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2020 MS H 1712

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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Appropriations

By: Representatives Read, Mims, Arnold, Bounds, Clark, Clarke, Criswell, Currie, Eubanks, Hines, Hood, Sanford, Watson, Young, Foster

House Bill 1712

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR 2021.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Health for the fiscal year beginning July 1, 2020, and ending June 30, 2021..... $ 31,552,980.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2020, and ending June 30, 2021 .....$ 470,597,910.00.

SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two Dollars ($526,102.00) shall be derived from the State General Fund and Nine Million One Hundred Seventy-eight Thousand Seven Hundred Eighty-three Dollars ($9,178,783.00) shall be derived from the Health Care Expendable Fund, created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the State Department of Health. The funds provided in this section shall be allocated as follows:

Maternal and Child Health Care Program.....	$ 1,242,943.00
Early Intervention Program and/or Child Therapeutic Services.....	$ 188,661.00
Health Department Programs.....	$ 8,273,281.00

SECTION 4. Of the funds appropriated in this act, Twenty-eight Million Dollars ($28,000,000.00) is allocated to the Trauma Care System. Of the General Fund court assessments provided in Section 1, Seven Million Twenty-three Thousand One Hundred Ninety-seven Dollars ($7,023,197.00) shall be allocated for Trauma Care Systems and One Million Eight Hundred Five Thousand Eight Hundred Fifty-nine Dollars ($1,805,859.00) shall be allocated for Emergency Medical Services. All additional funds are appropriated in Section 2. The State Department of Health may transfer a portion of Trauma Care System funds to the Division of Medicaid for the development and implementation of an enhanced reimbursement fee program related to trauma care and services, used to match federal funds, under a cooperative agreement between the State Department of Health and the Division of Medicaid.

It is the intention of the Legislature that none of the funds authorized herein for the Trauma Care System shall be expended to the benefit of any hospital located outside the boundaries of the State of Mississippi, unless otherwise excepted in this paragraph. Funds shall be expended by the Mississippi Department of Health for distribution to the Regional Medical Center or Le Bonheur Children's Hospital at Memphis, located in Memphis, Tennessee, or the University of South Alabama Medical Center located in Mobile, Alabama, or

the Joseph M. Still Burn Centers, Inc., located in Augusta, Georgia, or the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or any affiliates or any other Level 1 Trauma Center, or Tertiary Pediatric Trauma Center that participates in the Mississippi Trauma Care System, as determined by the Mississippi Department of Health.

SECTION 5. Of the funds appropriated in Section 2, Twenty Million Dollars ($20,000,000.00) shall be derived from the Tobacco Control Program Fund, created in Section 41-113-11, Mississippi Code of 1972, and shall be allocated as follows:

University of Mississippi Medical Center Cancer Institute.....	$ 4,250,000.00
Department of Education - Mary Kirkpatrick Haskell - Mary Sprayberry Public School Nurse Program.....	$ 3,060,000.00
Attorney General's Office - Alcohol and Tobacco Enforcement Unit.....	$ 680,000.00
University of Mississippi Medical Center - A Comprehensive Tobacco Center.....	$ 595,000.00
Mississippi Health Care Alliance - ST Elevated Myocardial Infarction Program (STEMI).....	$ 382,500.00
Mississippi Qualified Health Center Grant Program.....	$ 3,400,000.00
Mississippi Health Care Alliance for the Stroke System of Care Plan.....	$ 212,500.00
Mississippi Health Department Programs.....	$ 7,420,000.00

Of the funds appropriated in this section, the State Department of Health is authorized to expend funds to create and administer the Office of Tobacco Control within the department as outlined and created in Section 41-113-3, Mississippi Code of 1972.

SECTION 6. Of the funds appropriated in Section 1, Five Hundred Fifty-eight Thousand Seven Hundred Ninety-five Dollars ($558,795.00) shall be allocated as follows:

Mississippi Health Care Alliance - ST Elevated Myocardial Infarction Program (STEMI).....	$ 139,700.00.
Mississippi Health Care Alliance for the Stroke System of Care Plan.....	$ 139,700.00.
Mississippi Qualified Health Center Grant Program.....	$ 55,880.00.
Mississippi Health Department Programs.....	$ 223,515.00

SECTION 7. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	1,072
	Part Time.....	4
Time-Limited:	Full Time.....	991
	Part Time.....	4

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2022 do not exceed Fiscal Year 2021 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2021 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2021 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2021 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 8. It is the intention of the Legislature that the State Department of Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2020. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2022 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2021 budget request process.

