

By: Senator(s) Horhn (By Request)

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2942

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

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

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

7 43-13-105. When used in this article, the following  
8 definitions shall apply, unless the context requires otherwise:

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

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

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

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

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

24 (f) "State health agency" shall mean any agency,  
25 department, institution, board or commission of the State of  
26 Mississippi, except the University Medical School, which is  
27 supported in whole or in part by any public funds, including funds

28 directly appropriated from the State Treasury, funds derived by  
29 taxes, fees levied or collected by statutory authority, or any  
30 other funds used by "state health agencies" derived from federal  
31 sources, when any funds available to such agency are expended  
32 either directly or indirectly in connection with, or in support  
33 of, any public health, hospital, hospitalization or other public  
34 programs for the preventive treatment or actual medical treatment  
35 of persons who are physically or mentally ill or mentally  
36 retarded.

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

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

41 43-13-107. (1) The Mississippi Medicaid Commission is  
42 hereby created \* \* \* and established to administer this article  
43 and perform such other duties as are prescribed by law.

44 The Governor shall appoint, with the advice and consent of  
45 the Senate, a three-member commission, none of whom shall be a  
46 provider or representative of a provider of services as  
47 contemplated by this article or have any financial or other  
48 interest in any provider of services. Their terms of office shall  
49 be for six (6) years each and until their successors shall have  
50 been appointed and qualified, except that the original appointees  
51 shall serve one (1) for a term of two (2) years, one (1) for a  
52 term of four (4) years, and one (1) for a term of six (6) years,  
53 to be so designated by the Governor at the time of appointment.  
54 The Governor shall designate, at the time of appointment, one (1)  
55 of such members as chairman of the commission. A majority of the  
56 membership shall constitute a quorum for the transaction of any  
57 business. The commission shall hold regular monthly meetings, and  
58 other meetings as may be necessary, for the purpose of conducting  
59 such business as may be required. Members shall be compensated at

60 the per diem as is authorized by law, plus actual and necessary  
61 expenses as provided by Section 25-3-41.

62 There is also established a Medicaid Legislative Oversight  
63 Committee to include the Chairman of the Appropriations Committee  
64 of the Senate, the Chairman of the Public Health Committee of the  
65 Senate, the Chairman of the Appropriations Committee of the House  
66 of Representatives and the Chairman of the Public Health and  
67 Welfare Committee of the House of Representatives, which may meet  
68 concurrently with the commission or at another time upon call of  
69 the chairman. The Chairmanship of the Legislative Oversight  
70 Committee shall rotate between the Chairmen of the Public Health  
71 and Welfare Committees, with the Chairman of the House Committee  
72 serving first. Any member of the Oversight Committee who also is  
73 or who shall hereafter become a provider or representative of a  
74 provider of services as contemplated by this article, shall be  
75 disqualified thereupon from serving on the Oversight Committee,  
76 and his position on the committee shall be thereby vacated; and if  
77 such position be vacated for such reason, the Lieutenant Governor,  
78 in the case of a Senate member, and the Speaker of the House of  
79 Representatives, in the case of a member of the House, shall  
80 appoint a member of that respective branch to fill the vacancy.  
81 Members of the Medicaid Legislative Oversight Committee shall be  
82 reimbursed at the per diem rate applicable for attending committee  
83 meetings when the Legislature is not in session.

84 (2) The Governor shall appoint a full-time director, with  
85 the advice and consent of the Senate, who shall be either (a) a  
86 physician with administrative experience in a medical care or  
87 health program, or (b) a person holding a graduate degree in  
88 medical care administration, public health, hospital  
89 administration, or the equivalent, or (c) a person holding a  
90 bachelor's degree in business administration or hospital  
91 administration, with at least ten (10) years' experience in  
92 management-level administration of Medicaid programs, and who

93 shall serve at the will and pleasure of the Governor. The  
94 director shall be the official secretary and legal custodian of  
95 the records of the division; shall be the agent of the division  
96 for the purpose of receiving all service of process, summons and  
97 notices directed to the division; and shall perform such other  
98 duties as the Governor shall, from time to time, prescribe. The  
99 director, with the approval of the Governor and the rules and  
100 regulations of the State Personnel Board, shall employ such  
101 professional, administrative, stenographic, secretarial, clerical  
102 and technical assistance as may be necessary to perform the duties  
103 required in administering this article and fix the compensation  
104 therefor, all in accordance with a state merit system meeting  
105 federal requirements, except that when the salary of the director  
106 is not set by law, such salary shall be set by the State Personnel  
107 Board. No employees of the Division of Medicaid shall be  
108 considered to be staff members of the immediate Office of the  
109 Governor; however, the provisions of Section 25-9-107 (c) (xv)  
110 shall apply to the director and other administrative heads of the  
111 division.

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

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

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

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

122 (iii) The Speaker of the House of Representatives  
123 shall appoint three (3) members, one (1) from each Supreme Court  
124 district.

125 All members appointed under this paragraph shall either be  
126 health care providers or consumers of health care services. One  
127 (1) member appointed by each of the appointing authorities shall  
128 be a board certified physician.

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

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

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

146 (f) The members of the committee specified in paragraph  
147 (b) shall serve for terms that are concurrent with the terms of  
148 members of the Legislature, and any member appointed under  
149 paragraph (b) may be reappointed to the committee. The members of  
150 the committee specified in paragraph (b) shall serve without  
151 compensation, but shall receive reimbursement to defray actual  
152 expenses incurred in the performance of committee business as  
153 authorized by law. Legislators shall receive per diem and  
154 expenses which may be paid from the contingent expense funds of  
155 their respective houses in the same amounts as provided for  
156 committee meetings when the Legislature is not in session.

157           (g) The committee shall meet not less than quarterly,  
158 and committee members shall be furnished written notice of the  
159 meetings at least ten (10) days before the date of the meeting.

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

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

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

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

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

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

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

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

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