SENATE BILL NO. 2942

AN ACT TO AMEND SECTIONS 43-13-105 AND 43-13-107, MISSISSIPPI CODE OF 1972, TO REESTABLISH THE MISSISSIPPI MEDICAID COMMISSION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-13-105, Mississippi Code of 1972, is amended as follows:

43-13-105. When used in this article, the following definitions shall apply, unless the context requires otherwise:

(a) "Administering agency" means the Division of Medicaid in the Office of the Governor as created by this article.

(b) "Division" or "Division of Medicaid" wherever they appear in the laws of the State of Mississippi, shall mean the Mississippi Medicaid Commission established in Section 43-13-107.

(c) "Medical assistance" means payment of part or all of the costs of medical and remedial care provided under the terms of this article and in accordance with provisions of Titles XIX and XXI of the Social Security Act, as amended.

(d) "Applicant" means a person who applies for assistance under Titles IV, XVI, XIX or XXI of the Social Security Act, as amended, and under the terms of this article.

(e) "Recipient" means a person who is eligible for assistance under Title XIX or XXI of the Social Security Act, as amended and under the terms of this article.

(f) "State health agency" shall mean any agency, department, institution, board or commission of the State of Mississippi, except the University Medical School, which is supported in whole or in part by any public funds, including funds...
directly appropriated from the State Treasury, funds derived by
taxes, fees levied or collected by statutory authority, or any
other funds used by "state health agencies" derived from federal
sources, when any funds available to such agency are expended
either directly or indirectly in connection with, or in support
of, any public health, hospital, hospitalization or other public
programs for the preventive treatment or actual medical treatment
of persons who are physically or mentally ill or mentally
retarded.

(g) "Mississippi Medicaid Commission" * * * means the
commission as established in Section 43-13-107.

SECTION 2. Section 43-13-107, Mississippi Code of 1972, is
amended as follows:

38-13-107. (1) The Mississippi Medicaid Commission is
hereby created * * * and established to administer this article
and perform such other duties as are prescribed by law.

The Governor shall appoint, with the advice and consent of
the Senate, a three-member commission, none of whom shall be a
provider or representative of a provider of services as
contemplated by this article or have any financial or other
interest in any provider of services. Their terms of office shall
be for six (6) years each and until their successors shall have
been appointed and qualified, except that the original appointees
shall serve one (1) for a term of two (2) years, one (1) for a
term of four (4) years, and one (1) for a term of six (6) years,
to be so designated by the Governor at the time of appointment.
The Governor shall designate, at the time of appointment, one (1)
of such members as chairman of the commission. A majority of the
membership shall constitute a quorum for the transaction of any
business. The commission shall hold regular monthly meetings, and
other meetings as may be necessary, for the purpose of conducting
such business as may be required. Members shall be compensated at
the per diem as is authorized by law, plus actual and necessary expenses as provided by Section 25-3-41.

There is also established a Medicaid Legislative Oversight Committee to include the Chairman of the Appropriations Committee of the Senate, the Chairman of the Public Health Committee of the Senate, the Chairman of the Appropriations Committee of the House of Representatives and the Chairman of the Public Health and Welfare Committee of the House of Representatives, which may meet concurrently with the commission or at another time upon call of the chairman. The Chairmanship of the Legislative Oversight Committee shall rotate between the Chairmen of the Public Health and Welfare Committees, with the Chairman of the House Committee serving first. Any member of the Oversight Committee who also is or who shall hereafter become a provider or representative of a provider of services as contemplated by this article, shall be disqualified thereupon from serving on the Oversight Committee, and his position on the committee shall be thereby vacated; and if such position be vacated for such reason, the Lieutenant Governor, in the case of a Senate member, and the Speaker of the House of Representatives, in the case of a member of the House, shall appoint a member of that respective branch to fill the vacancy.

Members of the Medicaid Legislative Oversight Committee shall be reimbursed at the per diem rate applicable for attending committee meetings when the Legislature is not in session.

