HOUSE BILL NO. 777

An Act to amend Section 35-1-21, Mississippi Code of 1972, to provide that the State Veterans Affairs Board shall be solely responsible for the operation and maintenance of the state veterans homes located in Jackson, Kosciusko and Oxford; to prohibit the Board from contracting for management purposes with any nongovernmental entity or the United States Department of Veterans Affairs to operate any of the state veterans homes; to direct the Board to file with certain legislative committees, on or before January 1, 2004, a report on its recommendations on whether to continue managing the Jackson, Kosciusko and Oxford homes or to contract with a nongovernmental entity to operate any or all of the homes; to provide that the State Department of Health shall perform an initial certification survey of the state veterans homes in Jackson, Kosciusko and Oxford to provide a baseline for measuring the quality of care; to provide that the Department shall conduct periodic follow-up certification surveys of the state veterans homes; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 35-1-21, Mississippi Code of 1972, is amended as follows:

35-1-21. (1) Upon the establishment of the Mississippi State Veterans Home, and any additional homes as may be established, the Mississippi State Veterans Affairs Board is designated as the governing authority of any of those facilities. The operation and maintenance of all veterans homes shall meet the standards of the United States Department of Veterans Affairs with regard to the operation of state veterans homes.

(2) The board may contract with nongovernmental entities or the United States Department of Veterans Affairs to operate state veterans homes. The board may contract with the vendor whose proposal is most advantageous to the state and veterans, taking into consideration cost factors, program suitability factors, management plan, delivery of care and service to residents, excellence of program design, key personnel,
corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the board and expressed in its solicitation for proposals. Contract(s) awarded under this subsection may be for periods exceeding one (1) year. The board is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the board's discretion, offers the proposal most advantageous to the State of Mississippi and veterans. When any contract is awarded, the reason(s) for the awarding of the contract shall be entered on the minutes of the board. The provisions of this paragraph shall supersede any rule or regulation of the State Personnel Board to the contrary.

(3) The board may, as permitted by federal laws or regulations, purchase from the United States Department of Veterans Affairs, from contracts established by the United States Department of Veterans Affairs, or through other sharing agreements between the board and the United States Department of Veterans Affairs, services, commodities, supplies and equipment for use in operation of, and provision of care to residents of, the state veterans homes when those purchases or agreements are advantageous to the veterans and the state.

(4) Beginning July 1, 2000, the board shall be solely responsible for the operation and maintenance of the State Veterans Home located in Collins, Mississippi. Beginning July 1, 2002, the board shall be solely responsible for the operation and maintenance of the state veterans homes located in Jackson, Kosciusko and Oxford, Mississippi. The board shall not contract for management purposes with any nongovernmental entity or the United States Department of Veterans Affairs to operate any of the state veterans homes. The board shall hire the administrators and all other personnel for the state veterans homes. The mission of the board in managing the Collins,
Jackson, Kosciusko and Oxford, Mississippi, facilities shall be to provide domiciliary care and other related services for eligible veterans in the most cost efficient manner. On or before January 1, 2002, the board shall file a report with the Chairman of the Senate Veterans and Military Affairs Committee and the Chairman of the House Military Affairs Committee specifying its recommendations on whether to continue to manage the Collins, Mississippi, home or to contract with a nongovernmental entity to operate the home. On or before January 1, 2004, the board shall file a report with the Chairman of the Senate Veterans and Military Affairs Committee and the Chairman of the House Military Affairs Committee specifying its recommendations on whether to continue managing the Jackson, Kosciusko and Oxford, Mississippi, homes or to contract with a nongovernmental entity to operate any or all of the homes. This subsection shall stand repealed from and after July 1, 2004.

(5) The State Department of Health shall perform an initial certification survey of the State Veterans Home in Collins, Mississippi, on or about July 1, 2000. The State Department of Health shall perform an initial certification survey of the state veterans homes in Jackson, Kosciusko and Oxford, Mississippi, on or about July 1, 2002. The purpose of these initial surveys is to provide a baseline for measuring the quality of care during the period for which this section applies. In addition to the initial certification surveys, the State Department of Health shall, as appropriate and in its discretion, conduct periodic follow-up certification surveys, during the period for which this section applies, of the state veterans homes in Collins, Jackson, Kosciusko and Oxford, Mississippi.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.