

By: Representatives Moody, Scott (80th)

To: Public Health and Welfare; Appropriations

HOUSE BILL NO. 1275  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 43-14-1, 43-14-3 and 43-14-5,  
2 MISSISSIPPI CODE OF 1972, TO ESTABLISH AN INTERAGENCY COORDINATING  
3 COUNCIL FOR CHILDREN AND YOUTH, TO EMPOWER THE INTERAGENCY COUNCIL  
4 TO IMPLEMENT A PLANNING PROCESS FOR EACH CHILD SERVICE AGENCY TO  
5 UTILIZE FEDERAL AND STATE FUNDS, TO DEFINE CHILDREN ELIGIBLE FOR  
6 SERVICES WHICH ARE TO BE COORDINATED UNDER THIS ACT, TO ESTABLISH  
7 AN INTERAGENCY SYSTEM OF CARE COUNCIL TO PERFORM CERTAIN FUNCTIONS  
8 AND ADVISE THE INTERAGENCY COORDINATING COUNCIL, TO ESTABLISH A  
9 STATEWIDE SYSTEM OF LOCAL MULTIDISCIPLINARY ASSESSMENT AND  
10 PLANNING RESOURCE (MAP) TEAMS, TO EMPOWER THE INTERAGENCY  
11 COORDINATING COUNCIL TO COORDINATE A POOL OF FUNDS FROM THESE  
12 STATE AGENCIES TO SERVE THIS POPULATION OF CHILDREN THROUGH LOCAL  
13 MAP TEAMS AND TO CHARGE THE LOCAL MAP TEAMS WITH CERTAIN  
14 RESPONSIBILITIES; TO REPEAL SECTION 43-14-7, MISSISSIPPI CODE OF  
15 1972, WHICH PROVIDES FOR SERVICES AND ELIGIBILITY UNDER THE  
16 BLENDED FUNDING PROGRAM FORMERLY ADMINISTERED BY THE CHILDREN'S  
17 ADVISORY COUNCIL AND TO REPEAL SECTION 43-14-9, MISSISSIPPI CODE  
18 OF 1972, WHICH IS THE AUTOMATIC REPEALER ON SECTIONS 43-14-1  
19 THROUGH 43-14-7, MISSISSIPPI CODE OF 1972; AND FOR RELATED  
20 PURPOSES.

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

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

24 43-14-1. (1) The purpose of this chapter is to provide for  
25 the development and implementation of a coordinated interagency  
26 system of necessary services and care \* \* \* for children and youth  
27 up to age twenty-one (21) with serious emotional/behavioral  
28 disorders, including, but not limited to, conduct disorders, or  
29 mental illness who require services from a multiple services and  
30 multiple programs system, and who can be successfully diverted  
31 from inappropriate institutional placement. This program is to be  
32 done in the most fiscally responsible (cost efficient) manner  
33 possible, based on an individualized plan of care which takes into  
34 account other available interagency programs, including, but not

35 limited to, Early Intervention Act of Infants and Toddlers,  
36 Section 41-87-1 et seq., Early Periodic Screening Diagnosis and  
37 Treatment, Section 43-13-117(5), waived program for home- and  
38 community-based services for developmentally disabled people,  
39 Section 43-13-117(29), and waived program for targeted case  
40 management services for children with special needs, Section  
41 43-13-117(31), those children identified through the federal  
42 Individuals with Disabilities Education Act of 1997 as having a  
43 serious emotional disorder (EMD), the Mississippi Children's  
44 Health Insurance Program Phase I and Phase II and waived  
45 programs for children with serious emotional disturbances, Section  
46 43-13-117(46), and is tied to clinically appropriate outcomes.  
47 Some of the outcomes are to reduce the number of inappropriate  
48 out-of-home placements inclusive of those out-of-state and to  
49 reduce the number of inappropriate school suspensions and  
50 expulsions for this population of children. From and after July  
51 1, 2001, this coordinated interagency system of necessary services  
52 and care shall be named the System of Care program. Children to  
53 be served by this chapter who are eligible for Medicaid shall be  
54 screened through the Medicaid Early Periodic Screening Diagnosis  
55 and Treatment (EPSDT) and their needs for medically necessary  
56 services shall be certified through the EPSDT process. For  
57 purposes of this chapter, a "System of Care" is defined as a  
58 coordinated network of agencies and providers working as a team to  
59 make a full range of mental health and other necessary services  
60 available as needed by children with mental health problems and  
61 their families. The System of Care shall be:  
62 (a) Child centered, family focused and family driven;  
63 (b) Community based;  
64 (c) Culturally competent and responsive; and shall  
65 provide for:  
66 (i) Service coordination or case management;

