HOUSE BILL NO. 1275
(As Sent to Governor)

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

43-14-1. (1) The purpose of this chapter is to provide for the development and implementation of a coordinated interagency system of necessary services and care for children and youth up to age twenty-one (21) with serious emotional/behavioral disorders, including, but not limited to, conduct disorders, or mental illness who require services from a multiple services and multiple programs system, and who can be successfully diverted from inappropriate institutional placement. This program is to be done 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

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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 identified through the federal Individuals with Disabilities Education Act of 1997 as having a serious emotional disorder (EMD), the Mississippi Children's Health Insurance Program Phase I and Phase II and waivered programs for children with serious emotional disturbances, Section 43-13-117(46), 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 and to reduce the number of inappropriate school suspensions and expulsions for this population of children. From and after July 1, 2001, this coordinated interagency system of necessary services and care shall be named the System of Care program. Children 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. For purposes of this chapter, a "System of Care" is defined as a coordinated network of agencies and providers working as a team to make a full range of mental health and other necessary services available as needed by children with mental health problems and their families. The System of Care shall be:

(a) Child centered, family focused and family driven;
(b) Community based;
(c) Culturally competent and responsive; and shall provide for:

(i) Service coordination or case management;
(ii) Prevention and early identification and intervention;

(iii) Smooth transitions among agencies, providers, and to the adult service system;

(iv) Human rights protection and advocacy;

(v) Nondiscrimination in access to services;

(vi) A comprehensive array of services;

(vii) Individualized service planning;

(viii) Services in the least restrictive environment;

(ix) Family participation in all aspects of planning, service delivery and evaluation; and

(x) Integrated services with coordinated planning across child-serving agencies.

(2) There is established the Interagency Coordinating Council for Children and Youth (hereinafter referred to as the "ICCCY"). The ICCCY shall consist of the following membership:

(a) the State Superintendent of Public Education; (b) the Executive Director of the Mississippi Department of Mental Health;

(c) the Executive Director of the State Department of Health; (d) the Executive Director of the Department of Human Services; (e) the Executive Director of the Division of Medicaid, Office of the Governor; (f) the Executive Director of the State Department of Rehabilitation Services; and (g) the Executive Director of Mississippi Families as Allies for Children's Mental Health, Inc.

The council shall meet before August 1, 2001, and shall organize for business by selecting a chairman, who shall serve for a one-year term and may not serve consecutive terms. The council shall adopt internal organizational procedures necessary for efficient operation of the council. Each member of the council shall designate necessary staff of their departments to assist the ICCCY in performing its duties and responsibilities. The ICCCY shall meet and conduct business at least twice annually. The
chairman of the ICCCY shall notify all persons who request such
notice as to the date, time and place of each meeting.

(3) The Interagency System of Care Council is created to
serve as the state management team for the ICCCY, with the
responsibility of collecting and analyzing data and funding
strategies necessary to improve the operation of the System of
Care programs, and to make recommendations to the ICCCY and to the
Legislature concerning such strategies on or before December 31,
2002. The System of Care Council also has the responsibility of
coordinating the local Multidisciplinary Assessment and Planning
(MAP) teams and may apply for grants from public and private
sources necessary to carry out its responsibilities. The
Interagency System of Care Council shall be 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, the Department of Rehabilitation Services, a
family member representing a family education and support 501(c)3
organization, a representative from the Council of Administrators
for Special Education/Mississippi Organization of Special
Education Supervisors (CASE/MOSES) and a family member designated
by Mississippi Families as Allies for Children's Mental Health,
Inc. * * * Appointments to the Interagency System of Care Council
shall be made within sixty (60) days after the effective date of
this act. The council shall organize by selecting a chairman from
its membership to serve on an annual basis, and the chairman may
not serve consecutive terms.

(4) There is established a statewide system of local
Multidisciplinary Assessment and Planning Resource (MAP) teams.
The MAP teams shall be comprised of one (1) representative each at
the county level from the major child-serving public agencies for
education, human services, health, mental health and
rehabilitative services approved by respective state agencies of
the Department of Education, the Department of Human Services, the
Department of Health, the Department of Mental Health and the
Department of Rehabilitation Services. Three (3) additional
members may be added to each team, one (1) of which may be a
representative of a family education/support 501(c)3 organization
with statewide recognition and specifically established for the
population of children defined in Section 43-14-1. The remaining
two (2) members will be representatives of significant
community-level stakeholders with resources that can benefit the
population of children defined in Section 43-14-1.

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

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

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

(8) Each local MAP team shall serve as the single point of
entry to ensure that comprehensive diagnosis and assessment occur
and shall coordinate needed services through the local
coordinating care entity for the children named in subsection (1).

Local children in crisis shall have first priority for access to the MAP team processes and local System of Care programs.

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

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

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

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

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

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

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

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

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

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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, State Department of Health, Department of Mental Health, State Department of Rehabilitation Services insofar as recipients are otherwise eligible under the Rehabilitation Act of 1973, as amended, and State Department of Education for the operation of a statewide System of Care by MAP teams utilizing such funds as may be made available to those MAP teams through a Request for Proposal (RFP) approved by the ICCCY. * * *

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

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

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