Chapter No. 35
14/HR40/A301SG
Cst / 80

HOUSE BILL NO. 1495

Originated in House _____ Clerk

HOUSE BILL NO. 1495

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR 2015.

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, 2014, and ending June 30, 2015 ..... $ 35,365,124.00.

SECTION 2. 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 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, 2014, and ending June 30, 2015 ..... $ 330,210,685.00.

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 Seven Million One Hundred Fifty-eight Thousand Three Hundred Thirty-seven Dollars ($7,158,337.00) 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 ..... $ 221,954.00

Health Department Programs $2,219,542.00

Mississippi Qualified Health
Center Grant Program $4,000,000.00

SECTION 4. Of the funds appropriated in Section 2, Forty Million Dollars ($40,000,000.00) are allocated to the Trauma Care System. 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 Center at Crossgates River Oaks Hospital, located in Brandon, Mississippi, 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 ..... $ 5,000,000.00

Department of Education - Mary Kirkpatrick Haskell - Mary Sprayberry Public School Nurse Program ..... $ 3,600,000.00

Attorney General's Office - Alcohol and Tobacco Enforcement Unit ..... $ 800,000.00

University of Mississippi Medical Center -

A Comprehensive Tobacco

Center ..... $ 700,000.00

Mississippi Health Care Alliance - ST Elevated

Myocardial Infarction Program (STEMI) .... $ 200,000.00

SKOOL ADS Program ..... $ 300,000.00

Health Department Programs ..... $ 9,400,000.00

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 under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,476
	Part Time	13
Time-Limited:	Full Time	987
	Part Time	9

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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar ($1,000.00) salary increase for full-time employees, or pro-rated for part-time employees, which shall be awarded to each employee that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars ($30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an

employee the increased amount shall not exceed Five Percent (5%); however, the following conditions are to be exempted: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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 7. 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 2014. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2016 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 2015 budget request process.

SECTION 8. 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	FY2015 Target
Health Services	
Women who Received Prenatal Care in First Trimester (%)	83.60
Live Births Delivered Prior to 37 Weeks	

of Gestation (%)	16.10
Newborns with Positive & Inconclusive Genetic Screens who Received Follow-up (%)	100.00
MS Population Receiving Fluoridated Water (%)	62.00
Health Protection	
Food Facilities Inspected at the Frequency Required by FDA Food Code Risk Assessment Category (%)	96.00
Public Water Systems Surveyed & Inspected (%)	100.00
ICF/MR Surveys Conducted in Accordance with Medicaid & CMS Requirements (%)	100.00
Certified Nursing Home Surveys Conducted within 15.99 Month of Last Survey (%)	204.00
Transfer Time of Level III & IV Trauma Centers to Appropriate Facilities for Treatment (Minutes)	130
Communicable Disease	
Primary & Secondary Syphilis Cases	125
Primary & Secondary Syphilis Case Rate (per 100,000)	4.30
Number of Tuberculosis (TB) Cases	75

TB Case Rate (per 100,000)	2.50
Children Fully Immunized by 2 Years of Age (%)	80.00
Tobacco Control	
Current Smokers among Public Middle School Students (Prevalence)	4.50
Current Smokers among Public High School Students (Prevalence)	16.20
Current Smokers among Adults 18 Years & Older (Prevalence)	21.20
Pub Health Emerg Prep/resp	
Score on CDC's Technical Review of MS's Strategic National Stockpile Plan (Out of Possible 100)	99
Admin & Support Services	
Average Processing Time for Vital Records Requests (Days)	1.30
Indigent & Uninsured Patients Served through MS Qualified Health Center Grant Program (Number of)	70,000
Syphilis Serology Tests Performed within 5 Working Days of Sample Receipt (%)	90.00
Bacteriological Tests on Drinking Water Performed within 30 Hours of Sample Receipt (%)	90.00

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 2016.

SECTION 9. It is the intent of the Legislature that the Mississippi 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, in the current fiscal year or any prior fiscal year, not to exceed Five Million Dollars ($5,000,000.00), to the agency for expenditure. Upon such approval, the Mississippi Department of Health may expend such funds in the manner authorized by law.

The Executive Director of the Mississippi 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 and the existence of any required matching funds for those positions, and an assessment of the impact on the agency's General Fund Budget for the three (3) fiscal years following the fiscal year in which the escalation is requested.

