

By: Thames

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 3028

1 AN ACT TO AMEND SECTIONS 43-14-1, 43-14-3, 43-14-5 AND
2 43-14-7, MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE CHILDREN'S
3 ADVISORY COUNCIL INTO AN INTERAGENCY COORDINATING COUNCIL FOR
4 CHILDREN AND YOUTH, TO EMPOWER THE INTERAGENCY COUNCIL TO
5 IMPLEMENT A PLANNING PROCESS FOR EACH CHILD SERVICE AGENCY TO
6 UTILIZE FEDERAL AND STATE FUNDS, TO DEFINE CHILDREN ELIGIBLE FOR
7 SERVICES WHICH ARE TO BE COORDINATED UNDER THIS ACT, AUTHORIZE THE
8 INTERAGENCY COUNCIL TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO
9 INCREASE THE NUMBER OF CHILDREN IDENTIFIED AND SERVED AS HAVING
10 SERIOUS EMOTIONAL DISORDERS PURSUANT TO FEDERAL LAW AND TO REQUEST
11 ADDITIONAL EDUCABLE CHILD FUNDS, TO AUTHORIZE THE INTERAGENCY
12 COUNCIL TO DIRECT THE DIVISION OF MEDICAID TO APPLY FOR NECESSARY
13 WAIVERS FOR THIS POPULATION OF CHILDREN, TO EMPOWER THE ADVISORY
14 COUNCIL TO COORDINATE A POOL OF FUNDS FROM THESE STATE AGENCIES TO
15 SERVE THIS POPULATION OF CHILDREN THROUGH LOCAL COORDINATING CARE
16 ENTITIES DESIGNATED BY THE INTERAGENCY COUNCIL, TO CHARGE THE
17 LOCAL COORDINATING CARE ENTITIES WITH CERTAIN RESPONSIBILITIES, TO
18 PROVIDE CERTAIN PENALTIES FOR STATE AGENCIES WHICH DO NOT
19 CONTRIBUTE OR PARTICIPATE IN THIS COORDINATED PROGRAM AND TO
20 SPECIFY THE DUTIES AND RESPONSIBILITIES OF THE INTERAGENCY
21 COUNCIL; TO REPEAL SECTION 43-14-9, MISSISSIPPI CODE OF 1972,
22 WHICH IS THE AUTOMATIC REPEALER ON SECTIONS 43-14-1 THROUGH
23 43-14-7, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

25 SECTION 1. Section 43-14-1, Mississippi Code of 1972, is
26 amended as follows:[CR1]

27 43-14-1. (1) The purpose of this chapter is to expand the
28 development of a coordinated interagency system of necessary
29 services and care beyond the two (2) existing pilots, designated
30 by the Children's Advisory Council established in 1993, for (a)
31 children and youth up to age twenty-one (21) with serious
32 emotional/behavioral disturbance or mental illness who require
33 services from a multiple services and multiple programs system;
34 (b) children suspended or expelled from a local school district
35 for serious and chronic misconduct; (c) children with alcohol and
36 drug abuse problems; (d) children with co-occurring disorders

37 (mental illness and alcohol and drug abuse problems); (e)
38 neglected, abused or delinquent children with serious emotional or
39 behavioral problems that would be subject to the jurisdiction of
40 the Department of Human Services or the youth court; and (f) those
41 children with special mental health needs for whom the necessary
42 array of specialized services and supports is not available in the
43 state, in the most fiscally responsible (cost efficient) manner
44 possible, based on an individualized plan of care which takes into
45 account other available interagency programs, including, but not
46 limited to, Early Intervention Act of Infants and Toddlers,
47 Section 41-87-1 et seq., Early Periodic Screening Diagnosis and
48 Treatment, Section 43-13-117(5), * * * and waived program for
49 targeted case management services for children with special needs,
50 Section 43-13-117(31), and is tied to clinically appropriate
51 outcomes. Some of the outcomes are to reduce the number of
52 inappropriate out-of-home placements inclusive of those
53 out-of-state and to reduce the number of inappropriate school
54 suspensions and expulsions for this population of children. From
55 and after July 1, 2000, this coordinated interagency system of
56 necessary services and care shall be named the System of Care
57 program.

