

**From:** Peyton Prospere [PProspere@governor.state.ms.us] on behalf of Peyton Prospere  
**Sent:** Friday, April 19, 2002 1:20 PM  
**To:** 'pkinney@governor.state.ms.us'  
**Cc:** Mayo, Lee Ann; Sewell, John  
**Subject:** Section43-13-104

Section 1. The following shall be codified as Section 43-13-104, Mississippi Code of 1972, as amended:

Section 43-13-104. (a) Notwithstanding any other provision of this article, through June 30, 2004, the Governor is authorized, by means of an executive order and in consultation with the executive director of the Medicaid division, to adopt and administer a state plan for medical assistance in accordance with Titles XIX and XXI of the federal Social Security Act, as amended, provided the state plan is administered within the amount appropriated to the division by the Legislature as required in subparagraph (d) herein. In adopting and administering the state plan, the division is authorized (i) to establish the types of care and services to be available to eligible applicants for and recipients of Medicaid; (ii) to establish the amount, duration, scope and terms and conditions of the care and services for recipients, including the quantity or frequency of use of, and the fees or charges for, any of the care or services available to recipients; (iii) to set the payments or rates of reimbursement to providers rendering care or services to recipients; (iv) to establish such rules and regulations as may be necessary or desirable for implementation of the state plan; and (v) to take such actions as necessary to secure the maximum amount of federal financial participation available for the program.

(b) (i) The Speaker of the House of Representatives and the Lieutenant Governor shall appoint a joint legislative committee to meet with the Executive Director of the Division of Medicaid for the purpose of developing a sound strategy for addressing the increasing costs of the Medicaid program. The goal of the strategy shall be to ensure that the division will be able to administer the program within the amount of appropriated funds, while being as fair and equitable as possible to the recipients and providers of Medicaid services.

(ii) The committee shall consist of the Chairmen of the Public Health and Welfare Committees of the House and Senate, the Chairmen of Appropriations Committees of the House and Senate, and three (3) other members of the House as may be appointed by the Speaker and three (3) other members of the Senate as may be appointed by the Lieutenant Governor. The appointed members of the committee shall be appointed not later than seven (7) days after the effective date of House Bill No. , First Extraordinary Session of 2002.

(c) For the purpose of strengthening the state's healthcare delivery system and achieving cost savings in the acquisition and provision of care and services, the executive directors of the State Department of Health, the Department of Mental Health, the Department of Vocational Rehabilitation, the Department of Human Services and the University Medical Center shall cooperate and coordinate with the executive director of the Division of Medicaid in the development of the state plan, including any programs or policies relating to the approval, purchase, dispensation and use of pharmaceuticals, and shall be authorized to enter into any contract or agreement with respect thereto that may be undertaken by the Division of Medicaid.

(d) For each of the fiscal years 2003 and 2004, the Legislature shall appropriate to the Division of Medicaid the amount, from state sources, of \$425 million. The governor shall be responsible through June 30, 2004 for the administration of the Medicaid program within these appropriated amounts, and any federal funds additional thereto that may be available to the Division, and shall ensure that citizens remain in nursing facilities and that citizens receive necessary medication, treatment, dialysis, and hospice care for which they are eligible.

Section 2. This bill shall be effective from and after passage.