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Chapter No. 92  
11/HR07/A328SG  
EW / JP

***HOUSE BILL NO. 1499***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1499

AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S OFFICE - DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE EXPENSES OF THE ADMINISTRATION OF SUCH LAW FOR THE FISCAL YEAR 2012.

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 hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Governor's Office - Division of Medicaid for the purpose of providing medical assistance under the Mississippi Medicaid Law and defraying the expenses of the administration of such law, as provided in Section 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .....  
..... \$ 169,280,476.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Medical Care Fund created by Section 43-13-143, Mississippi Code of 1972, for the purpose of providing medical assistance under the Mississippi Medicaid Law for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .....  
..... \$ 395,254,798.00.

**SECTION 3.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Governor's Office - Division of Medicaid which is comprised of special source funds collected by or otherwise available to the commission, for the purpose of providing medical assistance under the Mississippi

Medicaid Law and defraying the expenses of the administration of such law, for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... \$ 4,601,184,252.00.

Prior period recovery of funds may be maintained and expended by the division when the recovery is received or finalized. Any recoveries due to audits or third party recoveries may be used to offset the cost of such audits and third party recoveries and as such, the division may escalate Contractual Services as needed for these purposes.

**SECTION 4.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Health Care Expendable Fund, for the purpose of defraying the expenses of the Governor's Office - Division of Medicaid for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... \$ 112,219,006.00.

The above funds shall be allocated as follows:

CHIP Program at 200% level of poverty .....	\$	2,879,024.00
Eyeglasses for adults .....	\$	699,191.00
Home and Community Waiver Program .....	\$	1,972,132.00
Disabled worker buy-in to the Medicaid program .....	\$	754,715.00
Dental fee increase .....	\$	904,837.00
Medical Program Matching Funds .....	\$	105,009,107.00

It is the intention of the Legislature that funds may be shifted among the above allocated line items where needed in the discretion of the Executive Director of the Division of Medicaid.

**SECTION 5.** Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	1,019
	Part Time .....	0
Time-Limited:	Full Time .....	9
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 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. 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 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. 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 2012 "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.

**SECTION 6.** It is the intention of the Legislature that the Governor's Office - Division of Medicaid 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 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 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 2012 budget request process with the Children's Health Insurance Program (CHIP) being separated from the Medical Services Program and submitted as a separate program. In addition, the performance measures reported for the Medical Services Program shall include an unduplicated case count of individuals served by eligibility status, and the number and the costs of emergency room visits.

**SECTION 7.** 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:

	FY2012
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a % of Total Budget (%)	3.90
Third Party Funds Recovered (\$)	14,108,388.00
Clean Claims % - 30 Days from Receipt	90.00
Clean Claims % - 90 Days from Receipt	99.00
Fiscal Agent Call Center Abandonment Rate (%)	4.90

Fiscal Agent Call Center Avg Answer Time	32
Increase in Electronic Health Records	650
Increase in E-Prescribing Technologies	650
Providers Submitting Electronic Claims	17,000
Third Party Liability Costs	
Avoided (\$ Thou)	1,731,431
Applications Processed within	
Standard of Promptness (%)	75.00
Appeals Process, Claims Heard or Settled	48
Medical Services	
Recipients Enrolled (Persons)	646,720
Emergency Room Visits (\$)	87,723,939.00
Emergency Room Visits	456,106
Out-stationed Eligibility Locations	115
Child Physical Exams	242,047
Adult Physical Exams	4,477
Num of Fraud/Abuse Cases Investigated	140
Kidney Dialysis (Number of Trips)	48,922
Child's Health Insur Prg (chip)	
CHIP Enrollees (Number of)	71,986
Out-stationed Eligibility Locations	115
Home/community Based Waiver Prg	
Elderly & Disabled - Persons Served	16,190
Elderly & Disabled - Funded Slots	14,600
Elderly & Disabled - Total Auth Slots	19,000
Assisted Living - Persons Served	545
Assisted Living - Funded Slots	500
Assisted Living - Total Auth Slots	700
Independent Living - Persons Served	2,700
Independent Living - Funded Slots	2,700
Independent Living - Total Auth Slots	4,200
Traumatic Brain Inj - Persons Served	850
Traumatic Brain Inj - Funded Slots	850

Traumatic Brain Inj - Total Auth Slots	3,000
Intellectual Disab - Persons Served	1,889
Intellectual Disab - Funded Slots	1,889
Intellectual Disab - Total Auth Slots	2,800
MYPAC - Persons Served	600
MYPAC - Funded Slots	600
MYPAC - Total Auth Slots	600

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 2013.

**SECTION 8.** 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 9.** Of the funds appropriated herein, an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is provided to implement an Adult Foster Care program for Medicaid recipients as authorized by Section 43-13-117, Mississippi Code of 1972.

**SECTION 10.** The division shall provide statistical and financial reports on a monthly basis to the Legislative Budget Office. These reports shall include, but are not limited to, an accounting of all funds spent and participant statistics medical program, the CHIP program, the Dialysis Transportation program, and each of the Home-and-Community Based Waiver programs, and an accounting of all funds spent in the administrative program.

