

## **SECTION BY SECTION EXPLANATION OF HSB 662/SSB3140**

- Section 1** – Eliminates the term “chief” as it relates to the administrator of the various divisions of the Department of Inspections and Appeals (DIA).
- Section 2** – Moves social and charitable gambling responsibilities from the Inspections Division to the Powers and Duties of the Director. A part of the internal restructuring of DIA.
- Section 3** – Strikes out-dated language requiring targeted small business certification rules to be reviewed and approved by the Department of Management (DOM). DOM is in agreement with this change.
- Section 4** – Eliminates the Audits Division and creates the Child Care Division. A result of the internal restructuring of DIA and a transfer of child-related functions from the Department of Human Services (DHS).
- Section 5** – Technical correction related to referencing sections administered by DIA. Also provides flexibility for the Director to maximize departmental resources and improve efficiency of operations.
- Section 6** – Eliminates the term “chief investigator” as it relates to the administrator of the Investigations Division of DIA.
- Section 7** – Adds audit functions and record check evaluations to the Investigations Division and strikes out-dated language. A result of the internal restructuring of DIA, DHS restructuring, and cleaning up Code language to reflect current activities.
- Section 8** – Eliminates the term “chief inspector” as it relates to the administrator of the Inspections Division of DIA.
- Section 9** – Moves the social and charitable gambling responsibility to the Director and clarifies what categories of inspections are conducted by the Inspections Division. A result of the internal restructuring of DIA.
- Section 10** – Eliminates the term “chief administrator” as it relates to the administrator of the Health Facilities Division.
- Section 11** – Adds program responsibilities from DHS to the Health Facilities Division and moves inspections related to child foster care facilities out of the Health Facilities Division to the newly created Child Care Division
- Section 12** – Eliminates the term “chief administrative law judge” as it related to the administrator of the Administrative Hearings Division.

**Section 13** – Technical correction.

**Section 14** – Strikes language related to the authority for personnel actions of administrative law judges. This would put these actions under the authority of the Director of DIA, as with other DIA staff and allow greater flexibility for the Director to maximize departmental resources and improve efficiency of operations.

**Section 15** – Creates the Child Care Division within DIA with child-related inspection, investigation, record checks, evaluations, licensing, registration and accreditation activities being transferred from DHS and from within DIA.

**Section 16** – Technical action for the Code Editor.

**Section 17** - Repeals the Audits Division. This is a result of the DIA internal restructuring.

**Sections 18 and 19** – Related to the transfer of record check and evaluation responsibilities from DHS to DIA.

**Section 20** – Gives the Department of Inspections and Appeals authority to access and utilize the Single Contact Repository for purposes of conducting record checks and evaluations for persons subject to regulation by DIA.

**Section 21** – Transfers the responsibility for conducting record checks and evaluations for psychiatric medical institutions for children (PMIC) from DHS to DIA.

**Section 22** – Gives DIA access to child abuse registry information for the purposes of conducting record checks and evaluations for persons subject to regulation by DIA.

**Section 23** – Gives DIA access to dependent adult abuse registry information for the purposes of conducting record checks and evaluations for persons subject to regulation by DIA.

**Section 24** - Transfers the responsibility for conducting record checks and evaluations for child foster care facilities from DHS to DIA.

**Sections 25 and 26** - Transfers the responsibility for conducting record checks and evaluations for child care centers and homes from DHS to DIA.

**Section 27** – Transfer the responsibility for conducting record checks and evaluations for mental health, mental retardation, and developmental disabilities providers from DHS to DIA.

**Section 28 through Section 35** – Transfers the responsibility for accreditation and accreditation reviews of community mental health centers, services and programs from DHS to DIA.

**Sections 36 and 37** – Transfers the responsibility for approving juvenile detention and shelter care homes from DHS to DIA. Currently DIA has the responsibility for inspecting these homes.

**Section 38 through Section 51 and Section 66 through Section 82** – Transfers the responsibility licensing or registering group foster care facilities, child placing agencies, and adoption investigators from DHS to DIA. Currently DIA has the responsibility for inspecting these facilities and agencies. Maintains the responsibility for licensing family foster homes with DHS.

**Section 52 through Section 65** – Transfers the responsibility for child care facilities (centers and homes) inspections, licensing/registration, and record checks and evaluations from DHS to DIA.

**Section 83 through Section 86** – Transfers responsibility for child abuse prevention program from DHS to Department of Public Health.

**Sections 87 and 88** – Relates to the elimination or transfer of services at the State Mental Health Institute at Mount Pleasant. Makes the actions effective upon enactment.

**Section 89** – Increases the membership on the Personal Assistance and Family Support Services (PAFSS) Council to include representation from the Governor's Developmental Disabilities Council and the Statewide Advisory Council on Independent Living Centers. Requires the PAFSS Council to provide direction and guidance to DHS and others on Olmstead ruling activities.

**For questions related to this bill, please contact Kate Walton, Department of Human Services at 281-5452 and John Priester, Department of Inspections and Appeals at 281-4846.**