(2) The Governor shall appoint a full-time director, with the advice and consent of the Senate, who shall be either (a) a physician with administrative experience in a medical care or health program, or (b) a person holding a graduate degree in medical care administration, public health, hospital administration, or the equivalent, or (c) a person holding a bachelor's degree in business administration or hospital administration, with at least ten (10) years' experience in management-level administration of Medicaid programs, and who
shall serve at the will and pleasure of the Governor. The
director shall be the official secretary and legal custodian of
the records of the division; shall be the agent of the division
for the purpose of receiving all service of process, summons and
notices directed to the division; and shall perform such other
duties as the Governor shall, from time to time, prescribe. The
director, with the approval of the Governor and the rules and
regulations of the State Personnel Board, shall employ such
professional, administrative, stenographic, secretarial, clerical
and technical assistance as may be necessary to perform the duties
required in administering this article and fix the compensation
therefor, all in accordance with a state merit system meeting
federal requirements, except that when the salary of the director
is not set by law, such salary shall be set by the State Personnel
Board. No employees of the Division of Medicaid shall be
considered to be staff members of the immediate Office of the
Governor; however, the provisions of Section 25-9-107 (c) (xv)
shall apply to the director and other administrative heads of the
division.

(3) (a) There is established a Medical Care Advisory
Committee, which shall be the committee that is required by
federal regulation to advise the Division of Medicaid about health
and medical care services.

(b) The committee shall consist of not less than eleven
members, as follows:

(i) The Governor shall appoint five (5) members,
one (1) from each congressional district as presently constituted;

(ii) The Lieutenant Governor shall appoint three
(3) members, one (1) from each Supreme Court district;

(iii) The Speaker of the House of Representatives
shall appoint three (3) members, one (1) from each Supreme Court
district.
All members appointed under this paragraph shall either be health care providers or consumers of health care services. One member appointed by each of the appointing authorities shall be a board certified physician.

(c) The respective chairmen of the House Public Health and Welfare Committee, the House Appropriations Committee, the Senate Public Health and Welfare Committee and the Senate Appropriations Committee, or their designees, one (1) member of the State Senate appointed by the Lieutenant Governor and one (1) member of the House of Representatives appointed by the Speaker of the House, shall serve as ex officio nonvoting members.

(d) In addition to the committee members required by paragraph (b), the committee shall consist of such other members as are necessary to meet the requirements of the federal regulation applicable to the Medical Care Advisory Committee, who shall be appointed as provided in the federal regulation.

(e) The chairmanship of the Medical Care Advisory Committee shall alternate for twelve-month periods between the chairmen of the House and Senate Public Health and Welfare Committees, with the Chairman of the House Public Health and Welfare Committee serving as the first chairman.

(f) The members of the committee specified in paragraph (b) shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the committee. The members of the committee specified in paragraph (b) shall serve without compensation, but shall receive reimbursement to defray actual expenses incurred in the performance of committee business as authorized by law. Legislators shall receive per diem and expenses which may be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session.
(g) The committee shall meet not less than quarterly, and committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(h) The Executive Director of the Division of Medicaid shall submit to the committee all amendments, modifications and changes to the state plan for the operation of the Medicaid program, for review by the committee before the amendments, modifications or changes may be implemented by the division.

(i) The committee, among its duties and responsibilities, shall:

   (i) Advise the division with respect to amendments, modifications and changes to the state plan for the operation of the Medicaid program;

   (ii) Advise the division with respect to issues concerning receipt and disbursement of funds and eligibility for medical assistance;

   (iii) Advise the division with respect to determining the quantity, quality and extent of medical care provided under this article;

   (iv) Communicate the views of the medical care professions to the division and communicate the views of the division to the medical care professions;

   (v) Gather information on reasons that medical care providers do not participate in the Medicaid program and changes that could be made in the program to encourage more providers to participate in the Medicaid program, and advise the division with respect to encouraging physicians and other medical care providers to participate in the Medicaid program;

   (vi) Provide a written report on or before November 30 of each year to the Governor, Lieutenant Governor and Speaker of the House of Representatives.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.