



FOR IMMEDIATE RELEASE

Settlement to Increase Community-based Mental Health Services in South Carolina

Columbia, South Carolina — Protection and Advocacy for People with Disabilities, Inc. (P&A) and several individuals with disabilities have reached a settlement with the South Carolina Department of Mental Health (SCDMH) resolving a complaint filed in May of 2017. The agreement calls for, among other enhancements, expansion of SCDMH crisis services aimed at preventing involuntary hospitalization; annual increases in SCDMH community supported housing; and the creation of new SCDMH programs to streamline hospital discharge, improve hospitalized patients' preparation for discharge, and reduce hospital lengths of stay by ensuring patients have access to appropriate community resources.

Each of the individual plaintiffs were, at the time of filing, civilly committed to G. Werber Bryan Psychiatric Hospital. They were represented on a pro bono basis by P&A, the Judge David L. Bazelon Center for Mental Health Law, and Nelson Mullins Riley & Scarborough LLP. Their initial complaint alleged that SCDMH was violating Title II of the Americans with Disabilities Act and other federal laws by failing to provide them with the community services and supports which would have allowed them to be discharged from the hospital. SCDMH maintained that it was in compliance with the requirements of the ADA and other federal laws, and pointed to its record of expanding community treatment and support services, including services designed to prevent hospitalization, and its many programs and services designed to assist hospitalized patients transition successfully back to the community.

Because this litigation was, ultimately, aimed at a common goal shared by both SCDMH and P&A – ensuring that individuals with mental illness recover and receive appropriate treatment in the most integrated setting possible – the parties found extensive common ground during the mediation of their dispute, and jointly crafted a settlement agreement to conclude the litigation. The agreement calls for numerous improvements to the South Carolina mental health system, many of which are already in progress:

- The development of a strategic *Olmstead* plan to help the South Carolina Department of Mental Health continuously plan for and assess South Carolina's need for community mental health services, support requests for needed state appropriations, and ensure a timely and appropriate hospital discharge process;
- Streamlining of the hospital discharge process, including the implementation of new Transition Specialist and Discharge Initiative programs to assist hospital patients to achieve expeditious discharge to appropriate community settings;
- The rapid expansion of Community Crisis Response Intervention (CCRI) services, including mobile crisis units, with a goal of statewide CCRI after-hours response services by September 2019;
- The expansion of crisis stabilization programs across the state;
- The expansion of Intensive Community Treatment (ICT) and, where possible, Assertive Community Treatment (ACT) programs across the state;
- The expansion of community housing programs statewide;
- The development of pilot programs to examine the benefit of expanded operating hours at regional Community Mental Health Centers.

SCDMH and P&A have also agreed to continue working together to advocate for other positive enhancements to the state mental health system, including the coverage of ICT and ACT services in the Medicaid State Plan,

(more)

expanded Medicaid reimbursement for peer support services, and the expansion of the Optional State Supplement program to provide more help for SCDMH patients living in community settings. SCDMH and P&A look forward to continuing to work together to fulfill their complementary missions – supporting the recovery of people with mental illnesses and protecting and advancing the legal rights of people with disabilities.

Thornwell Simons, an attorney for P&A, said: “We appreciate the dedication and persistence of the patients who stepped forward to bring this lawsuit. We also appreciate the staff and employees of the South Carolina Department of Mental Health who have, as they worked with us on this agreement, shown their dedication to continuously improving South Carolina’s mental health system. This settlement represents the best possible outcome for patients, families, and the citizens of South Carolina.”

Added Interim State Director of SCDMH Mark Binkley, “This agreement came about because both the Department and P&A want comprehensive public mental health services to be available for any citizen, young or old, wherever they live in South Carolina, whenever they need those services.”

Media Contacts:

Protection and Advocacy for People with Disabilities, Inc.:
Maggie Knowles, (803) 217-6702, Knowles@pandasc.org

South Carolina Department of Mental Health:
Tracy LaPointe (803) 898-8582, tracy.lapointe@scdmh.org

[The South Carolina Department of Mental Health](#) serves approximately 100,000 people with mental illnesses, approximately 30,000 of whom are children and adolescents, per year. SCDMH offers a variety of programs designed to help people with mental health issues find effective treatment in their home communities, providing outpatient services through a network of 17 community mental health centers and numerous clinics. It also operates multiple inpatient hospitals, including one for substance use treatment, one community nursing care center, and three veterans’ nursing homes. The SCDMH system also features telepsychiatry services to provide patients access to a psychiatrist statewide, school mental health services, which give children and their families easy access to needed care, and crisis services, aimed at preventing suicide and other harmful events.

Protection and Advocacy for People with Disabilities, Inc., is the designated Protection and Advocacy system for South Carolina. Since 1977, P&A has been advocating for the rights of people with disabilities in South Carolina. P&A is an independent, statewide, non-profit corporation that protects and advances the legal rights of people with disabilities. In addition to work like this, P&A provides information and referrals, trainings, and legal representation, conducts abuse and neglect investigations, and advocates for policy change. www.pandasc.org

The Judge David L. Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with psychiatric, emotional, developmental, or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

Nelson Mullins Riley & Scarborough LLP is an AmLaw 100 and diversified firm with offices in 11 states and the District of Columbia. Committed to serving the most vulnerable in our society with legal, social, and economic issues through legal service, the Firm engages in complex litigation, policy, and legislative advocacy and provides individual representation to a diverse group of individuals and organizations whose mission is to serve people with limited means. For more information, visit www.nelsonmullins.com.

[Click here to read the settlement.](#)