

## SUMMARY



# A LIMITED REVIEW OF THE S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AGENCY STRUCTURE AND COMMISSION ISSUES



[PART 1 OF 2]

MARCH 2023

Members of the S.C. General Assembly requested that we conduct an audit of the S.C. Department of Disabilities and Special Needs (DDSN).

### FINDINGS

- Changes Needed to Agency Structure
- Inappropriate Commissioner Behavior
- Increase in Commission Expenses

We address only these areas of the audit in this publication [Part 1 of 2].

The remaining audit objectives will be addressed in Part 2 and published at a later date.

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SOUTH CAROLINA GENERAL ASSEMBLY  
Legislative Audit Council  
Independence, Reliability, Integrity

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THE GENERAL ASSEMBLY SHOULD AMEND STATE LAW TO ELIMINATE THE COMMISSION FOR THE S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND ESTABLISH DDSN AS A CABINET AGENCY UNDER THE GOVERNOR'S OFFICE.

### CHANGES NEEDED TO AGENCY STRUCTURE

DDSN is unique in its structure and Commission involvement as compared to other states. Other states' entities serving individuals with disabilities and special needs are primarily divisions of overarching agencies serving vulnerable adults or agencies administering their respective state Medicaid programs. We found that while there are other options for placement of DDSN, until further research can be done to determine where, in our state, this agency can thrive, establishing it as a cabinet agency may be the best initial decision.

### INAPPROPRIATE COMMISSIONER BEHAVIOR

We found that some or all members of the current Commission:

- Likely violated FOIA by engaging in meetings via email correspondence and misusing executive sessions.
- Used their positions to access information and acquire assistance for their own family members receiving DDSN services.
- Micromanaged the agency, were overly involved in agency personnel actions, and threatened the agency director's job.
- Acted uncooperatively and made time-consuming requests of agency staff.

### INCREASE IN COMMISSION EXPENSES

From 2019 to 2021, all Commission-related expenditures, including per diem and travel reimbursements, significantly increased from \$16,661 to \$84,472. Examples of other Commission expenses include items like custom tablecloths, plaque picture frames for all Commissioners, and a design of a separate Commission logo. These items only benefit the Commissioners and add little value to the agency and the people it serves.

Per diem and travel expenses related to the Commission have increased 60% from 2016 to 2021. The Commission held more meetings in 2021 than in 2016, 2017, and 2018 combined. We found that some current DDSN Commissioners have also requested reimbursements for visits to the agency for one-on-one meetings with staff and meetings with providers. Some Commissioners have also requested reimbursements for reappointment hearings and meetings with the Governor's Office.

We also found that one Commissioner's expenses were not always adequately documented regarding payment for this Commissioner's aide. While it is critical to make accommodations for any individual on a commission with a disability, without verification of hours worked or an hourly rate, the agency cannot determine whether the aides' reimbursements are appropriate.