executive Board of the Legislative Research Council to reappoint the members of the 2020 interim task force on the delivery of mental health services and authorize the task force to meet no more than two days during the 2021 interim in order to monitor the growth and development of current initiatives in the delivery of mental health services, review and propose adjustments to the levels of funding for the initiatives, and ensure the statutory and regulatory framework within which such services are delivered complements the intended outcomes for the state and its residents. The task force was required to prepare and present a final report regarding the work directed by the resolution to the Executive Board of the Legislative Research Council on or before December 1, 2021.

Source: Sponsored by Rep. Kevin Jensen.

Status: First Reading 2/4. 2/8 Referred to House Health and Human Services. 2/18 Health and Human Services Adopt Resolution, Passed, 12-0. 2/22 House of Representatives Adopt

Resolution, Passed, 67-1. First Reading 2/23; Referred to Senate Health and Human Services. 3/1 Health and Human Services Adopt Resolution, Passed, 6-0. Senate Concurred Resolution, Passed, 35-0.

Comment: The SDCCBH generally supported the measure.
Disposition: **Measure Passed**

HCR 6012 **A CONCURRENT RESOLUTION, To encourage the Executive Board of the Legislature to reauthorize the Mental Health of First Responders Task Force Interim legislative study.**

Description: The resolution recommended to the Executive Board of the Legislature the reauthorization of the Mental Health of First Responders Task Force legislative study to address the mental health needs and challenges facing first responders and to report on the implementation HB 1064 to the Legislature.

Source: Sponsored by Rep. Cwach.

Status: First Reading 2/25; Referred to House Health and Human Services. 3/1 Health and Human Services Adopt Resolution, Passed, 11-1. 3/3 House of Representatives Adopt Resolution, Passed, 63-6 First Reading in Senate 3/4; Referral to Committee Waived Pursuant to JR 6D-1. 3/8 Senate Motion to Amend Resolution, Passed. 3/8 Senate Concurred in Resolution as Amended, Passed, 35-0. 3/9 House of Representatives Concurred in Amendments, Passed, 66-2.

Comment: The resolution sought to continue the efforts of the interim study for another year.
Disposition: **Measure Passed**

SB 34 **An Act to make an appropriation to expand rural access to broadband services and to declare an emergency.**

Description: The bill appropriated \$75 million from the General Fund to the Governor's Office of Economic Development for purposes of expanding broadband throughout the state of South Dakota.

Source: Introduced by the Committee on Appropriations at the request of the Governor's Office of Economic Development.

Status: First Reading 1/12; Referred to Senate Commerce and Energy. 1/26 Commerce and Energy Referred to Joint Committee on Appropriations (with a Do Pass Recommendation), Passed, 8-0. 2/25 Committee on Appropriations Motion to Amend, Passed. 3/2 Committee on Appropriations Do Pass Amended, Passed, 13-5. 3/3 Senate Do Pass Amended, Passed, 34-0. First Reading in House 3/4; Referral to Committee Waived Pursuant to JR 6D-1. 3/8 House of Representatives Do Pass Amended, Passed, 52-16. 3/9 Signed by the President. 3/10 Signed by the Speaker. 3/11 Delivered to the Governor. 3/25 Signed by the Governor.

Comment: This bill was part of the Governor's plan to increase statewide access to broadband services. The bill was ushered by the Governor's Office of Economic Development and the Bureau of Information and Telecommunications. It enjoyed a broad base of support including SD Telecommunications Association, SD Farm Bureau, SDAHO, AARP, National Federation of Independent Businesses, SD Association of Cooperatives, and Farm Credit Services.

Disposition: **Measure Passed**

SB 35

An Act to make an appropriation to implement provisions concerning the legalization, regulation, and taxation of marijuana, and to declare an emergency.

Description:

The bill appropriated the total sum of \$4,161,502 from the General Fund to the Department of Revenue and the Department of Health for purposes of implementing the provisions contained in Constitutional Amendment A and for purposes of implementing the provisions contained in Initiated Measure 26 (IM-26).

Source:

Introduced by the Committee on Appropriations at the request of the Department of Revenue.

Status:

First Reading 1/12; Referred to Senate State Affairs. 2/17 State Affairs Referred to Joint Committee on Appropriations (with an affirmative recommendation), Passed, 8-0. 2/25 Committee on Appropriations Do Pass Amended, Passed, 15-1. 3/3 Senate Do Pass Amended, Passed, 31-4. First Reading in House 3/4; Referral to Committee Waived Pursuant to JR 6D-1. 3/8 House of Representatives Do Pass Amended, Passed, 58-9. 3/9 Signed by the President. 3/10 Signed by the Speaker. 3/11 Delivered to the Governor. 3/21 Signed by the Governor.

Comment:

This legislation was introduced in anticipation of the requirement to implement the provisions of Amendment A and IM-26, both of which were initiatives approved by the electorate in conjunction with the 2020 General Election ballot. These initiatives related to the legalization of recreational marijuana and medical marijuana, respectively.

Disposition:

Measure Passed

SB 96

An Act to revise certain provisions regarding the use of telehealth technologies.

Description:

The bill amended SDCL 34-52-1 to remove certain exclusions from the definition of “Telehealth”, to include the exclusion related to the delivery of health care services through audio-only telephone. Removal of these exclusions technically included them as authorized telehealth modalities. It also amended SDCL 34-52-3 to remove the requirement for a prior provider patient relationship. It did this while preserving the requirement that any health care professional who utilizes telehealth must ensure that a proper provider-patient relationship is established. It added “utilizing technology sufficient to evaluate or diagnose and appropriately treat a patient for the condition as presented in accordance with the applicable standards of care” to the list of criteria necessary for establishing a proper relationship.

