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Chapter No. 76

11/SS26/A370SG

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***SENATE BILL NO. 3055***

Originated in Senate *Remitt Guyner* Secretary

SENATE BILL NO. 3055

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF MENTAL HEALTH AND CERTAIN PROGRAMS OF THE DIVISION OF ALCOHOL AND DRUG ABUSE, FOR 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, for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .....  
..... \$ 235,348,114.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds which are collected by or otherwise become available for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... \$ 391,916,448.00.

**SECTION 3.** Of the funds appropriated under the provisions of Section 2, Thirteen Million Nine Hundred Fifty-one Thousand Eight Hundred Eighty-six Dollars (\$13,951,886.00) 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 Department of Mental Health. The funds provided for in this section shall be allocated as follows:

\$ 4,259,790.00 Expenses of the Department of Mental Health.

\$ 379,417.00 Alzheimer's disease services development and implementation of Senate Bill No.

	2100, 1997 Regular Session.
\$ 3,896,641.00	Medicaid matching funds.
\$ 252,944.00	Psychotropic drugs or Medicaid match.
\$ 505,890.00	Alzheimer's Disease Program, prepayment to Medicaid, etc.
\$ 2,727,792.00	Holding centers, group homes, substance abuse programs, Children's Programs, Prepayment of Medicaid, etc.
\$ 636,374.00	Crisis Centers
\$ 1,138,252.00	Physician services at community mental health centers.
\$ 50,590.00	Grant for Epilepsy Foundation of Mississippi or Medicaid match.
<u>\$ 104,196.00</u>	Specialized Treatment Facility.
\$ 13,951,886.00	TOTAL

**SECTION 4.** Of the funds appropriated under the provisions of Section 1 and authorized for expenditure under the provisions of Section 2, not more than the amounts set forth below shall be expended:

**CENTRAL OFFICE**

FUNDING:

General Funds .....	\$	3,157,369.00
Special Funds .....		<u>8,976,303.00</u>
Total .....	\$	12,133,672.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	61
	Part Time .....	0
Time-Limited:	Full Time .....	30
	Part Time .....	0

**SERVICE BUDGET**

FUNDING:

General Funds .....	\$ .	39,214,098.00
Special Funds .....		<u>32,487,495.00</u>
Total .....	\$	71,701,593.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**EAST MISSISSIPPI STATE HOSPITAL**

FUNDING:

General Funds .....	\$	37,790,356.00
Special Funds .....		<u>26,304,804.00</u>
Total .....	\$	64,095,160.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	1,098
	Part Time .....	4
Time-Limited:	Full Time .....	115
	Part Time .....	17

**ELLISVILLE STATE SCHOOL AND FARM**

FUNDING:

General Funds .....	\$	16,694,933.00
Special Funds .....		<u>79,496,108.00</u>
Total .....	\$	96,191,041.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	1,540
	Part Time .....	30
Time-Limited:	Full Time .....	88

Part Time ..... 0

**MISSISSIPPI STATE HOSPITAL**

FUNDING:

General Funds .....	\$	79,160,705.00
Special Funds .....		<u>53,001,265.00</u>
Total .....	\$	132,161,970.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	2,045
	Part Time .....	0
Time-Limited:	Full Time .....	144
	Part Time .....	0

**CENTRAL MISSISSIPPI RESIDENTIAL CENTER**

FUNDING:

General Funds .....	\$	5,081,304.00
Special Funds .....		<u>1,873,480.00</u>
Total .....	\$	6,954,784.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	112
	Part Time .....	0
Time-Limited:	Full Time .....	9
	Part Time .....	0

**MISSISSIPPI ADOLESCENT CENTER**

FUNDING:

General Funds .....	\$	3,491,008.00
Special Funds .....		<u>4,587,492.00</u>
Total .....	\$	8,078,500.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	100
	Part Time .....	0
Time-Limited:	Full Time .....	15
	Part Time .....	0

**SPECIALIZED TREATMENT FACILITY**

FUNDING:

General Funds .....	\$	2,841,293.00
Special Funds .....		<u>4,786,988.00</u>
Total .....	\$	7,628,281.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	147
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**DIVISION OF ALCOHOL AND DRUG ABUSE**

FUNDING:

General Funds .....	\$	0.00
Special Funds .....		<u>6,202,106.00</u>
Total .....	\$	6,202,106.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	7
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**BOSWELL REGIONAL CENTER**

FUNDING:

General Funds .....	\$	8,262,194.00
Special Funds .....		<u>27,780,574.00</u>
Total .....	\$	36,042,768.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	486
	Part Time .....	2
Time-Limited:	Full Time .....	100
	Part Time .....	1

**NORTH MISSISSIPPI STATE HOSPITAL**

FUNDING:

General Funds .....	\$	6,055,679.00
Special Funds .....		<u>1,974,025.00</u>
Total .....	\$	8,029,704.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	132
	Part Time .....	0
Time-Limited:	Full Time .....	1
	Part Time .....	0

