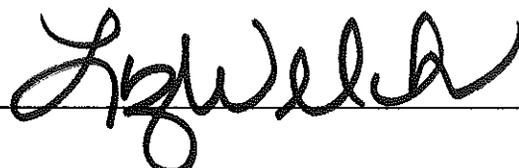


4/15/14

1:33 PM

Chapter No. 45
14/SS26/A370SG
LR 17B/RC

SENATE BILL NO. 2880

Originated in Senate  Secretary

SENATE BILL NO. 2880

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 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 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, 2014, and ending June 30, 2015
..... \$ 219,478,590.00.

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, 2014, and ending June 30, 2015 \$ 375,904,338.00.

SECTION 3. Of the funds appropriated under the provisions of Section 2, Eighteen Million Nine Hundred Fifty-one Thousand Eight

Hundred Eighty-six Dollars (\$18,951,886.00) 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:

\$ 9,259,790.00	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.
\$ 18,951,886.00	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	\$	2,863,489.00
Special Funds		<u>9,158,421.00</u>
Total	\$	12,021,910.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	58
	Part Time	0
Time-Limited:	Full Time	31
	Part Time	0

SERVICE BUDGET

FUNDING:

General Funds	\$	31,477,246.00
Special Funds		<u>36,792,495.00</u>
Total	\$	68,269,741.00

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

AUTHORIZED POSITIONS:

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

EAST MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	37,119,581.00
Special Funds		<u>22,949,428.00</u>
Total	\$	60,069,009.00

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

AUTHORIZED POSITIONS:

Permanent: Full Time	998
Part Time	1
Time-Limited: Full Time	120
Part Time	15

ELLISVILLE STATE SCHOOL

FUNDING:

General Funds	\$	16,900,821.00
Special Funds		<u>71,644,077.00</u>
Total	\$	88,544,898.00

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

AUTHORIZED POSITIONS:

Permanent: Full Time	1,483
Part Time	19

Time-Limited: Full Time 71
 Part Time 0

MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds \$ 76,377,850.00
 Special Funds 46,391,633.00
 Total \$ 122,769,483.00

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

AUTHORIZED POSITIONS:

Permanent: Full Time 1,893
 Part Time 0
 Time-Limited: Full Time 114
 Part Time 0

CENTRAL MISSISSIPPI RESIDENTIAL CENTER

FUNDING:

General Funds \$ 4,486,029.00
 Special Funds 3,602,916.00
 Total \$ 8,088,945.00

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

AUTHORIZED POSITIONS:

Permanent: Full Time 109
 Part Time 0
 Time-Limited: Full Time 12

Part Time 0

MISSISSIPPI ADOLESCENT CENTER

FUNDING:

General Funds	\$	1,475,200.00
Special Funds		<u>4,242,345.00</u>
Total	\$	5,717,545.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	67
	Part Time	0
Time-Limited:	Full Time	4
	Part Time	0

SPECIALIZED TREATMENT FACILITY

FUNDING:

General Funds	\$	2,751,605.00
Special Funds		<u>5,892,661.00</u>
Total	\$	8,644,266.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	142
	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>6,470,268.00</u>
Total	\$	6,470,268.00

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	\$	8,145,305.00
Special Funds		<u>28,156,790.00</u>
Total	\$	36,302,095.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	477
	Part Time	1
Time-Limited:	Full Time	79
	Part Time	0

NORTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	5,639,136.00
Special Funds		<u>2,577,009.00</u>
Total	\$	8,216,145.00

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	0
	Part Time	0

NORTH MISSISSIPPI REGIONAL CENTER

FUNDING:

General Funds	\$	10,295,978.00
Special Funds		<u>57,269,114.00</u>
Total	\$	67,565,092.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	869
	Part Time	3
Time-Limited:	Full Time	160
	Part Time	7

HUDSPETH REGIONAL CENTER

FUNDING:

General Funds	\$	10,130,489.00
Special Funds		<u>47,951,003.00</u>
Total	\$	58,081,492.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	857
	Part Time	19
Time-Limited:	Full Time	26
	Part Time	0

SOUTH MISSISSIPPI REGIONAL CENTER

FUNDING:

General Funds	\$	6,910,007.00
Special Funds		<u>30,696,359.00</u>
Total	\$	37,606,366.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	507
	Part Time	7
Time-Limited:	Full Time	77
	Part Time	3

SOUTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	4,905,854.00
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Special Funds	2,109,819.00
Total	\$ 7,015,673.00

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	109
	Part Time	0
Time-Limited:	Full Time	1
	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 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 prorated 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 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:

FY2015

<u>Performance Measures</u>	<u>Target</u>
Services Management	
State Institutions Operated (Num of)	12
Units Monitored, etc (Num of)	1,045
Grants Administered (Num of)	625
Mental Health Services	
Group Homes - Alternative Living (Beds)	248
Halfway Houses (Beds)	34
Psychotropic Drugs	
Purchased (Prescriptions)	9,450
Crisis Center Patient Days	28,404
Crisis Center Cost per Day (\$)	300
Idd Services	
Community Living Clients (Clients)	200
Work Activity & Employment	
Related (Clients)	1,315
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)	9,763
Crisis Center - Batesville Ctr	
Patient Days of Care	5,000
Crisis Center - Brookhaven Ctr	

