HOUSE BILL NO. 478

AN ACT TO REENACT SECTIONS 43-14-1 THROUGH 43-14-7, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE CHILDREN'S ADVISORY COUNCIL AND PROVIDE FOR A PILOT PROGRAM OF SERVICES AND CARE FOR CERTAIN CHILDREN; TO AMEND REENACTED SECTION 43-14-1, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DATES RELATING TO THE PILOT PROGRAM; TO AMEND SECTION 43-14-9, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL FROM JULY 1, 2001, TO JULY 1, 2002; AND FOR RELATED PURPOSES.

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

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

43-14-1. (1) The purpose of this chapter is to pilot the development of a coordinated interagency system of necessary services and care in two (2) regions of the state, designated by the Children's Advisory Council established herein, for children and youth up to age twenty-one (21) with serious emotional/behavioral disturbance or mental illness who require services from a multiple services and multiple programs system, in the most fiscally responsible (cost efficient) manner possible, based on an individualized plan of care which takes into account other available interagency programs, including, but not limited to, Early Intervention Act of Infants and Toddlers, Section 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment, Section 43-13-117(5), waivered program for home- and community-based services for developmentally disabled people, Section 43-13-117(29), and waivered program for targeted case management services for children with special needs, Section 43-13-117(31), and is tied to clinically appropriate outcomes. Some of the outcomes are to reduce the number of inappropriate out-of-home placements inclusive of those out-of-state.
(2) There is established a Children's Advisory Council comprised of one (1) member from each of the appropriate child-serving divisions or sections of the State Department of Health, the Department of Human Services, the State Department of Mental Health, the State Department of Education, the Division of Medicaid of the Governor's Office, a family member designated by Mississippi Families as Allies for Children's Mental Health, Inc. and a representative from the Mississippi Council of Youth Court Judges.

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

(4) The local coordinating care entity to administer the pilot program in the two (2) designated regions shall be designated by the Children's Advisory Council. Each local coordinating care entity is an administrative body capable of securing and insuring the delivery of services and care across all necessary agencies and/or any other appropriate service provider(s) to meet each child or youth's authorized plan of care. After June 30, 1999, the Children's Advisory Council will add an additional coordinating care entity so that all of the children in
the State of Mississippi served by this chapter will be covered by June 30, 2000. Those local coordinating care entities designated by the Children's Advisory Council shall be those that clearly reflect their capability to select and secure appropriate services and care in the most cost-efficient and timely manner for the children and youth who are to be served by this chapter.

(5) Each state agency named in subsection (2) of this section shall enter into a binding interagency agreement to participate in the oversight of the pilot system of care program for the children and youth described in this section. The agreement shall be signed and in effect by July 1, 1998, and shall remain in effect for a period of four (4) years, through June 30, 2002.

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

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

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

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

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

(d) To insure the creation and availability of an annual pool of funds from each participating agency member of the Children's Advisory Council that includes an amount to be contributed by each agency and a process for utilization of those funds;
(e) To contract and expend funds for any contractual technical assistance and consultation necessary to plan and develop a functional and flexible blended pool of funds.

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

43-14-5. There is created in the State Treasury a special fund into which shall be deposited all funds contributed by the Department of Human Services, Department of Mental Health and State Department of Education for the operation of the pilot system of care program. By the first quarter of the 1998 and 1999 state fiscal year, each agency named in this section shall pay into the special fund out of its annual appropriation a sum equal to the amount determined by the board or other duly authorized state level oversight authority for that agency and accepted by the board or other duly authorized state level oversight authority for each other agency on the Children's Advisory Council.

Additionally, the Division of Medicaid shall use all unmatched funds not committed for another purpose to match federal Medicaid funds for any Medicaid approved services that will be used in the pilot program for Medicaid eligible children and youth to be served by this chapter.

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

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

(2) Persons eligible for services provided through the pilot system of care program are persons under the age of twenty-one (21) with serious emotional or behavioral disorders or mental illnesses who require services from a multiple services and multiple programs system, including other interagency programs
which serve the children and youth to be served by this chapter
including, but not limited to, Early Intervention Act of Infants
and Toddlers, Section 41-87-1 et seq., Early Periodic Screening
Diagnosis and Treatment, Section 43-13-117(5), waivered program
for home- and community-based services for developmentally
disabled people, Section 43-13-117(29), and waivered program for
targeted case management services for children with special needs,
Section 43-13-117(31). Those children and youth to be served by
this chapter who are eligible for Medicaid shall be screened
through the Medicaid Early Periodic Screening Diagnosis and
Treatment (EPSDT) and their needs for medically necessary services
shall be certified through the EPSDT process. Children who are
not Medicaid eligible, but who meet the other eligibility
criteria, shall be screened through a process similar to EPSDT,
and if determined eligible, shall have access to their necessary
services in the pilot system of care program through a mechanism
determined by the Children's Advisory Council and funded through
the operating fund provided in Section 43-14-5.

(3) Services that may be provided through the pilot system
of care program shall include, but not be limited to, intensive
home-based intervention, respite, therapeutic recreational
services, emergency and crisis management, care management, day
treatment, diagnosis and therapy. Services provided through the
pilot system of care program shall be provided in the home setting
of the recipient whenever feasible, rather than in a clinical
setting. Services in the community of the recipient shall be
considered and implemented before authorizing a more restrictive,
out-of-home community setting. Where appropriate, other
interagency programs which serve the children and youth to be
served by this chapter, including, but not limited to, Early
Intervention Act of Infants and Toddlers, Section 41-87-1 et seq.,
Early Periodic Screening Diagnosis and Treatment, Section
43-13-117(5), waivered program for home- and community-based
(4) The local coordinating care entity authorized to operate the pilot program shall employ case managers who shall be responsible for setting up an interdisciplinary team composed of members of the child's family or other primary caregivers, and appropriate professional service providers. This team shall determine an individualized and clinically appropriate plan of care for the child. The case manager shall arrange for those services called for in each plan of care to be provided to the child. Where appropriate other interagency programs which serve the children and youth to be served by this chapter, including, but not limited to, Early Intervention Act of Infants and Toddlers, Section 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment, Section 43-13-117(5), waivered program for home- and community-based services for developmentally disabled people, Section 43-13-117(29), and waivered program for targeted case management services for children with special needs, Section 43-13-117(31), shall be utilized.

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

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

43-14-9. Sections 43-14-1 through 43-14-7 shall stand repealed on July 1, 2002.

SEC. 6. This act shall take effect and be in force from and after July 1, 2001.