

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2500

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

22 SECTION 1. For purposes of Sections 1 through 4 of this act:

23 (a) "Mississippi qualified health center" means a
24 public or nonprofit entity which provides comprehensive primary
25 care services that:

26 (i) Has a community board of directors, the
27 majority of whom are users of such centers;

28 (ii) Accepts all patients that present themselves
29 despite their ability to pay and uses a sliding-fee-schedule for
30 payments; and

31 (iii) Serves a designated medically underserved
32 area or population, as provided in Section 330 of the Public
33 Health Service Act.

34 (b) "Uninsured or medically indigent patient" means a
35 patient receiving services from a Mississippi qualified health
36 center who is not eligible for Medicaid, Medicare or any other
37 type of governmental reimbursement for health care costs or
38 receiving third-party payments via an employer.

39 (c) "Department" means the Mississippi State Department
40 of Health.

41 (d) "Primary care" means the basic entry level of
42 health care provided by health care practitioners or non-physician

43 health care practitioners, which is generally provided in an
44 outpatient setting.

45 (e) "Medically underserved area or population" means an
46 area designated by the Secretary of the United States Department
47 of Health and Human Services as an area with a shortage of
48 professionals, health services or a population group designated by
49 the secretary as having a shortage of such services.

50 (f) "Service grant" means a grant by the department to
51 a Mississippi qualified health center in accordance with Sections
52 1 through 4 of this act.

53 (g) "Program" means the Mississippi Qualified Health
54 Center Grant Program established in Sections 1 through 4 of this
55 act.

56 SECTION 2. The Mississippi Qualified Health Center Grant
57 Program is established, under the direction and administration of
58 the department, for the purpose of making service grants to
59 Mississippi qualified health centers for their use in providing
60 care to uninsured or medically indigent patients in Mississippi.
61 The Mississippi Qualified Health Center Grant Program shall be
62 established with such state funds as may be appropriated by the
63 Legislature.

64 SECTION 3. (1) Any Mississippi qualified health center
65 desiring to participate in the program shall make application for
66 a grant to the department in a form satisfactory to the
67 department. The department shall receive grant proposals from
68 Mississippi qualified health centers. All proposals shall be
69 submitted in accordance with the provisions of grant procedures,
70 criteria and standards developed and made public by the
71 department.

72 (2) The department shall use the funds provided by Sections
73 1 through 4 of this act to make grants during the next five (5)
74 years to Mississippi qualified health centers upon proposals made

75 under subsection (1) of this section. Grants that are awarded to
76 Mississippi qualified health centers shall only be used by such
77 centers to:

78 (a) Increase access to preventative and primary care
79 services by uninsured or medically indigent patients that are
80 served by such centers; and

81 (b) Create new services or augment existing services
82 provided to uninsured or medically indigent patients, including,
83 but not limited to, primary care medical and preventive services,
84 dental services, optometric services, in-house laboratory
85 services, diagnostic services, pharmacy services, nutritional
86 services and social services.

87 (3) Grants received by Mississippi qualified health centers
88 under Sections 1 through 4 of this act shall not be used:

89 (a) To supplant federal funds traditionally received by
90 such centers, but shall be used to supplement them;

91 (b) For land or real estate investments;

92 (c) To finance or satisfy any existing debt; or

93 (d) Unless the health center specifically complies with
94 a definition of a Mississippi qualified health center contained in
95 Section 1 of this act.

96 (4) The department shall develop regulations, procedures and
97 application forms to govern how grants will be awarded, shall
98 develop a plan to ensure that grants are equitably distributed
99 among all Mississippi qualified health centers, and shall develop
100 an audit process to assure that grant monies are used to provide
101 and expend care to the uninsured and medially indigent.

102 (5) The department shall establish a fund for the purpose of
103 providing service grants to Mississippi qualified health centers
104 in accordance with Sections 1 through 4 of this act and the
105 following terms and conditions:

106 (a) The total amount of grants issued under Sections 1

107 through 4 of this act shall be Four Million Dollars
108 (\$4,000,000.00) per state fiscal year.