58 (2) There is established a reconstituted Children's Advisory
59 Council which shall be known as the Interagency Coordinating
60 Council for Children and Youth comprised of one (1) member from
61 each of the appropriate child-serving divisions or sections of the
62 State Department of Health, the Department of Human Services, the
63 State Department of Mental Health, the State Department of
64 Education, the Division of Medicaid of the Governor's Office, the
65 Department of Rehabilitation Services, the Attorney General's
66 office, the Executive Director of the Mississippi Association of
67 School Superintendents, the Executive Director of the Public
68 Education Forum of Mississippi, a pediatric specialist
69 representative from the University of Mississippi Medical Center,
70 the public Policy Chair, Mississippi Early Childhood Association,
71 a representative from the Mississippi Economic Council, a
72 representative from the Mississippi Association of Child-Caring
73 Agencies, a representative from the Council of Administrators for

74 Special Education/Mississippi Organization of Special Education
75 Supervisors (CASE/MOSES), a family member designated by
76 Mississippi Families as Allies for Children's Mental Health, Inc.,
77 a family member designated by the Foster Family Association of
78 Mississippi, and a representative from the Mississippi Council of
79 Youth Court Judges, a representative from the Governor's Office,
80 and up to six (6) persons appointed by the chairman, of whom not
81 less than three (3) shall have special expertise in working with
82 children and youth with special mental health needs. Appointments
83 to the ICCCY shall be made within sixty (60) days after the
84 effective date of this act. The council shall organize by
85 selecting a chairman from its membership to serve on an annual
86 basis, and the chairman may be re-elected.

87 (3) The Interagency Coordinating Council for Children and
88 Youth, (hereafter referred to as the ICCCY) is so authorized and
89 shall oversee a planning process that mandates that each child
90 and/or youth-serving state agency define in writing how each
91 agency utilizes its federal and state statutes, policy
92 requirements and funding streams to identify and/or serve children
93 and youth with emotional disabilities or disorders; and mandate
94 further that each define any additional federal statutes, state
95 statutes, and/or other agency regulations, processes, or
96 guidelines that are now being or could be used to identify and
97 serve this population of children and youth. The ICCCY shall
98 coordinate with, and may conduct concurrent meetings with, the
99 Juvenile Health Recovery Board established under Section
100 43-27-303, Mississippi Code of 1972.

101 (4) The ICCCY is so authorized and shall direct the State
102 Department of Education to use whatever means necessary to work
103 with local public school districts to ensure appropriate
104 identification, evaluation and services for children with serious
105 emotional disorders in order that they shall be appropriately
106 identified as having the eligibility category of emotional mental

107 disorder (EMD) as defined under the federal Individuals with
108 Disabilities Education Act of 1997, as amended.

109 (5) The ICCCY is so authorized and shall direct the State
110 Department of Education and the Department of Mental Health to
111 seek additional funds from the Mississippi Legislature for
112 community-based coordinated services for children and youth with
113 serious emotional disorders and children and youth with the ruling
114 of EMD under the federal Individuals with Disabilities Education
115 Act of 1997 (IDEA). The ICCCY is also authorized and shall direct
116 the State Department of Education to seek from the Mississippi
117 Legislature an increased amount of Educable Child Funds to serve
118 children with serious emotional disorders in the custody of the
119 Department of Human Services and to serve those children with
120 serious emotional disorders for whom the local school district is
121 unable to provide an appropriate public education.

122 (6) The ICCCY is so authorized and shall direct the Division
123 of Medicaid to apply for necessary waivers and investigate and
124 develop all options to increase the efficiency and flexibility of
125 Medicaid mental health services for this population of children
126 including, but not limited to, making changes in the Medicaid
127 State Health Plan to ensure full implementation of Early Periodic
128 Screening, Diagnostic and Treatment Services (EPSDT) to identify
129 and serve children with mental health diagnoses to provide a full
130 array of services and options for the population of children named
131 in subsection (1).

132 (7) The ICCCY shall oversee a pool of state funds
133 contributed by each participating state agency and additional
134 funds from the Mississippi Tobacco Health Care Expenditure Fund,
135 subject to specific appropriation therefor by the Legislature.
136 Part of this pool of funds shall be available for increasing the
137 present funding levels by matching Medicaid funds in order to
138 increase the existing resources available for necessary
139 community-based services for Medicaid beneficiaries. The monetary

