

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 1380

1 AN ACT TO AMEND SECTION 43-13-107, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE MEMBERSHIP AND DUTIES OF AND OTHER PROVISIONS
3 GOVERNING THE MEDICAL CARE ADVISORY COMMITTEE FOR THE DIVISION OF
4 MEDICAID; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 43-13-107, Mississippi Code of 1972, as
7 amended by Senate Bill No. 2143, 1999 Regular Session, which
8 became law after veto by approval of the Legislature during the
9 2000 Regular Session, is amended as follows:

10 43-13-107. (1) The Division of Medicaid is created in the
11 Office of the Governor and established to administer this article
12 and perform such other duties as are prescribed by law.

13 (2) The Governor shall appoint a full-time director, with
14 the advice and consent of the Senate, who shall be either a
15 physician with administrative experience in a medical care or
16 health program or a person holding a graduate degree in medical
17 care administration, public health, hospital administration, or
18 the equivalent, and who shall serve at the will and pleasure of
19 the Governor. The director shall be the official secretary and
20 legal custodian of the records of the division; shall be the agent
21 of the division for the purpose of receiving all service of
22 process, summons and notices directed to the division; and shall
23 perform such other duties as the Governor shall, from time to
24 time, prescribe. The director, with the approval of the Governor
25 and the rules and regulations of the State Personnel Board, shall
26 employ such professional, administrative, stenographic,
27 secretarial, clerical and technical assistance as may be necessary

28 to perform the duties required in administering this article and
29 fix the compensation therefor, all in accordance with a state
30 merit system meeting federal requirements, except that when the
31 salary of the director is not set by law, such salary shall be set
32 by the State Personnel Board. No employees of the Division of
33 Medicaid shall be considered to be staff members of the immediate
34 Office of the Governor; however, the provisions of Section
35 25-9-107(xv) shall apply to the director and other administrative
36 heads of the Division.

37 (3) (a) There is established a Medical Care Advisory
38 Committee, which shall be the committee that is required by 42 CFR
39 Part 431.12, or subsequent federal regulation, to advise the
40 Division of Medicaid about health and medical care services and to
41 ensure that the policies and programs of the state are implemented
42 in the best interests of the citizens of the state.

43 (b) The Medical Care Advisory Committee shall consist
44 of not less than fifteen (15) members, as follows:

45 (i) The Governor shall appoint at least nine (9)
46 members, with one (1) member appointed from each congressional
47 district as presently constituted and four (4) members appointed
48 from the state at large;

49 (ii) The Lieutenant Governor shall appoint three
50 (3) members, one (1) from each Supreme Court district; and

51 (iii) The Speaker of the House of Representatives
52 shall appoint three (3) members, one (1) from each Supreme Court
53 district.

54 Each member appointed under this paragraph shall either be a
55 health care provider or consumer of health care services. At
56 least one (1) member appointed by each of the appointing
57 authorities shall be a board certified physician who participates
58 in the Medicaid program.

59 (c) The respective chairmen of the House Public Health
60 and Welfare Committee, the House Appropriations Committee, the
61 Senate Public Health and Welfare Committee and the Senate
62 Appropriations Committee, or their designees, one (1) member of
63 the State Senate appointed by the Lieutenant Governor and one (1)
64 member of the House of Representatives appointed by the Speaker of

65 the House, shall serve as ex officio nonvoting members of the
66 advisory committee.

67 (d) In addition to the committee members required by
68 paragraph (b), the Medical Care Advisory Committee shall consist
69 of such other members as are necessary to meet the requirements of
70 the federal regulations or law applicable to the Medical Care
71 Advisory Committee, who shall be appointed by the Governor, unless
72 otherwise required in the federal regulations or law.

73 (e) The chairmanship of the Medical Care Advisory
74 Committee shall be selected by the Governor for a term of one (1)
75 year and any person appointed as chairman may be reappointed as
76 chairman for additional terms.

77 (f) The members of the Medical Care Advisory Committee
78 specified in paragraph (b) shall serve for terms that are
79 concurrent with the terms of their respective appointing
80 authorities, and any member appointed under paragraph (b) may be
81 reappointed to the advisory committee. The members of the
82 advisory committee specified in paragraph (b) shall serve without
83 compensation, but shall receive per diem and reimbursement to
84 defray actual expenses incurred in the performance of committee
85 business as authorized by law. Legislators shall receive per diem
86 and expenses which may be paid from the contingent expense funds
87 of their respective houses in the same amounts as provided for
88 committee meetings when the Legislature is not in session.

89 (g) The Medical Care Advisory Committee shall meet at
90 least once every quarter, and advisory committee members shall be
91 furnished written notice of the meetings at least ten (10) days
92 before the date of the meeting.

93 (h) The Executive Director of the Division of Medicaid
94 shall submit to the Medical Care Advisory Committee all
95 amendments, modifications and changes to the state plan for the
96 operation of the Medicaid program for review and comment by the
97 advisory committee before the amendments, modifications or changes

98 are implemented by the division. Comments from the advisory
99 committee may be made by mail if an advisory committee meeting
100 cannot be held in time to comment on any amendments, modifications
101 or changes.

102 (i) The Medical Care Advisory Committee, among its
103 duties and responsibilities, shall:

104 (i) Advise the division with respect to
105 amendments, modifications and changes to the state plan for the
106 operation of the Medicaid program;

107 (ii) Advise the division with respect to issues
108 concerning receipt and disbursement of funds and eligibility for
109 medical assistance;

110 (iii) Advise the division with respect to
111 determining the quantity, quality and extent of medical care
112 provided under this article;

113 (iv) Communicate the views of health care
114 providers to the division and communicate the views of the
115 division to health care providers;

116 (v) Gather information on reasons that health care
117 providers do not participate in the Medicaid program and changes
118 that could be made in the program to encourage more providers to
119 participate in the Medicaid program, and advise the division with
120 respect to encouraging physicians and other health care providers
121 to participate in the Medicaid program; and

122 (vi) Provide a written report on or before
123 November 30 of each year to the Governor, Lieutenant Governor and
124 Speaker of the House of Representatives.

125 SECTION 2. This act shall take effect and be in force from
126 and after its passage.