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

SECTION 1. (1) There is established the Mississippi Access to Care (MAC) Oversight Committee to coordinate the implementation, funding and any needed revisions of the MAC plan dated September 30, 2001, that was prepared and submitted to the Legislature as required under Sections 43-57-1 through 43-57-9.

(2) The MAC Oversight Committee shall be composed of:

(a) Four (4) members appointed by the Governor, each of whom must be a person with a disability;

(b) A representative of the Governor's office;

(c) The Chairs and Vice Chairs of the Public Health and Welfare Committee and the Appropriations Committee of the House of Representatives; and

(d) The Chairs and Vice Chairs of the Public Health and Welfare Committee and the Appropriations Committee of the Senate.

(3) Of the Governor's appointments, one (1) member shall be appointed from each of the four (4) congressional districts as constituted on July 1, 2002. The initial appointments by the Governor shall be as follows: Two (2) members shall be appointed for terms ending on June 30, 2004, and two (2) members shall be appointed for terms ending on June 30, 2006. All subsequent
appointments shall be for terms of four (4) years from the expiration date of the previous term. Any vacancy before the expiration of a term shall be filled by appointment of the Governor, and the person appointed to fill the vacancy shall serve for the remainder of the unexpired term.

(4) At the first meeting of the committee, the members shall select one (1) of the legislative members to serve as chair of the committee. The committee shall select a chair from among the legislative members once every two (2) years, and the chair shall alternate between the members from the House of Representatives and the members from the Senate.

(5) The appointed members and the legislative members of the committee shall receive a per diem in the amount provided under Section 25-3-69 for each day engaged in the official business of the committee. The appointed members of the committee shall receive reimbursement for travel expenses incurred while engaged in official business of the committee in accordance with Section 25-3-41, and the legislative members of the committee shall receive the expense allowance provided for in Section 5-1-47. However, the legislative members of the committee shall not receive the per diem or expense allowance for any day that the committee meets while the Legislature is in session.

SECTION 2. (1) The MAC Oversight Committee is ultimately responsible for implementation of the MAC plan. The committee shall continually review and assess the three-part test for states and the three (3) risk zones for states to fulfill the state's obligation to:

(a) Divert persons from initially being placed into institutions;

(b) Review those persons already in institutions to determine how many could be and want to be served in a home- and community-based setting; and
(c) Respond to individual requests by institutionalized persons to leave the institutional setting to go to a home- and community-based setting.

(2) The duties of the MAC Oversight Committee are to:

(a) Identify, collect, and disburse data regarding the number and status of persons with disabilities and the availability and quality of community services and supports;
(b) Monitor the development and expansion of community services and the movement on the waiting list;
(c) Actively and continuously review and recommend modifications to the MAC plan;
(d) Provide persons with disabilities a process for independent review and appeal of decisions made by treating professionals;
(e) Develop the specific criteria and tools to measure the effectiveness of the MAC plan strategies, submit them to the responsible agency or agencies for concurrence, and make an annual report to the Legislature of the outcomes;
(f) Hold periodic public meetings to provide information and opportunities for input;
(g) Identify specific steps for the provision of a comprehensive system of support services to persons once they are identified; and
(h) Establish a baseline for the existing waiting time for each service, define what constitutes a "reasonable pace" for providing community services, and design and implement a plan to move from the current waiting time to a time that is "reasonable."

SECTION 3. In implementing the MAC plan, the MAC Oversight Committee shall:

(a) Identify those persons with disabilities currently in nursing facilities, advise them of the home- and community-based alternatives available and allow them the option to choose the most integrated setting of their choice;
(b) Act as the lead entity responsible for developing and coordinating a comprehensive housing plan for persons with all types of disabilities. The plan shall address the following components:

(i) Identification of persons with disabilities needing or wanting community-based housing;

(ii) Support services needed by persons with disabilities to live independently; and

(iii) Funding assistance for housing;

(c) Act as the lead entity responsible for developing and implementing a comprehensive transportation plan for all persons with disabilities that will maximize existing resources and develop future funding requests;

(d) Establish creative transportation initiatives and demonstration projects;

(e) Develop a transportation guide for all persons with disabilities; and

(f) Perform a feasibility study in fiscal year 2004 to determine options for an interagency, consolidated transportation plan.

SECTION 4. In implementing the MAC plan, the Department of Mental Health, the State Department of Rehabilitation Services, the Department of Human Services, the State Department of Education and the Division of Medicaid each shall:

(a) Develop and maintain an ongoing, comprehensive data collection system for identifying persons with disabilities who are receiving or are in need of services and supports from that agency;

(b) Develop and implement a comprehensive evaluation procedure ensuring that, where appropriate, each person with disabilities and/or the person's guardian will be involved in the assessment and planning process and that the assessment will be directed toward providing services in the "least restricted, most
integrated setting possible" based upon professional
recommendations and the choice of the person and his or her
family; and

(c) Provide to the MAC Oversight Committee with reports
specifying the agency's budgetary and program implementation
response to the MAC plan. Each agency shall provide the reports
to the committee at least twice annually, and at other times as
required by the committee.

(i) The first report required by this paragraph
shall be provided to the committee after the development of the
agency's budget and before the beginning of the Joint Legislative
Budget Committee's hearings on agency budget requests in the fall
of the year. That report shall detail the portions of the
agency's budget request that would be directed toward the
implementation of the MAC plan, including the number of citizens
to be served and the specific services to be provided, the amount
of money required to provide the services and the source of the
funding.

(ii) The second report required by this paragraph
shall be provided to the committee not later than thirty (30) days
after the end of the regular session of the Legislature. That
report shall include the same information as in the first report,
except that it shall detail the portions of the agency's proposed
budget that the Legislature funded. The second report also shall
include a more detailed narrative of the services that must be
carried forward to the next budgetary cycle and the services that
require amendment due to the funding that was made available.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2002.