

By: Huggins, Blackmon, Simmons

To: Public Health and Welfare

SENATE BILL NO. 2776  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-13-107, MISSISSIPPI CODE OF 1972,  
2 TO REVISE QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE  
3 DIVISION OF MEDICAID IN THE OFFICE OF THE GOVERNOR; AND FOR  
4 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) a  
15 physician with administrative experience in a medical care or  
16 health program, or (b) a person holding a graduate degree in  
17 medical care administration, public health, hospital  
18 administration, or the equivalent, or (c) a person holding a  
19 bachelor's degree in business administration or hospital  
20 administration, with at least ten (10) years' experience in  
21 management-level administration of Medicaid programs, and who  
22 shall serve at the will and pleasure of the Governor. The  
23 director shall be the official secretary and legal custodian of  
24 the records of the division; shall be the agent of the division  
25 for the purpose of receiving all service of process, summons and  
26 notices directed to the division; and shall perform such other  
27 duties as the Governor shall, from time to time, prescribe. The

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

41 (3) (a) There is established a Medical Care Advisory  
42 Committee, which shall be the committee that is required by  
43 federal regulation to advise the Division of Medicaid about health  
44 and medical care services.

45 (b) The committee shall consist of not less than eleven  
46 (11) members, as follows:

47 (i) The Governor shall appoint five (5) members,  
48 one (1) from each congressional district as presently constituted;

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

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

54 All members appointed under this paragraph shall either be  
55 health care providers or consumers of health care services. One  
56 (1) member appointed by each of the appointing authorities shall  
57 be a board certified physician.

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

65           (d) In addition to the committee members required by  
66 paragraph (b), the committee shall consist of such other members  
67 as are necessary to meet the requirements of the federal  
68 regulation applicable to the Medical Care Advisory Committee, who  
69 shall be appointed as provided in the federal regulation.

70           (e) The chairmanship of the Medical Care Advisory  
71 Committee shall alternate for twelve-month periods between the  
72 chairmen of the House and Senate Public Health and Welfare  
73 Committees, with the Chairman of the House Public Health and  
74 Welfare Committee serving as the first chairman.

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

86           (g) The committee shall meet not less than quarterly,  
87 and committee members shall be furnished written notice of the  
88 meetings at least ten (10) days before the date of the meeting.

89           (h) The Executive Director of the Division of Medicaid  
90 shall submit to the committee all amendments, modifications and  
91 changes to the state plan for the operation of the Medicaid  
92 program, for review by the committee before the amendments,  
93 modifications or changes may be implemented by the division.

94           (i) The committee, among its duties and  
95 responsibilities, shall:

96           (i) Advise the division with respect to  
97 amendments, modifications and changes to the state plan for the

98 operation of the Medicaid program;

99                   (ii) Advise the division with respect to issues  
100 concerning receipt and disbursement of funds and eligibility for  
101 medical assistance;

102                   (iii) Advise the division with respect to  
103 determining the quantity, quality and extent of medical care  
104 provided under this article;

105                   (iv) Communicate the views of the medical care  
106 professions to the division and communicate the views of the  
107 division to the medical care professions;

108                   (v) Gather information on reasons that medical  
109 care providers do not participate in the Medicaid program and  
110 changes that could be made in the program to encourage more  
111 providers to participate in the Medicaid program, and advise the  
112 division with respect to encouraging physicians and other medical  
113 care providers to participate in the Medicaid program;

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

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