

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 478

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 REPEAL FROM JULY 1, 2001, TO JULY 1, 2002; AND
8 FOR RELATED PURPOSES.

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

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

12 43-14-1. (1) The purpose of this chapter is to pilot the
13 development of a coordinated interagency system of necessary
14 services and care in two (2) regions of the state, designated by
15 the Children's Advisory Council established herein, for children
16 and youth up to age twenty-one (21) with serious
17 emotional/behavioral disturbance or mental illness who require
18 services from a multiple services and multiple programs system, in
19 the most fiscally responsible (cost efficient) manner possible,
20 based on an individualized plan of care which takes into account
21 other available interagency programs, including, but not limited
22 to, Early Intervention Act of Infants and Toddlers, Section
23 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,
24 Section 43-13-117(5), waived program for home- and
25 community-based services for developmentally disabled people,
26 Section 43-13-117(29), and waived program for targeted case
27 management services for children with special needs, Section
28 43-13-117(31), and is tied to clinically appropriate outcomes.
29 Some of the outcomes are to reduce the number of inappropriate
30 out-of-home placements inclusive of those out-of-state.



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

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

55 (4) The local coordinating care entity to administer the
56 pilot program in the two (2) designated regions shall be
57 designated by the Children's Advisory Council. Each local
58 coordinating care entity is an administrative body capable of
59 securing and insuring the delivery of services and care across all
60 necessary agencies and/or any other appropriate service
61 provider(s) to meet each child or youth's authorized plan of care.
62 After June 30, 1999, the Children's Advisory Council will add an
63 additional coordinating care entity so that all of the children in



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

70 (5) Each state agency named in subsection (2) of this
71 section shall enter into a binding interagency agreement to
72 participate in the oversight of the pilot system of care program
73 for the children and youth described in this section. The
74 agreement shall be signed and in effect by July 1, 1998, and shall
75 remain in effect for a period of four (4) years, through June 30,
76 2002.

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

79 43-14-3. The powers and responsibilities of the Children's
80 Advisory Council shall be as follows:

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

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

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

90 (d) To insure the creation and availability of an
91 annual pool of funds from each participating agency member of the
92 Children's Advisory Council that includes an amount to be
93 contributed by each agency and a process for utilization of those
94 funds;



95 (e) To contract and expend funds for any contractual
96 technical assistance and consultation necessary to plan and
97 develop a functional and flexible blended pool of funds.

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

100 43-14-5. There is created in the State Treasury a special
101 fund into which shall be deposited all funds contributed by the
102 Department of Human Services, Department of Mental Health and
103 State Department of Education for the operation of the pilot
104 system of care program. By the first quarter of the 1998 and 1999
105 state fiscal year, each agency named in this section shall pay
106 into the special fund out of its annual appropriation a sum equal
107 to the amount determined by the board or other duly authorized
108 state level oversight authority for that agency and accepted by
109 the board or other duly authorized state level oversight authority
110 for each other agency on the Children's Advisory Council.
111 Additionally, the Division of Medicaid shall use all unmatched
112 funds not committed for another purpose to match federal Medicaid
113 funds for any Medicaid approved services that will be used in the
114 pilot program for Medicaid eligible children and youth to be
115 served by this chapter.

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

118 43-14-7. (1) The Children's Advisory Council shall contract
119 with the selected local coordinating care entity in the two (2)
120 designated regions in the pilot program, and these entities shall
121 administer the program according to the terms of the contract with
122 the Children's Advisory Council.

123 (2) Persons eligible for services provided through the pilot
124 system of care program are persons under the age of twenty-one
125 (21) with serious emotional or behavioral disorders or mental
126 illnesses who require services from a multiple services and
127 multiple programs system, including other interagency programs



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

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



161 services for developmentally disabled people, Section
162 43-13-117(29), and waived program for targeted case management
163 services for children with special needs, Section 43-13-117(31),
164 shall be utilized.

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

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

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

188 43-14-9. Sections 43-14-1 through 43-14-7 shall stand
189 repealed on July 1, 2002.

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

