

EXECUTIVE ORDER NO.

2022-02

WHEREAS, despite the diligent efforts of parents, teachers, and school administrators, it is axiomatic that the 2019 Novel Coronavirus (“COVID-19”) pandemic has negatively impacted the mental health and social and emotional wellbeing of many students and children in South Carolina; and

WHEREAS, according to recent studies, mental-health-related emergency department visits among adolescents increased by 31% in 2020, as compared to 2019, and in February and March of 2021, emergency department visits for suspected suicide attempts were 51% higher among girls between the ages of 12 and 17 than during the same period in 2019; and

WHEREAS, the Department of Mental Health (“DMH”) employs master’s level mental-health clinicians to provide mental-health assessment, intervention, and treatment services on site in South Carolina’s public schools (“School Mental Health Services Program”); and

WHEREAS, DMH has reported that it currently provides mental-health clinicians through the School Mental Health Services Program to fewer than 50% of the State’s public schools; and

WHEREAS, DMH has also indicated that over 80% of children receiving services under the School Mental Health Services Program are funded through the Medicaid program; and

WHEREAS, after accounting for any available and applicable insurance coverage, DMH “balance bills” families for any additional or remaining costs associated with services provided to a student, which may disincentive utilizing the School Mental Health Services Program; and

WHEREAS, the State must ensure that its investment in the mental health and wellbeing of South Carolina’s children is readily available to, and fully accessible by, those children and families in need of such services; and

WHEREAS, in view of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate for the State to take proactive action to analyze and evaluate the

mental-health services provided to South Carolina's children, particularly in the State's schools, and to consider and explore any opportunities to improve the same; and

WHEREAS, article IV, section 17 of the South Carolina Constitution provides that “[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements”; and

WHEREAS, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to “call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare”; and

WHEREAS, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that “[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities”; and

WHEREAS, for the aforementioned and other reasons, the undersigned has determined that it is necessary and appropriate for the State to conduct a comprehensive review and analysis of DMH's School Mental Health Services Program, which shall include evaluating those services currently provided, identifying any barriers to access, considering any opportunities for improvement, and determining the most effective manner in which to utilize existing funds and any additional funds or resources that may be available.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Review of School Mental Health Services Program

A. I hereby authorize and direct the Department of Health and Human Services (“DHHS”) to perform a comprehensive review and analysis of the DMH's School Mental Health Services Program, which shall, *inter alia*, assess the availability of such services to children in the State's schools, identify any barriers to access, and determine the most effective manner in which to utilize existing funds and any additional funds or resources that may be available. DHHS shall provide recommendations it deems appropriate for improving the School Mental Health Services Program.

B. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby direct DMH to cooperate with, accommodate, and assist DHHS in conducting the aforementioned review and analysis and to provide DHHS with any and all data, information, documents, or materials requested by DHHS in connection with the same.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order 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 Order, as the undersigned would have issued this Order, 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.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 12th DAY OF
JANUARY, 2022.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State