The Division of Medicaid shall perform its cash flow projections on a predetermined monthly schedule and make this and

any other information requested available, upon request, to the Chair of the Senate Public Health and Welfare Committee, the House Public Health and Human Services Committee, the House Medicaid Committee, the House and Senate Appropriations Committees as well as the Legislative Budget Office.

**SECTION 11.** Of the funds appropriated under the provisions of Section 3, Three Hundred Six Million Six Hundred Ninety-six Thousand Five Hundred Eighteen Dollars (\$306,696,518.00) shall be derived from the Budget Contingency Fund created in Section 27-103-301, Mississippi code of 1972.

**SECTION 12.** Of the funds appropriated in this act, the Division of Medicaid shall pay a per diem rate of reimbursement of no less than Fifty Dollars (\$50.00) to providers of adult day services for each day of service provided to an eligible beneficiary. In order to receive this per diem rate of reimbursement, providers of adult day services shall participate in the Elderly and Disabled Waiver Program for Home and Community Based Services.

**SECTION 13.** The following sum, or so much thereof as may be necessary, is reappropriated out of any money to the credit of the Governor's Office - Division of Medicaid, not otherwise appropriated, for the purpose of defraying the expenses of Medicaid services as in House Bill No. 1627, Regular Session of 2010, for the fiscal year beginning July 1, 2011, and ending June 30, 2012.....\$ 174,804,000.00.

**SECTION 14.** It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

**SECTION 15.** It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further,

it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

**SECTION 16.** No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

**SECTION 17.** The division shall freeze reimbursement rates for long-term care at the level that rates were in effect on January 1, 2010, except that long-term care rates will be adjusted by an add-on after trended costs used to set the rates in effect on January 1, 2010, as determined by the division, for the change in the provider bed tax rate as required under state law. The Division shall increase funding for the Assisted Living and Elderly and Disabled Home-and-Community Based Waiver programs by Three Million Dollars (\$3,000,000.00).

**SECTION 18.** In the division's Fiscal Year 2013 budget submission, all Medicaid 1915 (C) Home and Community Based Waivers shall be presented as a budget program separate from the Medical Services Program.

**SECTION 19.** It is the intent of the Legislature that the Division of Medicaid submit a state plan amendment with Centers for Medicare and Medicaid Services (CMS) for the purpose of implementing a program that meets the national standards of the Program for All-Inclusive Care for the Elderly (PACE) program. The state plan amendment shall include a plan to implement a program in each of the four (4) congressional districts.

**SECTION 20.** The Division shall transfer One Million Dollars (\$1,000,000.00) of State Support Funds to the Department of Rehabilitation Services for the expansion of the Independent Living Home and Community Based Waiver program and shall transfer One Million Dollars (\$1,000,000.00) of State Support Funds to the Department of Human Services to expand the Home Delivered Meals program.

**SECTION 21.** Of the funds appropriated under the provisions of this act, Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) are provided for the purpose of funding a temporary program to provide nonemergency transportation to locations for necessary dialysis services for end-stage renal disease patients who are sixty-five (65) years of age or older or are disabled as determined under Section 1614(a)(3) of the federal Social Security Act, as amended, whose income did not exceed one hundred thirty-five percent (135%) of the nonfarm official poverty level as defined by the Office of Management and Budget and whose eligibility was covered under the former category of eligibility known as Poverty Level Aged and Disabled (PLADS).

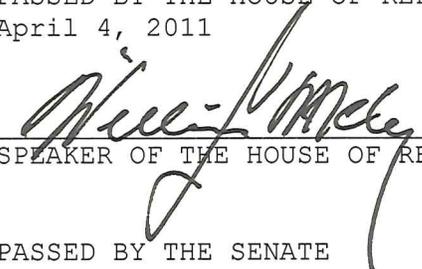
**SECTION 22.** Of the appropriated funds herein, the division may use an amount not less than Nine Hundred Four Thousand Dollars (\$904,000.00) to increase dental services rates.

**SECTION 23.** Of the funds appropriated in Sections 2, 3 and 4, the Division of Medicaid is hereby authorized to pay prior year claims from any special funds to the Mississippi Department of Education for proper claims related to the Medicaid School Based Administrative Claiming Program in an amount not to exceed Nineteen Million Dollars (\$19,000,000.00).

**SECTION 24.** 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 25.** This act shall take effect and be in force from and after July 1, 2011.

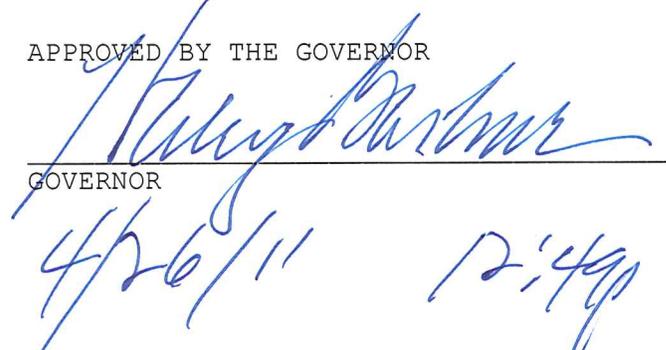
PASSED BY THE HOUSE OF REPRESENTATIVES  
April 4, 2011

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 4, 2011

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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