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, 2014, and ending June 30, 2015 ..... $ 52,000,000.00.

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, 2014. 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-five Thousand Dollars ($25,000.00) 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, 2015, 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-five Thousand Dollars ($25,000.00) 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, 2015, 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, the amounts of One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars ($110,977.00) shall be allocated to the T.K. Martin Center at Mississippi State University and One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars ($110,977.00) shall be allocated to the Regional Rehabilitation Center in Tupelo for the Early Intervention Program and/or Child Therapeutic Services.

SECTION 18. Of the funds appropriated herein, Two Hundred Thousand Dollars ($200,000.00) is provided for the Breast and Cervical Cancer Program.

SECTION 19. In addition to all other funds heretofore appropriated, 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 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 Center at Crossgates River Oaks Hospital in Brandon, Mississippi, 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, 2014, and ending June 30, 2015 ..... $3,000,000.00.

SECTION 20. Of the funds appropriated in Section 19, 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 Center at Crossgates River Oaks Hospital in Brandon, Mississippi.

SECTION 21. 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 22. 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 23. 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, 2014. 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 24. 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 25. Of the funds deposited into the Tobacco Control Fund, created in Section 41-113-11, Mississippi Code of 1972, the Mississippi State Department of Health shall have the authority to escalate and expend at the State Health Officer's discretion any funds that carry forward. These escalations shall be treated separately and differently from any and all other escalations authorized herein.

SECTION 26. Of the funds deposited into 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 State Department of Health shall have the authority to escalate and expend at the State Health Officer's discretion any funds that carry forward. These escalations shall be treated separately and differently from any and all other escalations authorized herein.

SECTION 27. 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, 2014. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Education.

SECTION 28. In addition to all other funds appropriated herein, 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 Mississippi Health Information Network for the fiscal year beginning July 1, 2014, and ending June 30, 2015 ..... $700,000.00.

SECTION 29. In addition to all other funds herein appropriated, 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 Mississippi Health Information Network, for the purpose of defraying the expenses for the fiscal year beginning July 1, 2014, and ending June 30, 2015 . ..... $ 5,458,606.00.

Of the funds appropriated under the provisions of this section, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	3
	Part Time	0

The Mississippi Health Information Network is authorized to escalate federal funds and other special funds in accordance with the rules and regulations of the Department of Finance and Administration, in order to provide services prescribed by Sections 41-119-1 through 41-119-21, Mississippi Code of 1972.

SECTION 30. 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 Five Million Dollars ($5,000,000.00) 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 31. It is the intention of the Legislature that the State Department of Health shall have the authority to receive, escalate and spend any funds that may be received from the Division of Medicaid, to provide for the Perinatal High Risk Management/Infant Services System (PHRM/ISS) program.

SECTION 32. 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 33. 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 PIN 721 based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.

SECTION 34. 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 based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.

SECTION 35. Of the funds deposited in the State Treasury to the credit of the Mississippi State Department of Health, pursuant to Section 41-7-188, the State Health Officer, may in his or her

discretion, expend an amount not to exceed Two Million Dollars ($2,000,000.00) for the general support of the Mississippi Department of Health.

SECTION 36. 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 (15th) of the month prior to the effective date of the transfer.

SECTION 37. Of the funds herein appropriated, funding is provided for planning and to begin implementation of the Infant Mortality Reduction Initiative.

SECTION 38. Of the funds appropriated under the provisions of Section 11, One Million Dollars ($1,000,000.00), or so much thereof, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office for the Local Governments and Rural Water Systems Improvements Board.

SECTION 39. Of the funds provided in Section 2, One Million Three Hundred Ninety-nine Thousand Seven Hundred Fifty Dollars ($1,399,750.00) is provided for the Mississippi Qualified Health

Center/Rural Health Clinic Incubator Grant Program, as created under the provisions of SB 2117, 2014 Regular Session, if HB 1026 and/or SB 2049, 2014 Regular Session are not enacted. If SB 2117, 2014 Regular Session is not enacted, funds provided in Section 2 for this purpose shall be reduced by One Million Three Hundred Ninety-nine Thousand Seven Hundred Fifty Dollars ($1,399,750.00).

SECTION 40. 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 41. This act shall take effect and be in force from and after July 1, 2014, with the exception of Section 33, which shall take effect and be in force from and after passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2014

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2014

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

4/11/14 1:45pm