

By: Ford

To: Public Health and  
Welfare

HOUSE BILL NO. 250  
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 43-14-1 THROUGH 43-14-7,  
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE CHILDREN'S ADVISORY  
3 COUNCIL AND PROVIDE FOR A PILOT PROGRAM OF SERVICES AND CARE FOR  
4 CERTAIN CHILDREN; TO AMEND REENACTED SECTION 43-14-1, MISSISSIPPI  
5 CODE OF 1972, TO REVISE CERTAIN DATES RELATING TO THE PILOT  
6 PROGRAM; TO AMEND SECTION 43-14-9, MISSISSIPPI CODE OF 1972, TO  
7 EXTEND THE DATE OF THE REPEALER; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 43-14-1, Mississippi Code of 1972, is  
10 reenacted and amended as follows:

11 43-14-1. (1) The purpose of this chapter is to pilot the  
12 development of a coordinated interagency system of necessary  
13 services and care in two (2) regions of the state, designated by  
14 the Children's Advisory Council established herein, for children  
15 and youth up to age twenty-one (21) with serious  
16 emotional/behavioral disturbance or mental illness who require  
17 services from a multiple services and multiple programs system, in  
18 the most fiscally responsible (cost efficient) manner possible,  
19 based on an individualized plan of care which takes into account  
20 other available interagency programs, including, but not limited  
21 to, Early Intervention Act of Infants and Toddlers, Section  
22 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,  
23 Section 43-13-117(5), waived program for home- and  
24 community-based services for developmentally disabled people,  
25 Section 43-13-117(29), and waived program for targeted case  
26 management services for children with special needs, Section  
27 43-13-117(31), and is tied to clinically appropriate outcomes.  
28 Some of the outcomes are to reduce the number of inappropriate

29 out-of-home placements inclusive of those out-of-state.

30 (2) There is established a Children's Advisory Council  
31 comprised of one (1) member from each of the appropriate  
32 child-serving divisions or sections of the State Department of  
33 Health, the Department of Human Services, the State Department of  
34 Mental Health, the State Department of Education, the Division of  
35 Medicaid of the Governor's Office, a family member designated by  
36 Mississippi Families as Allies for Children's Mental Health, Inc.  
37 and a representative from the Mississippi Council of Youth Court  
38 Judges.

39 (3) The Children's Advisory Council shall oversee a pool of  
40 state funds contributed by each participating agency that  
41 currently expends funds for services, including residential and  
42 psychiatric care for the children and youth who are to be served  
43 by this chapter. This pool of funds shall be available for  
44 providing necessary community-centered services based on an  
45 individualized plan of care. The monetary contribution of each  
46 participating agency shall be determined as fair and equitable by  
47 the governing board or other duly authorized state level oversight  
48 authority for such agency by July 1 of each fiscal year, to begin  
49 July 1, 1998. In lieu of contributing funds, the State Department  
50 of Health shall contribute to the pilot system of care program  
51 described in this section in-kind health/medical services through  
52 the department to the children and youth to be served by this  
53 chapter.

54 (4) The local coordinating care entity to administer the  
55 pilot program in the two (2) designated regions shall be  
56 designated by the Children's Advisory Council. Each local  
57 coordinating care entity is an administrative body capable of  
58 securing and insuring the delivery of services and care across all  
59 necessary agencies and/or any other appropriate service  
60 provider(s) to meet each child or youth's authorized plan of care.

61 After June 30, 1999, the Children's Advisory Council will add an  
62 additional coordinating care entity so that all of the children in  
63 the State of Mississippi served by this chapter will be covered by  
64 June 30, 2000. Those local coordinating care entities designated  
65 by the Children's Advisory Council shall be those that clearly

66 reflect their capability to select and secure appropriate services  
67 and care in the most cost-efficient and timely manner for the  
68 children and youth who are to be served by this chapter.

69 (5) Each state agency named in subsection (2) of this  
70 section shall enter into a binding interagency agreement to  
71 participate in the oversight of the pilot system of care program  
72 for the children and youth described in this section. The  
73 agreement shall be signed and in effect by July 1, 1998, and shall  
74 remain in effect for a period of three (3) years, through June 30,  
75 2001.

76 SECTION 2. Section 43-14-3, Mississippi Code of 1972, is  
77 reenacted as follows:

78 43-14-3. The powers and responsibilities of the Children's  
79 Advisory Council shall be as follows:

80 (a) To select two (2) regions of the state in which to  
81 pilot the system of care;

82 (b) To implement a Request for Proposal process through  
83 which a local coordinating care entity will be selected in the two  
84 (2) designated regions to perform the functions provided in  
85 Section 43-14-7;

86 (c) To serve in an advisory capacity and to provide  
87 state level leadership and oversight to the development of the  
88 pilot system of care;

89 (d) To insure the creation and availability of an  
90 annual pool of funds from each participating agency member of the  
91 Children's Advisory Council that includes an amount to be  
92 contributed by each agency and a process for utilization of those  
93 funds;

94 (e) To contract and expend funds for any contractual  
95 technical assistance and consultation necessary to plan and  
96 develop a functional and flexible blended pool of funds.