140 contribution of each participating agency shall be determined as
141 fair and equitable by the governing board or other duly authorized
142 state level oversight authority for such agency by July 1 of each
143 fiscal year, to begin July 1, 2000. The amount of the monetary
144 contribution necessary for each agency shall be determined through
145 the compilation of agency data, historical expenditure rates
146 and/or actuarial studies of each agency's expenditures and funds
147 available for those children and youth. In lieu of contributing
148 funds, the State Department of Health shall contribute to
149 the * * * System of Care program described in this section in-kind
150 health/medical services through the department to all the children
151 and youth to be served by this chapter. The ICCCY shall evaluate
152 the effectiveness of the State Department of Health's in-kind
153 contributions and shall make recommendations for adjustment on an
154 annual basis. The State Fiscal Officer is hereby authorized and
155 directed to withhold quarterly allocations of funds to any state
156 agency which is a member of the ICCCY and fails to make the
157 monetary contributions required.

158 (8) The local coordinating care entities to administer the
159 System of Care programs * * * shall be designated by the ICCCY
160 using an RFP process. Each local coordinating care entity shall
161 be an administrative body capable of securing and insuring the
162 delivery of services and care across all necessary agencies and/or
163 any other appropriate service provider(s) to meet each child or
164 youth's authorized plan of care. After June 30, 2000, the
165 Children's Advisory Council will add * * * additional coordinating
166 care entities in each congressional district of the state so that
167 all of the children in the State of Mississippi served by this
168 chapter will be covered by June 30, 2010. Those local
169 coordinating care entities designated by the ICCCY shall be those
170 that clearly reflect their capability to select and secure
171 appropriate services and care in the most cost-efficient and
172 timely manner for the children and youth who are to be served by

173 this chapter.

174 (9) Each local coordinating care entity shall work with or
175 help establish a local Multidisciplinary Assessment and Planning
176 Team (MAP) which shall be made up of local interagency
177 administrators and others who have special interest and expertise
178 with the population of children named in subsection (1) who shall
179 provide policy oversight and community commitment to the local
180 System of Care programs. Each local MAP team shall serve as the
181 single point of entry and the coordinating group to ensure that
182 comprehensive diagnosis and assessment occurs for the children
183 named in subsection (1). Local children in crisis shall have
184 first priority for access to the MAP team processes and local
185 System of Care programs.

186 (10) Each state agency named in subsection (2) of this
187 section shall enter into a binding interagency agreement to
188 participate in the oversight of the statewide System of Care
189 programs for the children and youth described in this section.
190 The agreement shall be signed and in effect by July 1 of each
191 year * * *.

192 SECTION 2. Section 43-14-3, Mississippi Code of 1972, is
193 amended as follows:[CR2]

194 43-14-3. The powers and responsibilities of the Interagency
195 Coordinating Council for Children and Youth shall be as follows:

196 (a) To expand * * * the System of Care programs into
197 each congressional district from a minimum of one (1) per
198 congressional district up to not more than twenty-five (25)
199 statewide;

200 (b) To implement a Request for Proposal process through
201 which a local coordinating care entities will be selected in each
202 congressional district to perform the functions provided in
203 Section 43-14-7;

204 (c) To serve in an advisory capacity and to provide
205 state level leadership and oversight to the development of

206 the * * * System of Care programs;

207 (d) To insure the creation and availability of an
208 annual pool of funds from each participating agency member of the
209 ICCCY that includes the amount to be contributed by each agency
210 that is based on the funding formula developed through the
211 original pilot projects designated by the Children's Advisory
212 Council established in 1993, and a process for utilization of
213 those funds;

214 (e) To contract and expend funds for any contractual
215 technical assistance and consultation necessary to the System of
216 Care programs.

217 SECTION 3. Section 43-14-5, Mississippi Code of 1972, is
218 amended as follows:[CR3]

219 43-14-5. There is created in the State Treasury a special
220 fund into which shall be deposited all funds contributed by the
221 Department of Human Services, State Department of Health,
222 Department of Mental Health and State Department of Education for
223 the operation of the * * * System of Care programs. By the first
224 quarter of each state fiscal year, each agency named in this
225 section shall pay into the special fund out of its annual
226 appropriation a sum equal to the amount determined by the board or
227 other duly authorized state level oversight authority for that
228 agency and accepted by the board or other duly authorized state
229 level oversight authority for each other agency on the ICCCY.
230 Additionally, the Division of Medicaid shall use all unmatched
231 funds not committed for another purpose to match federal Medicaid
232 funds for any Medicaid approved services that will be used in the
233 System of Care programs for Medicaid eligible children and youth
234 to be served by this chapter.