SECTION 9. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2021 Target
Health Services	
State infant mortality rate (per 1,000 live births)	8.20
Percentage of women who received prenatal care in first trimester	73.40
Percentage of live births delivered prior to 37 weeks of gestation	11.70
Teenage birth rate age 15-19 years (live births per 1,000 women age 15-19)	24.90
Percentage of newborns with positive and inconclusive genetic screens who received recommended follow-up	100.00
Percentage of adults who are obese (Body Mass Index of 30 or more, regardless of sex)	39.90
Health Protection	
Percentage of Mississippi population receiving water from a public water supply	92.00
Percentage of Mississippi population receiving optimally fluoridated water	59.00
Transfer time of Level III and IV trauma centers to appropriate facilities for treatment (minutes)	130
Communicable Disease	
Primary and Secondary Syphilis: Case rate per 100,000	16.20
Tuberculosis: Number of cases	60
Tuberculosis: Case rate per 100,000	2.01
HIV Disease: Number of cases	475
HIV Disease: Case rate per 100,000	15.90
Rate of two year old children fully immunized (National Immunization Survey: 4:3:1:3:3:1:4 series - 19 to 35 months)	76.00
Tobacco Control	
Percentage of current smokers among public middle school students	2.20
Percentage of current smokers among public high school students	6.30
Percentage of current smokers among adults 18 years and older	21.40
Public Health Emerg Prep/resp	
Time required for command staff to report to Emergency Operations Center in response to a national or man-made disaster (minutes)	20
Admin & Support Services	
Percentage of Mississippi population living in an area designated as a Health Professional Shortage Area: Mental Health	79.00
Percentage of Mississippi population living in an area designated as a Health Professional Shortage Area: Dental	55.00
Percentage of Mississippi population living in an area designated as a Health Professional Shortage Area: Primary Care	59.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2022.

SECTION 10. It is the intention of the Legislature that with the funds provided herein, the State Department of Health may provide and administer without charge, Hepatitis B vaccinations to Emergency Medical Services (EMS) personnel who are in need of such vaccinations through job related exposure.

SECTION 11. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Local Governments and Rural Water Systems Emergency Loan Fund, and the Local Governments and Rural Water System Improvements Revolving Loan Fund as authorized in Chapter 521, Laws of

1995, to the State Department of Health for the purpose of defraying the expenses of the Local Governments and Rural Water Systems Improvements Board, for the fiscal year beginning July 1, 2020, and ending June 30, 2021..... $ 35,016,019.00.

SECTION 12. Of the funds appropriated in Section 2, One Million Dollars ($1,000,000.00) shall come from the Department of Human Services, Child Care Development Fund or other appropriate special funds for the purpose of child care licensure. These funds are to be transferred to the State Department of Health no later than July 31, 2020. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Human Services.

SECTION 13. It is the intention of the Legislature that the State Department of Health shall expend not more than Fifty Thousand Dollars ($50,000.00) of the funds appropriated herein for providing the oil known as "Lorenzo's Oil" for the treatment of the genetic disorder adrenoleukodystrophy (ALD), to children and Mississippi residents over the age of twenty-one (21) who have the genetic disorder adrenoleukodystrophy and for whom Medicaid does not reimburse the cost of providing the oil. The department may also provide needed pathology and biannual MRI exams.

SECTION 14. Of the funds appropriated in Section 1, Seven Hundred Thousand Dollars ($700,000.00) are provided for the purpose of purchasing AIDS drugs and other necessary AIDS related medical services.

SECTION 15. Of the funds appropriated herein, Twenty-one Thousand Two Hundred Fifty Dollars ($21,250.00) shall be provided to the Southern AIDS Commission, Inc., for the purpose of providing technical assistance, and providing for the expansion of education on causes and prevention of HIV/AIDS, and providing delivery services to persons infected with HIV. The Southern AIDS Commission, Inc., shall report by February 1, 2021, to the Board of Health and the Chairmen of the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 16. Of the funds appropriated herein, Twenty-one Thousand Two Hundred Fifty Dollars ($21,250.00) shall be provided to the North Mississippi Health Care Foundation Restricted Fund, for the purpose of providing technical assistance, providing for the expansion of education on causes and prevention of HIV/AIDS, and providing delivery services to persons infected with HIV. The North Mississippi Health Care Foundation shall report by February 1, 2021, to the Board of Health and the Chairmen of the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 17. Of the funds appropriated herein, Eight Thousand Five Hundred Dollars ($8,500.00) shall be provided to the AIDS Services Coalition, Inc., for the purpose of providing housing assistance, outreach, prevention services and supportive services to persons infected with HIV. The AIDS Service Coalition, Inc., shall report by February 1, 2021, to the Board of Health and the Chairmen of the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 18. Of the funds appropriated herein, the amounts of Ninety-four Thousand Three Hundred Thirty Dollars ($94,330.00) shall be allocated to the T.K. Martin Center at Mississippi State University and Ninety-four Thousand Three Hundred Thirty Dollars ($94,330.00) shall be allocated to the Regional Rehabilitation Center in Tupelo for the Early Intervention Program and/or Child Therapeutic Services.