**NORTH MISSISSIPPI REGIONAL CENTER**

FUNDING:

General Funds .....	\$	10,631,635.00
Special Funds .....		<u>59,388,654.00</u>
Total .....	\$	70,020,289.00

With the funds appropriated for this budget, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	912
	Part Time .....	9
Time-Limited:	Full Time .....	192
	Part Time .....	9

**HUDSPETH REGIONAL CENTER**

FUNDING:

General Funds .....	\$	10,462,539.00
Special Funds .....		<u>52,021,981.00</u>
Total .....	\$	62,484,520.00

With the funds appropriated for this budget, the following positions are authorized:

**AUTHORIZED POSITIONS:**

Permanent:	Full Time .....	897
	Part Time .....	22
Time-Limited:	Full Time .....	35
	Part Time .....	0

**SOUTH MISSISSIPPI REGIONAL CENTER**

**FUNDING:**

General Funds .....	\$	6,801,232.00
Special Funds .....		<u>31,382,209.00</u>
Total .....	\$	38,183,441.00

With the funds appropriated for this budget, the following positions are authorized:

**AUTHORIZED POSITIONS:**

Permanent:	Full Time .....	520
	Part Time .....	7
Time-Limited:	Full Time .....	86
	Part Time .....	3

**SOUTH MISSISSIPPI STATE HOSPITAL**

**FUNDING:**

General Funds .....	\$	5,703,769.00
Special Funds .....		<u>1,652,964.00</u>
Total .....	\$	7,356,733.00

With the funds appropriated for this budget, the following positions are authorized:

**AUTHORIZED POSITIONS:**

Permanent:	Full Time .....	113
	Part Time .....	0
Time-Limited:	Full Time .....	0

Part Time ..... 0

JACKSON COUNTY CRISIS INTERVENTION CENTER

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits ..... \$0

Travel and Subsistence ..... 0

Contractual Services ..... 0

Commodities ..... 0

Capital Outlay:

Other Than Equipment ..... 0

Equipment ..... 0

Vehicles ..... 0

Wireless Communication Devices ..... 0

Subsidies, Loans and Grants ..... 0

Total ..... \$0

FUNDING:

General Funds ..... \$0

Special Funds ..... 0

Total ..... \$0

AUTHORIZED POSITIONS:

Permanent: Full Time ..... 0

Part Time ..... 0

Time-Limited: Full Time ..... 0

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 5.** 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>
<b>Services Management</b>	
State Institutions Operated (Number of)	12
Units Monitored, etc. (Number of)	1,500
Grants Administered (Number of)	500
<b>Mental Health Services</b>	
Group Homes - Alternative Living (Beds)	248
Halfway Houses (Beds)	34
Psychotropic Drugs	
Purchased (Prescriptions)	10,000
Crisis Center Patient Days	38,800
Crisis Center Cost per Day (\$)	325.00
<b>Mental Retardation Services</b>	
Community Living Clients (Clients)	200
Work Activity & Employment	
Related (Clients)	1,315
<b>Children &amp; Youth Services</b>	
Group Homes (Beds)	75
Chemical Dependency (Beds)	20
<b>3% Alcohol Tax-alcohol/drug Prg</b>	
Residential Treatment Beds (Beds)	745
Outpatient Admissions (Number of)	9,766
<b>Mi - Institutional Care</b>	
Patient & Resident Days (Number of)	529,389
Operating Cost per Patient & Resident Day (\$)	374.75
<b>Mi - Pre/post Inst Care</b>	
Clients Served (Number of)	1,201
<b>Mi - Support Services</b>	
Support as a Percent of Total Budget (%)	5.25
<b>Mr - Institutional Care</b>	
Patient & Resident Days (Number of)	497,556
Operating Cost per Patient & Resident Day (\$)	312.55

services for Fiscal Year 2012, excluding Community Mental Health Centers Medicaid Match which is funded in Section 20 of this act.

Provided, however, that none of the funds appropriated for the support of community mental health services shall be made available to any Regional Mental Health/Retardation Center which does not receive from each of its participating counties a dollar amount equivalent to what the proceeds of a three-fourths (3/4) mill tax on all taxable property in the county in Fiscal Year 1982 would have been or the amount of funds contributed to the center by the county in Fiscal Year 1984, whichever shall be greater. By means of performance contracts, the Department of Mental Health shall disburse the funds appropriated in this section for services for the mentally ill, mentally retarded and alcohol/drug abusers. The State Board of Mental Health and the Department of Mental Health shall be responsible for selecting the types of services which shall be provided with the funds appropriated in this section, for developing and monitoring performance contracts and for holding contractors accountable for utilization of funds.

**SECTION 9.** Ellisville State School is authorized to draw up to Two Hundred Thousand Dollars (\$200,000.00) from interest earned on funds invested in Ellisville State School Client's Trust Fund for the purpose of supplementing the cost of the construction of a new chapel on the grounds of Ellisville State School.

