



2007 Annual Legislative Report

SC Speech Language Hearing Association
by Capitol Consultants, Inc.

Legislative Wrap-up

The first year of the 117th Session of the South Carolina General Assembly adjourned Sine Die on June 29, 2007 and the members have returned to their home districts. This was not an election year for members of the General Assembly; however, due to the death of State Senator Bill Mescher (R-Pinopolis) and the appointment of former Senator Scott Richardson to the Director of the Department of Insurance, there were a few changes in the South Carolina House and Senate. Former Representative Catherine Ceips won the Special Election on June 19, 2007 to fill the seat of Scott Richardson. She is now one of only two women in the South Carolina Senate. Senator Linda Short (D-Chester) is retiring next year. Representative Shirley Hinson lost her bid for the Senate seat left vacant by Senator Bill Mescher; however, she will remain in the SC House of Representatives. The new Senator from that area will be Paul Campbell, an executive with Santee Cooper. The resignation of long time Senator Tommy Moore is certainly a loss in the General Assembly. Senator Moore was highly regarded on both sides of the aisle and will surely be missed. Additionally, Senator John Hawkins (R-Spartanburg) has decided not to run in 2008 and there are many folks already signing up to run for that Senate seat.

Workers Compensation Reform, DOT Reform, a Cigarette Tax increase and the appropriations bill dominated the list of legislative priorities this year. Workers Compensation was agreed upon in Conference Committee in the final days of the Legislative Session and signed by the Governor on June 25, 2007. Department of Transportation Reform was also agreed up in Conference Committee in the final days of Session and signed two days later by the Governor.

The Cigarette Tax is currently on the contested calendar in the South Carolina Senate. After being passed by the House, Senators ran out of time to navigate the contrasting opinions on how the revenue generated by the Cigarette Tax increase should be spent. The version passed by the House would increase the tax by 30 cents per pack and would allocate \$1 million to the Department of Agriculture for research and promotion of healthy lifestyles. The Senate version increases the tax by 45 cents per pack and includes \$90 million dollars for the Health Care Trust Fund.

Legislators sustained only 15 of the Governor's 243 budget vetoes this year. The \$7.4 billion State budget was finished on Friday, June 29, 2007. Of the items the Governor vetoed and the General Assembly ultimately overrode were: \$22 million to expand the eligibility of families in the Children's Health Insurance Program from 150% to 200%, \$15 million for the State Farmers Market in Columbia, \$2.2 million for the State Elections Commission to take over the Republican and Democratic Presidential Preference Primaries in South Carolina and \$5 million for beach renourishment. An additional item of note in this year's budget was the across the board income tax cut and the elimination of the sales tax on groceries that will go into affect in November. This will save taxpayers about \$211 million. Legislators on both sides agreed that this was one of the best budgets they have seen in years.

On a personal note, Capitol Consultants continues to provide the highest quality service to its clients. We were successful in obtaining more than \$22 million in this years' State appropriations bill for our clients. Even though the session has ended, legislative committees and subcommittees remain fairly active. Legislation for the next session is being drafted now. We will keep you up to date on all legislative activity as it happens.

The following is a summation of items reported to you throughout the legislative Session:

Legislation of particular interest to you:

H. 3283

Sponsors: Rep. Davenport

Summary: This bill seeks to enact the "Health Care Freedom of Conscience Act" to provide that health care providers, health care institutions, and health care payers have the right not to participate in or pay for a health care service that violates their conscience, to prohibit discrimination against a health care provider, health care institution, or health care payer for declining to participate in or pay for health care services that violate their conscience, to provide immunity from liability by reason of the health care provider, health care institution, or health care payer declining to participate in or pay for a health care service, and to create a civil cause of action for violations and a minimum award for damages.

Referred to: **Judiciary Committee**

Status Report: Remains in House Judiciary Committee

S. 323

Sponsors: Senator Setzler

Introduced in the Senate on **January 24, 2007**

Summary: A bill to amend the code of laws of South Carolina, to provide that certain Speech-Language Pathologists who have received national certification from the American Speech-Language-Hearing Association and who are employed in a South Carolina public school district shall receive a yearly incentive for the life of the certification, and to provide that these incentives must be paid from funds appropriated by the General Assembly for this purpose.

Referred to: **Senate Judiciary Committee**

Status Report: On 3.20.07, this bill was passed favorably out of the Senate Education Committee. A minority report was added to the bill on the floor of the Senate the following day by Senator Linda Short.

S. 324

Sponsors: Senator McGill

Introduced in the Senate on **January 24, 2007**

Summary: A bill to amend the laws of South Carolina, relating to National Board For Professional Teaching Standards Certification, to provide that teachers who are certified by the National Board For Professional Teaching Standards (NBPTS), but not yet certified by the state, shall receive an increase in pay equal to two-thirds of the amount provided for state-certified teachers who also are NBPTS certified.

Referred to: **Senate Education**

Status Report: passed the Senate. Referred to House Education and Public Works Committee.

S. 608

Sponsors: Senators Hutto, Matthews, Land and Short

Introduced in the Senate on March 22, 2007

Summary: This bill would enact the "American Board for the Certification of Teacher Excellence Act" so as to provide that a school district may hire individuals who are certified by the American Board for the Certification of Teacher Excellence pursuant to certain conditions.

Referred to: **Senate Education**

Status Report: remains in Senate Education Committee

S.323- The Speech-Language Pathology Bill

After careful planning, writing and re-writing the legislation, we got off to a great start. The bill passed a Senate Education Subcommittee and then passed the full Education Committee giving us two major victories! Senator Linda Short of Chester placed a "minority report" on the bill putting it in a contested status and thus delaying a vote on the bill.

We begin working with Senator Short to try to get her to remove her objection but she was adamantly opposed to doing so. During this time, we began educating individual legislators on the merits of the bill.

As time was running out for this legislative year, we used the opportunity to "bobtail" our bill onto another piece of legislation. This is done sometimes toward the end of a legislative session. In order to do this, the bill must be germane to the bill you are attaching it to. Senator Mike Fair, R-Greenville, took the lead on the Senate floor for us and we made three attempts to bobtail but two of those would not pass the germaneness test. One did, and Senator Fair was successful and the Senate passed the bill with our language "botailed" onto it. The Senate had about five minutes to go before adjournment. Interestingly, the DOE people were in the lobby and did not catch it. Senator Short, just before adjournment did catch it and threatened to kill the entire legislation if the bobtailed (our bill) portion was not removed. Senator Fair came to us and said he was going to have to withdraw it because the other legislation should not be killed because of our intrusion on their bill. So, the bobtail was withdrawn.
WE WERE SO CLOSE!!!!

Because of this, we did get a "test" vote and the Senate overwhelmingly voted to support the bill, so that is good news. We retain our place on the calendar and will spend the off session time developing strategy. Your lobbying team is very passionate about this legislation and feels good about its ultimate passage.

Part B: Medicaid Reimbursement Rate Update

The proposed rate increases are not in place yet, but this is what we think they will be:

- 92506/OHA Speech Evaluation = \$121.03 -1 evaluation per lifetime
- 92506/052 Speech Reevaluation = \$60.52 -1 reevaluation-2 every 12 months
- 92507 Individual Speech Therapy = \$28.79 -15 min unit-4 units per day
- 92508 Group Speech Therapy = \$13.63 - 15 min unit -4 units per day