67                    (ii) Prevention and early identification and  
68 intervention;  
69                    (iii) Smooth transitions among agencies,  
70 providers, and to the adult service system;  
71                    (iv) Human rights protection and advocacy;  
72                    (v) Nondiscrimination in access to services;  
73                    (vi) A comprehensive array of services;  
74                    (vii) Individualized service planning;  
75                    (viii) Services in the least restrictive  
76 environment;  
77                    (ix) Family participation in all aspects of  
78 planning, service delivery and evaluation; and  
79                    (x) Integrated services with coordinated planning  
80 across child-serving agencies.

81            (2) There is established the Interagency Coordinating  
82 Council for Children and Youth (hereinafter referred to as the  
83 "ICCCY"). The ICCCY shall consist of the following membership:  
84 (a) the State Superintendent of Public Education; (b) the  
85 Executive Director of the Mississippi Department of Mental Health;  
86 (c) the Executive Director of the State Department of Health; (d)  
87 the Executive Director of the Department of Human Services; (e)  
88 the Executive Director of the Division of Medicaid, Office of the  
89 Governor; (f) the Executive Director of the State Department of  
90 Rehabilitation Services; and (g) the Executive Director of  
91 Mississippi Families as Allies for Children's Mental Health, Inc.  
92 The council shall meet before August 1, 2001, and shall organize  
93 for business by selecting a chairman, who shall serve for a  
94 one-year term and may not serve consecutive terms. The council  
95 shall adopt internal organizational procedures necessary for  
96 efficient operation of the council. Each member of the council  
97 shall designate necessary staff of their departments to assist the  
98 ICCCY in performing its duties and responsibilities. The ICCCY  
99 shall meet and conduct business at least twice annually. The

100 chairman of the ICCCY shall notify all persons who request such  
101 notice as to the date, time and place of each meeting.

102 (3) The Interagency System of Care Council is created to  
103 serve as the state management team for the ICCCY, with the  
104 responsibility of collecting and analyzing data and funding  
105 strategies necessary to improve the operation of the System of  
106 Care programs, and to make recommendations to the ICCCY and to the  
107 Legislature concerning such strategies on or before December 31,  
108 2002. The System of Care Council also has the responsibility of  
109 coordinating the local Multidisciplinary Assessment and Planning  
110 (MAP) teams and may apply for grants from public and private  
111 sources necessary to carry out its responsibilities. The  
112 Interagency System of Care Council shall be comprised of one (1)  
113 member from each of the appropriate child-serving divisions or  
114 sections of the State Department of Health, the Department of  
115 Human Services, the State Department of Mental Health, the State  
116 Department of Education, the Division of Medicaid of the  
117 Governor's Office, the Department of Rehabilitation Services, a  
118 family member representing a family education and support 501(c)3  
119 organization, a representative from the Council of Administrators  
120 for Special Education/Mississippi Organization of Special  
121 Education Supervisors (CASE/MOSES) and a family member designated  
122 by Mississippi Families as Allies for Children's Mental Health,  
123 Inc. \* \* \* Appointments to the Interagency System of Care Council  
124 shall be made within sixty (60) days after the effective date of  
125 this act. The council shall organize by selecting a chairman from  
126 its membership to serve on an annual basis, and the chairman may  
127 not serve consecutive terms.

