

By: Thames

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 3028
(As Passed the Senate)

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; TO AMEND SECTION 43-27-307,
8 MISSISSIPPI CODE OF 1972, TO REVISE THE DATE FOR THE SUBMISSION OF
9 THE PLAN FOR COMPREHENSIVE CARE AND PLACEMENT OF CHILDREN TO BE
10 SUBMITTED BY THE JUVENILE HEALTH RECOVERY PROGRAM; TO ESTABLISH A
11 JOINT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS CONCERNING THE
12 COORDINATION OF NECESSARY MULTIPLE SERVICES TO CHILDREN AND YOUTH;
13 AND FOR RELATED PURPOSES.

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

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

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

32 management services for children with special needs, Section
33 43-13-117(31), and is tied to clinically appropriate outcomes.
34 Some of the outcomes are to reduce the number of inappropriate
35 out-of-home placements inclusive of those out-of-state.

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

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

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

67 After June 30, 1999, the Children's Advisory Council will add an
68 additional coordinating care entity so that all of the children in

69 the State of Mississippi served by this chapter will be covered by
70 June 30, 2000. Those local coordinating care entities designated
71 by the Children's Advisory Council shall be those that clearly
72 reflect their capability to select and secure appropriate services
73 and care in the most cost-efficient and timely manner for the
74 children and youth who are to be served by this chapter.

75 (5) Each state agency named in subsection (2) of this
76 section shall enter into a binding interagency agreement to
77 participate in the oversight of the pilot system of care program
78 for the children and youth described in this section. The
79 agreement shall be signed and in effect by July 1, 1998, and shall
80 remain in effect for a period of three (3) years, through June 30,
81 2001.

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

84 43-14-3. The powers and responsibilities of the Children's
85 Advisory Council shall be as follows:

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

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

92 (c) To serve in an advisory capacity and to provide
93 state level leadership and oversight to the development of the
94 pilot system of care;

95 (d) To insure the creation and availability of an
96 annual pool of funds from each participating agency member of the
97 Children's Advisory Council that includes an amount to be
98 contributed by each agency and a process for utilization of those
99 funds;

100 (e) To contract and expend funds for any contractual
101 technical assistance and consultation necessary to plan and

102 develop a functional and flexible blended pool of funds.

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

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

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

123 43-14-7. (1) The Children's Advisory Council shall contract
124 with the selected local coordinating care entity in the two (2)
125 designated regions in the pilot program, and these entities shall
126 administer the program according to the terms of the contract with
127 the Children's Advisory Council.

128 (2) Persons eligible for services provided through the pilot
129 system of care program are persons under the age of twenty-one
130 (21) with serious emotional or behavioral disorders or mental
131 illnesses who require services from a multiple services and
132 multiple programs system, including other interagency programs
133 which serve the children and youth to be served by this chapter
134 including, but not limited to, Early Intervention Act of Infants

135 and Toddlers, Section 41-87-1 et seq., Early Periodic Screening
136 Diagnosis and Treatment, Section 43-13-117(5), waived program
137 for home- and community-based services for developmentally
138 disabled people, Section 43-13-117(29), and waived program for
139 targeted case management services for children with special needs,
140 Section 43-13-117(31). Those children and youth to be served by
141 this chapter who are eligible for Medicaid shall be screened
142 through the Medicaid Early Periodic Screening Diagnosis and
143 Treatment (EPSDT) and their needs for medically necessary services
144 shall be certified through the EPSDT process. Children who are
145 not Medicaid eligible, but who meet the other eligibility
146 criteria, shall be screened through a process similar to EPSDT,
147 and if determined eligible, shall have access to their necessary
148 services in the pilot system of care program through a mechanism
149 determined by the Children's Advisory Council and funded through
150 the operating fund provided in Section 43-14-5.

151 (3) Services that may be provided through the pilot system
152 of care program shall include, but not be limited to, intensive
153 home-based intervention, respite, therapeutic recreational
154 services, emergency and crisis management, care management, day
155 treatment, diagnosis and therapy. Services provided through the
156 pilot system of care program shall be provided in the home setting
157 of the recipient whenever feasible, rather than in a clinical
158 setting. Services in the community of the recipient shall be
159 considered and implemented before authorizing a more restrictive,
160 out-of-home community setting. Where appropriate, other
161 interagency programs which serve the children and youth to be
162 served by this chapter, including, but not limited to, Early
163 Intervention Act of Infants and Toddlers, Section 41-87-1 et seq.,
164 Early Periodic Screening Diagnosis and Treatment, Section
165 43-13-117(5), waived program for home- and community-based
166 services for developmentally disabled people, Section
167 43-13-117(29), and waived program for targeted case management

168 services for children with special needs, Section 43-13-117(31),
169 shall be utilized.

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

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

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

193 43-14-9. Sections 43-14-1 through 43-14-7 shall stand
194 repealed on July 1, 2001.

