

Chapter No. 44
12/SS26/A370SG
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SENATE BILL NO. 2980

Originated in Senate *Liz Welch* Secretary

SENATE BILL NO. 2980

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 2013.

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, 2012, and ending June 30, 2013
..... \$ 210,431,679.00.

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, 2012, and ending June 30, 2013 \$ 387,415,031.00.

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>9,221,719.00</u>
Total	\$ 12,379,088.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	60
	Part Time	0
Time-Limited:	Full Time	29
	Part Time	0

SERVICE BUDGET

FUNDING:

General Funds	\$	21,214,098.00
Special Funds		<u>30,487,495.00</u>
Total	\$	51,701,593.00

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	\$	36,307,066.00
Special Funds		<u>25,777,801.00</u>
Total	\$	62,084,867.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,011
	Part Time	2
Time-Limited:	Full Time	127
	Part Time	16

ELLISVILLE STATE SCHOOL AND FARM

FUNDING:

General Funds	\$	16,694,933.00
Special Funds		<u>79,959,033.00</u>
Total	\$	96,653,966.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,499
	Part Time	20
Time-Limited:	Full Time	82

Part Time 0

MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	76,388,568.00
Special Funds		<u>47,972,130.00</u>
Total	\$	124,360,698.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,921
	Part Time	0
Time-Limited:	Full Time	121
	Part Time	0

CENTRAL MISSISSIPPI RESIDENTIAL CENTER

FUNDING:

General Funds	\$	4,881,860.00
Special Funds		<u>3,488,816.00</u>
Total	\$	8,370,676.00

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	9
	Part Time	0

MISSISSIPPI ADOLESCENT CENTER

FUNDING:

General Funds	\$	1,491,008.00
Special Funds		<u>6,078,500.00</u>
Total	\$	7,569,508.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	69
	Part Time	0
Time-Limited:	Full Time	4
	Part Time	0

SPECIALIZED TREATMENT FACILITY

FUNDING:

General Funds	\$	2,841,293.00
Special Funds		<u>5,655,986.00</u>
Total	\$	8,497,279.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	143
	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>6,502,106.00</u>
Total	\$	6,502,106.00

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>28,280,708.00</u>
Total	\$	36,542,902.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	484
	Part Time	1
Time-Limited:	Full Time	86
	Part Time	1

NORTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	5,817,991.00
Special Funds		<u>2,156,821.00</u>
Total	\$	7,974,812.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	121
	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>56,880,194.00</u>
Total	\$	67,511,829.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	883
	Part Time	6
Time-Limited:	Full Time	163
	Part Time	8

HUDSPETH REGIONAL CENTER

FUNDING:

General Funds	\$	10,462,539.00
Special Funds		<u>52,498,094.00</u>
Total	\$	62,960,633.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	861
	Part Time	21
Time-Limited:	Full Time	28
	Part Time	0

SOUTH MISSISSIPPI REGIONAL CENTER

FUNDING:

General Funds	\$	6,801,232.00
Special Funds		<u>30,753,403.00</u>
Total	\$	37,554,635.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	513
	Part Time	7
Time-Limited:	Full Time	80
	Part Time	3

SOUTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	5,479,893.00
Special Funds		<u>1,702,225.00</u>
Total	\$	7,182,118.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	110
	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 2014 do not exceed Fiscal Year 2013 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2013 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 2013 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 2013 "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:

	FY2013
<u>Performance Measures</u>	<u>Target</u>
Services Management	
State Institutions Operated (Num of)	12
Units Monitored, etc (Num of)	1,575
Grants Administered (Num of)	550
Mental Health Services	
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 (\$)	270.62
Mental Retardation Services	
Community Living Clients (Clients)	200
Work Activity & Employment Related (Clients)	1,300
Children & Youth Services	
Group Homes (Beds)	75
Chemical Dependency (Beds)	20
3% Alcohol Tax-alcohol/drug Prg	
Residential Treatment Beds (Beds)	745
Out-Patient Admissions (Num of)	9,825

Out-Patient Admissions (Num of)	9,825
Mi - Institutional Care	
Patient & Resident Days (Num of)	540,428
Oper Cost per Patient & Resident Day (\$)	404.74
Mi - Pre/post Inst Care	
Clients Served (Num of)	1,190
Mi - Support Services	
Support as a Percent of Total Budget (%)	7.68
Mr - Institutional Care	
Patient & Resident Days (Num of)	497,780
Oper Cost per Patient & Resident Day (\$)	305.83
Mr - Group Homes	
ICF/MR Patient & Resident Days (Num of)	226,902
Non ICF/MR Patient & Resident	
Days (Num of)	68,293
Mr - Community Programs	
Home & Comm Based Waiver Clients (Num of)	1,983
Non Home & Comm Based Waiver	
Clients (Num of)	1,187
Units of Service Delivered (Num of)	1,365,680
Mr - Support Services	
Support as a Percent of Total Budget (%)	6.70
Crisis Center - Newton Ctr	
Patient & Resident Days (Num of)	5,600
Oper Cost per Patient & Resident Day (\$)	267.86

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 2014.

SECTION 6. The Department of Mental Health and its facilities shall have the authority, within funding and spending authority appropriated under the provisions of Section 1, authorized for expenditure in Sections 2 and 3, and allocated

to the Division of Medicaid in payment of Medicaid match and designate that the funds thus transferred shall be applied to Medicaid match obligations arising in the subsequent fiscal year.

SECTION 7. Any person within the Department of Mental Health who must work on a statutory holiday or any holiday proclaimed by the Governor, may at the discretion of the Director of the Institution and the Executive Director of the Department of Mental Health and within available personnel funds, be paid "call-back pay" in lieu of "compensatory time credit."

SECTION 8. Of the funds appropriated to the "Service Budget" funds are included for the support of community mental health services for Fiscal Year 2013.

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 Four Hundred Fifty Thousand Dollars (\$450,000.00) from interest earned on funds invested in Ellisville State School Client's Trust Fund for the purpose of supplementing the cost of repairing and

refurnishing up to seventeen (17), ten (10) bed (ICF/MR) group homes.

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 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 2012. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2014 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 2013 budget request process.

SECTION 12. 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 13. 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.

SECTION 14. 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 15. 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 16. 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 17. 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.

SECTION 18. 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 19. 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 20. None of the funds provided in Section 1, 2, or 3 shall be used to pay Medicaid match for the fifteen (15) Community Mental Health Centers.

SECTION 21. 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 22. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE SENATE
April 28, 2012



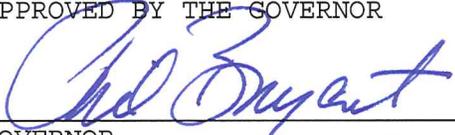
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 28, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
5-16-12 2:10pm