SECTION 19. Of the funds appropriated herein, Two Hundred Thousand Dollars ($200,000.00) is provided for the Breast and Cervical Cancer Program.

SECTION 20. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Mississippi Burn Care Fund which is comprised of special source funds collected by or otherwise available to the department, for the purpose of funding reimbursement for uncompensated medical care to Mississippi burn victims through the trauma care system at in-state burn facilities including the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or for uncompensated aero medical transportation to out-of-state qualified United States Burn Care facilities, and such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel, lodgings, meals and other reasonable travel-related expenses incurred by burn victims, family members and/or caregivers, for the fiscal year beginning July 1, 2020, and ending June 30, 2021..... $ 1,000,000.00.

SECTION 21. Of the funds appropriated in Section 20, the Mississippi Department of Health may provide upon mutual agreement Twenty-five Thousand Dollars ($25,000.00) for the Mississippi Firefighters Memorial Burn Association. These funds are to be used for monetary support of Mississippi burn victims for travel and other expenses to the Joseph M. Still Burn Center in Georgia, or the Joseph M. Still Burn and Reconstruction Center at Merit Health Central.

SECTION 22. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 23. It is the intention of the Legislature that the Mississippi Department of Health shall implement same day service to receive birth and death certificates.

SECTION 24. It is the intention of the Legislature that the Mississippi State Department of Health shall provide the Joint Legislative Budget Committee a report of all grants received by September 15, 2020. This notification will consist of the name of the grant and agency or nonprofit making the award, the award amount, and a short list of goals to be achieved.

SECTION 25. It is the intention of the Legislature that the Mississippi State Department of Health shall be the fiscal agent in all allowable grants awarded.

SECTION 26. Of the funds appropriated in Section 2, Seven Hundred Thousand Dollars ($700,000.00) shall come from the Department of Education for the purpose of maintenance of effort for the Early Intervention Program. These funds are to be transferred

to the State Department of Health no later than December 31, 2020. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Education.

SECTION 27. The Mississippi Department of Health is authorized to obtain a line of credit through the State Treasurer from the Working Cash-Stabilization Fund or any other special source funds maintained in the State Treasury in an amount not exceeding Ten Million Dollars ($10,000,000.00) to fund shortfalls which, from time to time, may occur due to insufficient working cash spent in anticipation of receiving federal reimbursement. The length of indebtedness under this provision shall not carry past the end of the quarter following the loan origination. Loan proceeds shall be received by the State Treasurer and shall be placed in a Mississippi Department of Health designated special fund account. The division may pledge as security for such interim financing future funds that will be received by the division. Any such loans shall be repaid from the first available funds received by the department in the manner of and subject to the same terms provided in this section.

SECTION 28. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 29. With the funds appropriated herein, it is the intention of the Legislature that the Mississippi Department of Health is authorized to set the compensation of all nurse PINs, Epidemiologists and Disease Intervention Specialist Series based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.

SECTION 30. It is the intent of the Legislature that the Chairman of the Board of Health may appoint an official replacement or representative with voting privileges to the Advisory Board of the Office of Mississippi Physician Workforce.

SECTION 31. It is the intention of the Legislature that the State Health Officer shall have the authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Health. It is further the intention of the Legislature that the State Health Officer shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 32. Of the funds appropriated in Section 1, it is the intention of the Legislature that Eight Hundred Fifty-nine Thousand Nine Hundred Three Dollars ($859,903.00) shall be allocated to the Domestic Violence program that is supported from General Fund court assessments.

SECTION 33. It is the intent of the Legislature that the Mississippi State Department of Health shall have authority to escalate the various budgets in both funds and positions, with the approval of the State Fiscal Officer, from any special funds collected or available for HIV medical or support services, clinical quality management, and administrative expenses not to exceed Five Million Dollars ($5,000,00.00), to the agency for expenditure. Upon such approval, the Mississippi State Department of Health may expend such funds in the manner authorized by law.

The Executive Director of the Mississippi State Department of Health shall submit to the Department of Finance and Administration a certified statement providing a detailed explanation for any escalation, including a justification for the establishment of any new positions or reclassification of existing positions.

SECTION 34. It is the intention of the Legislature that the Department of Health is hereby authorized to pay invoices to the University of Mississippi Medical Center for prior year services in an amount not to exceed Thirty-five Thousand Dollars ($35,000.00).

SECTION 35. Of the funds appropriated in Section 2, One Million Two Hundred Thousand Dollars ($1,200,000.00) may be used to purchase accumulated compensatory time incurred before December 30, 2020, by employees whose activities are deemed essential to agency operations for responding to COVID-19.

SECTION 36. With the funds appropriated herein, it is the intention of the Legislature that the Mississippi State Department of Health is authorized to set the compensation of PIN 622 based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.

SECTION 37. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 38. This act shall take effect and be in force from and after July 1, 2020.

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