Source:

Introduced by the Committee on Health and Human Services at the request of the Office of the Governor.

Status:

First Reading 1/22; Referred to Senate Health and Human Services. 2/1 Health and Human Services Do Pass, Passed, 7-0. Placed on Consent Calendar. 2/2 Senate Do Pass, Passed, 34-0. First Reading 2/3. 2/8 Referred to House Health and Human Services. 2/18 Health and Human Services Do Pass, Passed, 12-0. 3/1 House of Representatives Do Pass, Passed, 64-5. 3/2 Signed by the President. 3/2 Signed by the Speaker. 3/3 Delivered to the Governor. 3/9 Signed by the Governor.

Comment:

The measure was brought forward by Governor Noem to remove statutory impediments that would block continuation of telehealth flexibilities originally implemented during the COVID-19 pandemic. While this bill did not assure private third-party insurance reimbursement for such services, it did signal the state’s intention to continue to support audio-only services. The SDCCBH supported this measure. The bill was also supported

by Avera Health, SD Academy of Physician Assistants, SD Health Care Association, Sanford Health, SDAH0, Americans for Prosperity, AARP, and Teledoc Health.

Disposition: **Measure Passed**

SB 144

An Act to make an appropriation to provide for a crisis stabilization unit and to declare an emergency.

Description: The bill appropriated \$4.6 million from the General Fund for purposes of providing the moneys to Pennington County to develop and build a crisis stabilization unit to serve as an appropriate regional facility serving western South Dakota.

Source: Sponsored by Sen. Duhamel.

Status: First Reading 1/28; Referred to Senate Health and Human Services. 2/3 Health and Human Services Referred to Joint Committee on Appropriations (with a Do Pass Recommendation, Passed, 7-0. 3/2 Committee on Appropriations Do Pass, Passed, 15-3. 3/3 Senate Do Pass, Passed, 33-1. First Reading in House 3/4; Referral to Committee Waived Pursuant to JR 6D-1. 3/8 House of Representatives Do Pass, Passed, 60-8. 3/9 Signed by the President. 3/10 Signed by the Speaker. 3/11 Delivered to the Governor. 3/25 Signed by the Governor.

Comment: The bill was brought at the behest of the Pennington County Sheriff's Office on behalf of the West River Behavioral Health Coalition. It was supported by Behavioral Management Systems and in concept by the SDCCBH. It was opposed by the Bureau of Finance and Management.

Disposition: **Measure Passed**

SB 173

An Act to revise certain provisions related to competency hearings.

Description: The bill amended SDCL 23A-10A-14 to authorize a court to dismiss criminal charges against a defendant, if the court finds that there is no substantial probability that the defendant will become competent to proceed in the foreseeable future. If the director of the facility determines there is probable cause to believe that the defendant is a danger to self or others if released, the director is required to include the basis for that determination in the report and may recommend that the prosecutor file a petition for civil commitment proceedings. The bill also amended SDCL 23A-10A-15 to impose the same detention processes and requirements upon defendants charged with a Class C felony, who have been determined to be incompetent to proceed with court actions, as is presently in place for defendants of Class A and B felonies.

Source: Sponsored by Sen. Wheeler.

Status: First Reading 2/2; Referred to Senate Judiciary. 2/23 Judiciary Motion to Amend, Passed. 2/23 Judiciary Do Pass Amended, Passed, 6-1. 2/25 Senate Do Pass Amended, Passed, 32-1. First Reading 3/1; Referred to House Judiciary. 3/3 Judiciary Do Pass, Passed, 11-2. 3/4 House of Representatives Do Pass Amended, Passed, 64-4. 3/8 Signed by the President. 3/9 Signed by the Speaker. 3/10 Delivered to the Governor. 3/25 Signed by the Governor.

Comment: The bill was brought by the prime sponsor to put South Dakota code regarding competency for DD/ID subjects more in line with federal case law, Jackson v. Indiana in particular. This case law upholds that persons who cannot be adjudged to be competent to stand trial may not be held indefinitely.

Disposition: **Measure Passed**

SB 186

An Act to make an appropriation for behavioral health and mental health service support in crisis stabilization and to declare an emergency.

Description:

The bill appropriated from the general fund the sum of \$3,000,000 to the Department of Social Services, for purposes of providing grants to the City of Sioux Falls to support behavioral and mental health services in crisis stabilization.

Source:

Sponsored by Sen. Curd.

Status:

First Reading 2/3; Referred to Senate Health and Human Services. 2/10 Health and Human Services Referred to Joint Committee on Appropriations (With a Do Pass Recommendation), Passed, 7-0. 2/24 Committee on Appropriations Do Pass, Passed, 14-4. 3/1 Senate Do Pass, Passed, 34-1. First Reading in House 3/4; Referral to Committee Waived Pursuant to JR 6D-1. 3/8 House of Representatives Do Pass, Passed, 59-10. 3/9 Signed by the President. 3/10 Signed by the Speaker. 3/11 Delivered to the Governor. 3/25 Signed by the Governor.

Comment:

The bill was brought at the behest of Mayor TenHaken, Sioux Falls to fund the “The Link”. It was supported by Avera Health, Sanford Health, Minnehaha County Commission, Greater Sioux Falls Chamber of Commerce, and SD Medical Association. The SDCCBH conceptually supported the measure in promotion of regional crisis intervention services.

Disposition:

Measure Passed