97 SECTION 3. Section 43-14-5, Mississippi Code of 1972, is  
98 reenacted as follows:

99           43-14-5. There is created in the State Treasury a special  
100 fund into which shall be deposited all funds contributed by the  
101 Department of Human Services, Department of Mental Health and  
102 State Department of Education for the operation of the pilot  
103 system of care program. By the first quarter of the 1998 and 1999  
104 state fiscal year, each agency named in this section shall pay  
105 into the special fund out of its annual appropriation a sum equal  
106 to the amount determined by the board or other duly authorized  
107 state level oversight authority for that agency and accepted by  
108 the board or other duly authorized state level oversight authority  
109 for each other agency on the Children's Advisory Council.  
110 Additionally, the Division of Medicaid shall use all unmatched  
111 funds not committed for another purpose to match federal Medicaid  
112 funds for any Medicaid approved services that will be used in the  
113 pilot program for Medicaid eligible children and youth to be  
114 served by this chapter.

115           SECTION 4. Section 43-14-7, Mississippi Code of 1972, is  
116 reenacted as follows:

117           43-14-7. (1) The Children's Advisory Council shall contract  
118 with the selected local coordinating care entity in the two (2)  
119 designated regions in the pilot program, and these entities shall  
120 administer the program according to the terms of the contract with  
121 the Children's Advisory Council.

122           (2) Persons eligible for services provided through the pilot  
123 system of care program are persons under the age of twenty-one  
124 (21) with serious emotional or behavioral disorders or mental  
125 illnesses who require services from a multiple services and  
126 multiple programs system, including other interagency programs  
127 which serve the children and youth to be served by this chapter  
128 including, but not limited to, Early Intervention Act of Infants  
129 and Toddlers, Section 41-87-1 et seq., Early Periodic Screening  
130 Diagnosis and Treatment, Section 43-13-117(5), waived program  
131 for home- and community-based services for developmentally

132 disabled people, Section 43-13-117(29), and waived program for  
133 targeted case management services for children with special needs,  
134 Section 43-13-117(31). Those children and youth to be served by  
135 this chapter who are eligible for Medicaid shall be screened  
136 through the Medicaid Early Periodic Screening Diagnosis and  
137 Treatment (EPSDT) and their needs for medically necessary services  
138 shall be certified through the EPSDT process. Children who are  
139 not Medicaid eligible, but who meet the other eligibility  
140 criteria, shall be screened through a process similar to EPSDT,  
141 and if determined eligible, shall have access to their necessary  
142 services in the pilot system of care program through a mechanism  
143 determined by the Children's Advisory Council and funded through  
144 the operating fund provided in Section 43-14-5.

145 (3) Services that may be provided through the pilot system  
146 of care program shall include, but not be limited to, intensive  
147 home-based intervention, respite, therapeutic recreational  
148 services, emergency and crisis management, care management, day  
149 treatment, diagnosis and therapy. Services provided through the  
150 pilot system of care program shall be provided in the home setting  
151 of the recipient whenever feasible, rather than in a clinical  
152 setting. Services in the community of the recipient shall be  
153 considered and implemented before authorizing a more restrictive,  
154 out-of-home community setting. Where appropriate, other  
155 interagency programs which serve the children and youth to be  
156 served by this chapter, including, but not limited to, Early  
157 Intervention Act of Infants and Toddlers, Section 41-87-1 et seq.,  
158 Early Periodic Screening Diagnosis and Treatment, Section  
159 43-13-117(5), waived program for home- and community-based  
160 services for developmentally disabled people, Section  
161 43-13-117(29), and waived program for targeted case management  
162 services for children with special needs, Section 43-13-117(31),  
163 shall be utilized.

164 (4) The local coordinating care entity authorized to operate

165 the pilot program shall employ case managers who shall be  
166 responsible for setting up an interdisciplinary team composed of  
167 members of the child's family or other primary caregivers, and  
168 appropriate professional service providers. This team shall  
169 determine an individualized and clinically appropriate plan of  
170 care for the child. The case manager shall arrange for those  
171 services called for in each plan of care to be provided to the  
172 child. Where appropriate other interagency programs which serve  
173 the children and youth to be served by this chapter, including,  
174 but not limited to, Early Intervention Act of Infants and  
175 Toddlers, Section 41-87-1 et seq., Early Periodic Screening  
176 Diagnosis and Treatment, Section 43-13-117(5), waived program  
177 for home- and community-based services for developmentally  
178 disabled people, Section 43-13-117(29), and waived program for  
179 targeted case management services for children with special needs,  
180 Section 43-13-117(31), shall be utilized.

181 (5) Payment for services dictated by the plan of care shall  
182 be made to the providers of the services by the selected local  
183 coordinating care entity in the two (2) designated regions  
184 utilizing the blended fund pool established for the pilot program.

185 SECTION 5. Section 43-14-9, Mississippi Code of 1972, is  
186 amended as follows:

187 43-14-9. Sections 43-14-1 through 43-14-7 shall stand  
188 repealed on July 1, 2001.

189 SECTION 6. This act shall take effect and be in force from  
190 and after July 1, 2000.