**SECTION 10.** The Department of Mental Health and its facilities shall have the express legal authority, within funding and spending authority appropriated under the provisions of Sections 1 and 2, and allocated under the provisions of Section 4 of this act, to purchase land for use by residential facilities operated by the Department, either directly or by means of transferring funds to the Bureau of Building, Grounds and Real Property Management, and to transfer such funds to the Bureau of Building, Grounds, and Real Property Management for the purposes of constructing and equipping group homes for persons with mental

illness, mental retardation, and/or substance abuse; constructing and equipping such other buildings as may be required for treatment of persons with mental illness, mental retardation, and/or substance abuse; repair and renovate existing buildings; and to construct, repair and/or renovate employee housing. Any intermediate care facilities for the mentally retarded (ICF/MR) constructed with funds authorized in this section shall be authorized to participate in Medicaid funding available for such services.

**SECTION 11.** 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 12.** It is the intention of the Legislature that the Department of Mental 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 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.

**SECTION 13.** It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

**SECTION 14.** It is the intention of the Legislature that the Executive Director of the Department of Mental Health shall have authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Mental Health. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Executive Director of the Department of Mental Health shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth (15th) of the month prior to the effective date of the transfer. None of the funds transferred with this section may be transferred to the Central Office for Personal Services. This excludes the Community Mental Health Centers Medicaid Match which is funded in Section 20 of this act.

**SECTION 15.** It is the intention of the Legislature that the Department of Mental Health shall have the authority to receive, budget and expend funds from any source, including beginning cash in excess of beginning cash when spending authority was initially appropriated, that may become available to the department in

accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. The department is authorized to escalate other special funds in an amount not to exceed Fifty Million Dollars (\$50,000,000.00).

**SECTION 16.** Of the funds appropriated in this act, the Department of Mental Health, with approval by the Board, may contract with a Community Mental Health Center, or suitable entities, for the purpose of operating the Crisis Intervention Center at Grenada. Employees of the center shall be participants in the Public Employees' Retirement System.

The Department of Mental Health, with approval by the board, may also contract with suitable entities for the purpose of operating the crisis intervention centers in Batesville, Brookhaven, Cleveland, Corinth, Laurel and Newton. The department shall provide quarterly progress reports on the operation of the crisis intervention centers to the Chairmen of the Senate and House Public Health and Appropriations Committees.

**SECTION 17.** 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 18.** The Department of Mental Health, with prior approval by the Board of Mental Health, is hereby authorized to transfer General Fund and Special Fund spending authority between and within budgets. It is further the intention of the Legislature that the Department of Mental Health 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. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits" in any budget authorized in Section 4 of this act. This excludes funding for Community Mental Health Centers Medicaid Match which is funded in Section 20 of this act.

**SECTION 19.** The Department of Finance and Administration (DFA) shall transfer funds back to the Department of Mental Health, upon the request of the Department of Mental Health, where the funds received by DFA from the Department of Mental Health were special funds (neither general funds or bond funds) and where those funds are not required for the payment of costs already incurred on a building or repair project. For the purposes of this section, the term "special funds" includes any state source special funds including, but not limited to, funds from the Health Care Expendable Fund. The duty of DFA to transfer funds back to the Department of Mental Health under this section applies to any funds described in this section that were transferred to DFA, regardless of the year that the transfer was made by the Department of Mental Health.

**SECTION 20.** Of the funds appropriated in the "Service Budget," up to Twenty Million Dollars (\$20,000,000.00) is provided to the Department of Mental Health to pay the state Medicaid Match for Medicaid payments made to the fifteen (15) regional community mental health centers created pursuant to Section 41-19-33, Mississippi Code of 1972, and the Department of Mental Health shall not pay state Medicaid match for the fifteen (15) regional community mental health centers from any other funds appropriated herein.

**SECTION 21.** It is the intention of the Legislature that the Department of Mental Health may provide, upon the availability of funds, Five Hundred Thousand Dollars (\$500,000.00) to the Hope Village for Children Program.

**SECTION 22.** 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 23.** Of the funds provided within this act, 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 contract services to the Chairmen and members of the Senate and House Appropriations Committees.

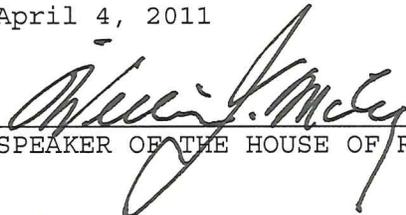
**SECTION 24.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions 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.

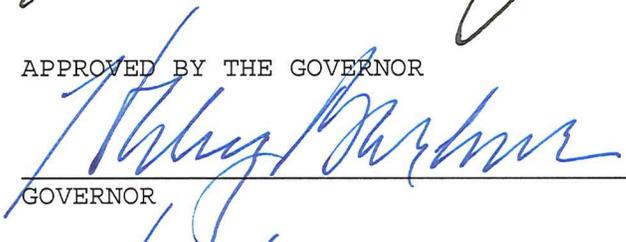
PASSED BY THE SENATE  
April 4, 2011

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 4, 2011

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

4/26/11

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