128 (4) There is established a statewide system of local  
129 Multidisciplinary Assessment and Planning Resource (MAP) teams.  
130 The MAP teams shall be comprised of one (1) representative each at  
131 the county level from the major child-serving public agencies for  
132 education, human services, health, mental health and

133 rehabilitative services approved by respective state agencies of  
134 the Department of Education, the Department of Human Services, the  
135 Department of Health, the Department of Mental Health and the  
136 Department of Rehabilitation Services. Three (3) additional  
137 members may be added to each team, one (1) of which may be a  
138 representative of a family education/support 501(c)3 organization  
139 with statewide recognition and specifically established for the  
140 population of children defined in Section 43-14-1. The remaining  
141 two (2) members will be representatives of significant  
142 community-level stakeholders with resources that can benefit the  
143 population of children defined in Section 43-14-1.

144 (5) The Interagency Coordinating Council for Children and  
145 Youth may provide input relative to how each agency utilizes its  
146 federal and state statutes, policy requirements and funding  
147 streams to identify and/or serve children and youth in the  
148 population defined in Section 43-14-1. The ICCCY shall support  
149 the implementation of the plans of the respective state agencies  
150 for comprehensive multidisciplinary care, treatment and placement  
151 of these children.

152 (6) The ICCCY shall oversee a pool of state funds that may  
153 be contributed by each participating state agency and additional  
154 funds from the Mississippi Tobacco Health Care Expenditure Fund,  
155 subject to specific appropriation therefor by the Legislature.  
156 Part of this pool of funds shall be available for increasing the  
157 present funding levels by matching Medicaid funds in order to  
158 increase the existing resources available for necessary  
159 community-based services for Medicaid beneficiaries. \* \* \*

160 (7) The local coordinating care MAP team will facilitate the  
161 development of the individualized System of Care programs for the  
162 population targeted in Section 43-14-1. \* \* \*

163 (8) Each local MAP team shall serve as the single point of  
164 entry to ensure that comprehensive diagnosis and assessment occur  
165 and shall coordinate needed services through the local

166 coordinating care entity for the children named in subsection (1).  
167 Local children in crisis shall have first priority for access to  
168 the MAP team processes and local System of Care programs.

169 (9) The Interagency Coordinating Council for Children and  
170 Youth shall facilitate monitoring of the performance of local MAP  
171 teams.

172 (10) Each state agency named in subsection (2) of this  
173 section shall enter into a binding interagency agreement to  
174 participate in the oversight of the statewide System of Care  
175 programs for the children and youth described in this section.  
176 The agreement shall be signed and in effect by July 1 of each  
177 year \* \* \*.

178 (11) This section shall stand repealed from and after July  
179 1, 2005.

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

182 43-14-3. In addition to the specific authority provided in  
183 Section 43-14-1, the powers and responsibilities of the  
184 Interagency Coordinating Council for Children and Youth shall be  
185 as follows:

186 \* \* \*

187 (a) To serve in an advisory capacity and to provide  
188 state level leadership and oversight to the development of  
189 the \* \* \* System of Care programs; and

190 (b) To insure the creation and availability of an  
191 annual pool of funds from each participating agency member of the  
192 ICCCY that includes the amount to be contributed by each agency  
193 and a process for utilization of those funds.

194 \* \* \*

195 This section shall stand repealed from and after July 1,  
196 2005.

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

199           43-14-5. There is created in the State Treasury a special  
200 fund into which shall be deposited all funds contributed by the  
201 Department of Human Services, State Department of Health,  
202 Department of Mental Health, State Department of Rehabilitation  
203 Services insofar as recipients are otherwise eligible under the  
204 Rehabilitation Act of 1973, as amended, and State Department of  
205 Education for the operation of a statewide System of Care by MAP  
206 teams utilizing such funds as may be made available to those MAP  
207 teams through a Request for Proposal (RFP) approved by the  
208 ICCCY. \* \* \*

209           This section shall stand repealed from and after July 1,  
210 2005.

211           SECTION 4. Section 43-14-7, Mississippi Code of 1972, which  
212 provides for services and eligibility under the blended funding  
213 formula formerly administered by the Children's Advisory Council,  
214 and Section 43-14-9, Mississippi Code of 1972, which is the  
215 automatic repealer on Sections 43-14-1 through 43-14-7, are hereby  
216 repealed.

217           SECTION 5. This act shall take effect and be in force from  
218 and after June 30, 2001.