Patient Days of Care	5,000
Crisis Center - Cleveland Ctr	
Patient Days of Care	5,000
Crisis Center - Corinth Ctr	
Patient Days of Care	5,000
Crisis Center - Grenada Ctr	
Patient Days of Care	5,000
Crisis Center - Laurel Ctr	
Patient Days of Care	5,000
Crisis Center - Newton Ctr	
Patient Days of Care	5,256
Oper Cost per Patient & Resident Day (\$)	393.04
Mi - Institutional Care	
Patient & Resident Days (Num of)	471,402
Oper Cost per Patient & Resident Day (\$)	405.31
Mi - Pre/post Inst Care	
Clients Served (Num of)	816
Mi - Support Services	
Support as a Percent of Total Budget (%)	4.87
Idd - Institutional Care	
Patient & Resident Days (Num of)	412,141
Oper Cost per Patient & Resident Day (\$)	327.67
Idd - Group Homes	
ICF/MR Patient & Resident Days (Num of)	208,792
Non ICF/MR Patient & Resident	

Days (Num of)	66,506
Idd - Community Programs	
Home & Com Based Waiver Clients (Num of)	7,201
Non Home & Com Based Waiver Clients (Num of)	868
Units of Service Delivered (Num of)	1,386,144
Idd - Support Services	
Support as a Percent of Total Budget (%)	3.84

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 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 under the provisions of Section 4 of this act, to transfer funds 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 2015.

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 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 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 under the provisions of this act, Sixteen Million One Hundred Thousand Dollars (\$16,100,000.00) is provided to the Department of Mental Health to expand those community-based services that will improve the State of Mississippi's compliance with the Olmstead decision of the United States Supreme Court. Further, it is the intention of the Legislature that the Department of Mental Health shall have the authority to transfer such sums from this source as are necessary to implement or improve those community services that are more appropriately addressed by the Mississippi Department of Education and/or the Mississippi Department of Rehabilitation Services to

those agencies for that purpose. Further, it is the intention of the Legislature that any sums received from this source that are not expended during the fiscal year ending June 30, 2015, by the Mississippi Department of Mental Health shall be reappropriated for the same purpose during the fiscal year ending June 30, 2016. Further, it is the intention of the Legislature that the Department of Mental Health shall account for the expenditure of these funds in sufficient detail to clearly show the purposes for which such funds were expended.

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.

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. 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 21. 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 22. Of the funds appropriated herein, Forty Thousand Dollars (\$40,000.00) is provided for the purchase of materials for the Epilepsy Foundation.

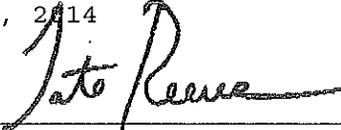
SECTION 23. Of the funds appropriated under the provisions of Section 2, Six Million One Hundred Forty Thousand Dollars (\$6,140,000.00), or so much thereof, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972.

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, 2014.

PASSED BY THE SENATE
March 31, 2014



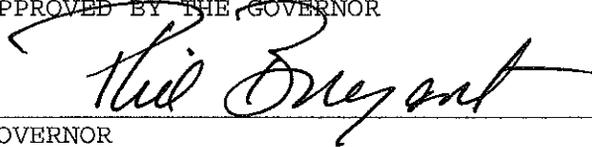
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4/15/14

1:33pm

4/15/14
CHAPTER NO 44

2880

1:33 p.m.

STATE OF MISSISSIPPI
Office of the Governor



April 15, 2014



TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE MISSISSIPPI SENATE:

GOVERNOR'S SIGNING STATEMENT FOR SENATE BILL 2880

I am signing Senate Bill 2880, "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 2015," despite unnecessary language in one section of the bill with which I disagree.

Section 15 of Senate Bill 2880 appropriates \$16,100,000 "to expand ... community based services" for individuals with mental illnesses and intellectual or developmental disabilities. I fully support this appropriation and approve it as law by signing the bill. Unfortunately, the remainder of this sentence could be read to imply that the State of Mississippi is not in compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, as interpreted in *Olmstead v. L.C.*, 527 U.S. 581 (1999). In fact, the State is in compliance with the ADA and *Olmstead*. I understand that the United States Department of Justice (DOJ) has suggested otherwise; however, DOJ's expansive interpretation of *Olmstead* not only lacks legal support but also raises serious constitutional questions, and DOJ's factual allegations are unsubstantiated. A lawsuit that DOJ filed against one of our neighboring states based on similar theories and allegations was dismissed by a federal judge as without merit. *United States v. Arkansas*, 794 F. Supp. 2d 935 (E.D. Ark. 2011). In dismissing the lawsuit, the judge noted that DOJ was "in the odd position of asserting that certain persons' rights have been and are being violated while those persons—through their parents and guardians—disagree." *Id.* at 937. The situation in Mississippi appears to be much the same.

Nonetheless, I am signing Senate Bill 2880 because I support the underlying appropriation and have no other objection to the bill, and because the superfluous language in Section 15 has no legal significance.

Respectfully submitted,

Phil Bryant
GOVERNOR