109 (b) No Mississippi qualified health center shall
110 receive assistance under this program in excess of Two Hundred
111 Thousand Dollars (\$200,000.00) per calendar year.

112 (c) Each Mississippi qualified health center receiving
113 a service grant shall provide a yearly report to the department
114 which details the number of additional uninsured and medically
115 indigent patients that are cared for and the types of services
116 that are provided.

117 (6) The department shall establish an advisory council to
118 review and make recommendations to the department on the awarding
119 of any grants to Mississippi qualified health centers. Such
120 recommendations by the advisory council shall not be binding upon
121 the department, but when a recommendation by the advisory council
122 is not followed by the department, the department shall place in
123 its minutes reasons for not accepting the advisory council's
124 recommendation, and provide for an appeals process. All approved
125 grants shall be awarded within thirty (30) days of approval by the
126 department.

127 (7) The composition of the advisory council shall be the
128 following:

129 (a) Two (2) employees of the department, one (1) of
130 whom must have experience in reviewing and writing grant
131 proposals;

132 (b) Two (2) executive employees of Mississippi
133 qualified health centers, one (1) of whom must be a chief
134 financial officer;

135 (c) Two (2) health care providers who are affiliated
136 with a Mississippi qualified health center; and

137 (d) One (1) health care provider who is not affiliated
138 with a Mississippi qualified health center nor the department but

139 has training and experience in primary care.

140 (8) The department may use a portion of any grant monies
141 received under Sections 1 through 4 of this act to administer the
142 program and to pay reasonable expenses incurred by the advisory
143 council; however, in no case shall more than one and one-half
144 percent (1-1/2%) or Sixty Thousand Dollars (\$60,000.00) annually,
145 whichever is less, be used to absorb program expenses.

146 (9) No assistance shall be provided to a Mississippi
147 qualified health center under Sections 1 through 4 of this act
148 unless the Mississippi qualified health center certifies to the
149 department that it will not discriminate against any employee or
150 against any applicant for employment because of race, religion,
151 color, national origin, sex or age.

152 SECTION 4. There is created a special fund in the State
153 Treasury to be known as the Mississippi Qualified Health Center
154 Grant Program out of which grants and expenditures authorized in
155 connection with the program shall be disbursed. All monies
156 received by legislative appropriation to carry out the purposes of
157 Sections 1 through 4 of this act shall be deposited into the
158 Mississippi Qualified Health Center Grant Program.

159 SECTION 5. This article shall be known and may be cited as
160 the "Mississippi Health Care Trust Fund Act of 1999."

161 SECTION 6. It is declared by the Legislature that the monies
162 received by the State of Mississippi from tobacco companies in
163 settlement of a certain lawsuit brought against those companies by
164 the State of Mississippi, or as a result of the settlement of any
165 lawsuit brought against tobacco companies by another state, should
166 be applied toward improving the health and health care of the
167 citizens and residents of the state. It is the intent of the
168 Legislature by this article to provide the manner and means
169 necessary to carry out those purposes.

170 SECTION 7. When used in this article, the following

171 definitions shall apply, unless the context requires otherwise:

172 (a) "Act" means the Mississippi Health Care Trust Fund
173 Act of 1999.

174 (b) "Health Care Trust Fund" means the trust fund
175 established by Section 8 of this act for the deposit of the monies
176 received by the State of Mississippi as a result of the tobacco
177 settlement and any other monies as the state may determine are
178 appropriate.

179 (c) "Tobacco settlement" means the settlement of the
180 case of Mike Moore, Attorney General ex rel. State of Mississippi
181 v. The American Tobacco Company et al. (Chancery Court of Jackson
182 County, Mississippi, Cause No. 94-1429) and the settlement of any
183 case brought against tobacco companies by another state.

184 SECTION 8. (1) In accordance with the purposes of this
185 article, there is established in the State Treasury the Health
186 Care Trust Fund, into which shall be deposited all monies that are
187 received by the State of Mississippi as a result of the tobacco
188 settlement for which the use or purpose for expenditure is not
189 restricted by the terms of the settlement, all interest earnings
190 on those monies, and any other monies as the state may determine
191 are appropriate. Monies in the Health Care Trust Fund that are
192 subject to expenditure shall be expended exclusively for health
193 issues.