195 SECTION 6. Section 43-27-307, Mississippi Code of 1972, is
196 amended as follows:[LR1]

197 43-27-307. The Juvenile Health Recovery Advisory Board shall
198 submit to the Governor and the Legislature, on or before April 15,
199 2000, a recommendation for a comprehensive, multidisciplinary plan
200 for the care, treatment and placement of children identified in

201 Section 2 of this act. The advisory board shall submit to the
202 Governor and the Legislature, on or before September 15, 2000,
203 recommended rules and regulations for the operation of the
204 Juvenile Health Recovery Program.

205 SECTION 7. A special Joint Committee is created to Study and
206 Make Recommendations Concerning the Coordination of Necessary
207 Multiple Services to Children and Youth of the State and to
208 Recommend a Blended Funding Source for Such Programs. The joint
209 committee shall be composed of the Chairman of the Senate Public
210 Health and Welfare Committee, the Chairman of the House Public
211 Health and Welfare Committee, the Chairman of the Senate
212 Appropriations Committee, the Chairman of the House Appropriations
213 Committee, two (2) members of the Senate Public Health and Welfare
214 Committee and two (2) members of the Senate Appropriations
215 Committee to be appointed by the Lieutenant Governor, two (2)
216 members of the House Public Health and Welfare Committee and two
217 (2) members of the House Appropriations Committee to be appointed
218 by the Speaker of the House.

219 Within fifteen (15) days after sine die adjournment of the
220 2000 Regular Session of the Legislature, the Lieutenant Governor
221 and Speaker shall appoint the members of the committee. After the
222 members are appointed, the joint committee shall meet on a date
223 designated by the Lieutenant Governor in Jackson, Mississippi, to
224 select a chairman, organize the committee and establish rules for
225 transacting its business and keeping records. An affirmative vote
226 of a majority of the members shall be required in the adoption of
227 rules, resolutions and reports. All members of the joint
228 committee shall be notified in writing of all regular and special
229 meetings of the committee, which notices shall be mailed at least
230 five (5) days before the dates of the meetings.

231 The joint committee shall study and make recommendations to
232 the Legislature regarding the development and funding of a
233 coordinated interagency system of necessary services and care for

234 (a) children and youth up to age twenty-one (21) with serious
235 emotional/behavioral disturbance or mental illness who require
236 services from a multiple services and multiple programs system;
237 (b) children suspended or expelled from a local school district
238 for serious and chronic misconduct; (c) children with alcohol and
239 drug abuse problems; (d) children with co-occurring disorders
240 (mental illness and alcohol and drug abuse problems); (e)
241 neglected, abused or delinquent children with serious emotional or
242 behavioral problems that would be subject to the jurisdiction of
243 the Department of Human Services or the youth court; and (f) those
244 children with special mental health needs for whom the necessary
245 array of specialized services and supports is not available in the
246 state, in the most fiscally responsible (cost efficient) manner
247 possible, based on an individualized plan of care which takes into
248 account other available interagency programs, including, but not
249 limited to, Early Intervention Act of Infants and Toddlers,
250 Section 41-87-1 et seq., Early Periodic Screening Diagnosis and
251 Treatment, Section 43-13-117(5), and waived program for targeted
252 case management services for children with special needs, Section
253 43-13-117(31), and is tied to clinically appropriate outcomes.
254 Some of the outcomes are to reduce the number of inappropriate
255 out-of-home placements inclusive of those out-of-state and to
256 reduce the number of inappropriate school suspensions and
257 expulsions for this population of children.

258 The joint committee may establish any subcommittees that it
259 deems desirable to study and report to the committee with respect
260 to any matter that is within the scope of this resolution.

261 The joint committee shall make a written report of its
262 findings and recommendations, and shall mail copies of the report
263 to each member of the Legislature not later than December 1, 2000.

264 In carrying out the provisions of this resolution, the joint
265 committee may utilize the services, facilities and personnel of
266 all departments, agencies, offices and institutions of the state,

267 including the state universities and the community and junior
268 colleges. In particular, the joint committee shall consult with
269 the Mississippi Department of Mental Health, the Children's
270 Advisory Council, the Juvenile Health Recovery Board, the Division
271 of Medicaid, and each agency shall cooperate with the joint
272 committee and provide the committee with any information and other
273 assistance requested by the committee. The joint committee may
274 consult and seek advice from various groups in the state in order
275 to understand the effect of any existing laws or any changes in
276 law being considered by the committee.

277 For attending meetings of the joint committee, each member
278 shall be paid per diem compensation in the amount authorized by
279 Section 25-3-69 and a mileage allowance and an expense allowance
280 in the amount authorized by Section 5-1-47. Legislative members
281 shall be paid from the contingent expense fund of the member's
282 respective house, and nonlegislative members shall be paid from
283 funds made available by appropriation of the Legislature for the
284 purpose of this resolution. However, no per diem compensation,
285 mileage allowance or expense allowance shall be paid for attending
286 meetings of the joint committee while the Legislature is in
287 session, and no per diem compensation, mileage allowance or
288 expense allowance shall be paid without prior approval of the
289 proper committee in the member's respective house.

290 SECTION 8. This act shall take effect and be in force from
291 and after July 1, 2000.