235 SECTION 4. Section 43-14-7, Mississippi Code of 1972, is
236 amended as follows:[CR4]

237 43-14-7. (1) The Interagency Coordinating Council for
238 Children and Youth shall contract with the selected local

239 coordinating care entity in the additional designated System of
240 Care regions, and these entities shall administer the program
241 according to the terms of the contract with the ICCCY.

242 (2) Persons eligible for services provided through the * * *
243 System of Care programs are (a) * * * under the age of twenty-one
244 (21) with serious emotional or behavioral disorders or mental
245 illnesses who require services from a multiple services and
246 multiple programs system; (b) children suspended or expelled from
247 a local school district for serious and chronic misconduct; (c)
248 children with alcohol and drug abuse problems; (d) children with
249 co-occurring disorders (mental illness and alcohol and drug abuse
250 problems); (e) neglected, abused or delinquent children with
251 serious emotional or behavioral problems that would be subject to
252 the jurisdiction of the Department of Human Services or the youth
253 court; and (f) those children with special mental health needs for
254 whom the necessary array of specialized services and supports is
255 not available in the state, including other interagency programs
256 which serve the children and youth to be served by this chapter
257 including, but not limited to, Early Intervention Act of Infants
258 and Toddlers, Section 41-87-1 et seq., Early Periodic Screening
259 Diagnosis and Treatment, Section 43-13-117(5), waived program
260 for home- and community-based services for developmentally
261 disabled people, Section 43-13-117(29), and waived program for
262 targeted case management services for children with special needs,
263 Section 43-13-117(31) and those identified through the federal
264 Individuals with Disabilities Education Act of 1997 as having a
265 serious emotional disorder (EMD) and through the implementation of
266 the Mississippi Children's Health Insurance program Phase I and
267 Phase II. Those children and youth to be served by this chapter
268 who are eligible for Medicaid shall be screened through the
269 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
270 and their needs for medically necessary services shall be
271 certified through the EPSDT process. Children who are not

272 Medicaid eligible * * * shall have access to their necessary
273 services in the * * * System of Care programs through a funding
274 formula determined by the ICCCY based on the implementation of the
275 original pilot projects and funded through the operating fund
276 provided in Section 43-14-5.

277 (3) Services that shall be provided through the * * * System
278 of Care programs shall include, but not be limited to, intensive
279 home-based intervention, respite, therapeutic recreational
280 services, emergency and crisis management, care management, day
281 treatment, diagnosis and therapy. Services provided through
282 the * * * System of Care programs shall be provided in the home
283 setting of the recipient whenever feasible, rather than in a
284 clinical setting. Services in the community of the recipient
285 shall be considered and implemented before authorizing a more
286 restrictive, out-of-home community setting. Where appropriate,
287 other interagency programs which serve the children and youth to
288 be served by this chapter, including, but not limited to, Early
289 Intervention Act of Infants and Toddlers, Section 41-87-1 et seq.,
290 Early Periodic Screening Diagnosis and Treatment, Section
291 43-13-117(5), waived program for home- and community-based
292 services for developmentally disabled people, Section
293 43-13-117(29), and waived program for targeted case management
294 services for children with special needs, Section 43-13-117(31),
295 and those children identified through federal Individuals with
296 Disabilities Education Act of 1997 as having serious emotional
297 disorder (EMD) and those children identified through the
298 implementation of the Mississippi Children Health Insurance
299 program, Phase I and Phase II, shall be utilized. Additional
300 services that shall be provided for the children in this chapter
301 in each System of Care program shall be behavioral aides for the
302 local school districts in each System of Care program region;
303 Service Access and Coordination Specialists for local MAP teams;
304 and Intensive WRAP-Around Services. In addition, there shall be

305 established in one (1) of the selected regions a pilot Family
306 Outreach and Support Center which shall provide family
307 support/psychoeducation groups, respite services and therapeutic
308 recreational services.

309 * * *

310 (4) Payment for services dictated by the plan of care shall
311 be made to the providers of the services by the selected local
312 coordinating care entity in each of the designated System of Care
313 regions utilizing the blended fund pool established for the * * *
314 programs.

315 SECTION 5. Section 43-14-9, Mississippi Code of 1972, which
316 is the automatic repealer on Sections 43-14-1 through 43-14-7, is
317 hereby repealed.

318 SECTION 6. This act shall take effect and be in force from
319 and after June 30, 2000.