194 (2) The principal of the Health Care Trust Fund shall remain
195 inviolate and shall never be expended. The Legislature may
196 appropriate all of the income from the Health Care Trust Fund in
197 furtherance of the purposes of this article, less six percent (6%)
198 of the annual income of the Health Care Trust Fund, which shall be
199 added to the principal of the fund each year.

200 SECTION 9. (1) The State Treasurer shall invest the monies
201 of the Health Care Trust Fund in any of the investments authorized
202 for the Mississippi Prepaid Affordable College Tuition Program

99\HR03\SB2500A.J *HR03/SB2500AJ*

203 under Section 37-155-9, and those investments shall be subject to
204 the limitations prescribed by Section 37-155-9.

205 (2) All interest derived from investments and any gains from
206 the sale or exchange of investments shall be credited to the
207 account of the Health Care Trust Fund.

208 (3) For the purpose of meeting disbursements for funding
209 health issues and the costs and expenses of administering the
210 Health Care Trust Fund, cash may be kept available, not exceeding
211 the requirements of the Health Care Trust Fund for a period of
212 ninety (90) days, on deposit in one or more banks or trust
213 companies organized under the laws of the State of Mississippi or
214 the laws of the United States, provided that the sum on deposit in
215 any one (1) bank or trust company shall not exceed thirty-five
216 percent (35%) of the paid-up capital and regular surplus of the
217 bank or trust company.

218 SECTION 10. Sections 5 through 10 of this act shall be
219 inserted as a new article in Title 43, Chapter 13, Mississippi
220 Code of 1972.

221 SECTION 11. Sections 1 through 4 of this act shall take
222 effect and be in force from and after July 1, 1999, and Sections 5
223 through 10 of this act shall take effect and be in force from and
224 after the passage of this act.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE MISSISSIPPI QUALIFIED HEALTH CENTER
2 GRANT PROGRAM TO PROVIDE SERVICE GRANTS TO MISSISSIPPI QUALIFIED
3 HEALTH CENTERS; TO PROVIDE THAT SUCH PROGRAM SHALL BE ADMINISTERED
4 BY THE STATE DEPARTMENT OF HEALTH; TO PRESCRIBE THE PROCEDURE TO
5 APPLY FOR SERVICE GRANTS; TO PROVIDE THE PURPOSES FOR WHICH SUCH
6 GRANTS MAY BE USED; TO ESTABLISH AN ADVISORY PANEL TO REVIEW AND
7 MAKE RECOMMENDATIONS ON THE AWARDING OF SERVICE GRANTS; TO CREATE
8 A SPECIAL FUND TO BE KNOWN AS THE MISSISSIPPI QUALIFIED HEALTH
9 CENTER GRANT PROGRAM INTO WHICH ALL MONEY RECEIVED FROM
10 LEGISLATIVE APPROPRIATION PURSUANT TO THIS ACT SHALL BE DEPOSITED;
11 TO ESTABLISH A HEALTH CARE TRUST FUND IN THE STATE TREASURY INTO
12 WHICH SHALL BE DEPOSITED MONIES FROM THE SETTLEMENT OF THE LAWSUIT
13 AGAINST TOBACCO COMPANIES BY THE STATE OF MISSISSIPPI; TO PROVIDE
14 THAT THE PRINCIPAL OF THE TRUST FUND SHALL REMAIN INVIOATE AND
15 SHALL NEVER BE EXPENDED; TO PROVIDE THAT MONIES IN THE TRUST FUND
16 THAT ARE SUBJECT TO EXPENDITURE SHALL BE EXPENDED EXCLUSIVELY FOR

99\HR03\SB2500A.J *HR03/SB2500AJ*

17 HEALTH ISSUES; TO PROVIDE THAT MONIES IN THE TRUST FUND SHALL BE
18 INVESTED IN ANY OF THE INVESTMENTS AUTHORIZED FOR THE MISSISSIPPI
19 PREPAID AFFORDABLE COLLEGE TUITION PROGRAM; AND FOR RELATED
20 PURPOSES.