

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 738

1 AN ACT TO AMEND SECTION 41-19-33, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE COMMUNITY MENTAL HEALTH CENTERS TO FINGERPRINT AND  
3 PERFORM A CRIMINAL HISTORY RECORD CHECK ON EVERY EMPLOYEE AND  
4 VOLUNTEER; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-19-33, Mississippi Code of 1972, is  
7 amended as follows:

8 41-19-33. (1) Each region so designated or established  
9 under Section 41-19-31 shall establish a regional commission to be  
10 composed of members appointed by the boards of supervisors of the  
11 various counties in said region. It shall be the duty of such  
12 regional commission to administer mental health/retardation  
13 programs certified by the State Board of Mental Health. In  
14 addition, once designated and established as provided hereinabove,  
15 a regional commission shall have the following authority and shall  
16 pursue and promote the following general purposes:

17 (a) To establish, own, lease, acquire, construct,  
18 build, operate and maintain mental illness, mental health, mental  
19 retardation, alcoholism and general rehabilitative facilities and  
20 services designed to serve the needs of the people of the region  
21 so designated; provided that the services supplied by said  
22 regional commissions shall include those services determined by  
23 the Department of Mental Health to be necessary and may include,  
24 in addition to the above, services for persons with developmental  
25 and learning disabilities; for persons suffering from narcotic  
26 addiction and problems of drug abuse and drug dependence; and for  
27 the aging as designated and certified by the Department of Mental  
28 Health.



29           (b) To provide facilities and services for the  
30 prevention of mental illness, mental disorders, developmental and  
31 learning disabilities, alcoholism, narcotic addiction, drug abuse,  
32 drug dependence and other related handicaps or problems (including  
33 the problems of the aging) among the people of the region so  
34 designated, and for the rehabilitation of persons suffering from  
35 such illnesses, disorders, handicaps or problems as designated and  
36 certified by the Department of Mental Health.

37           (c) To promote increased understanding of the problems  
38 of mental illness, mental retardation, alcoholism, developmental  
39 and learning disabilities, narcotic addiction, drug abuse and drug  
40 dependence and other related problems (including the problems of  
41 the aging) by the people of the region, and also to promote  
42 increased understanding of the purposes and methods of the  
43 rehabilitation of persons suffering from such illnesses,  
44 disorders, handicaps or problems as designated and certified by  
45 the Department of Mental Health.

46           (d) To enter into contracts and to make such other  
47 arrangements as may be necessary, from time to time, with the  
48 United States government, the government of the State of  
49 Mississippi and such other agencies or governmental bodies as may  
50 be approved by and acceptable to the regional commission for the  
51 purpose of establishing, funding, constructing, operating and  
52 maintaining facilities and services for the care, treatment and  
53 rehabilitation of persons suffering from mental illness, mental  
54 retardation, alcoholism, developmental and learning disabilities,  
55 narcotic addiction, drug abuse, drug dependence and other  
56 illnesses, disorders, handicaps and problems (including the  
57 problems of the aging) as designated and certified by the  
58 Department of Mental Health.

59           (e) To enter into contracts and make such other  
60 arrangements as may be necessary with any and all private  
61 businesses, corporations, partnerships, proprietorships or other



62 private agencies, whether organized for profit or otherwise, as  
63 may be approved by and acceptable to the regional commission for  
64 the purpose of establishing, funding, constructing, operating and  
65 maintaining facilities and services for the care, treatment and  
66 rehabilitation of persons suffering from mental illness, mental  
67 retardation, alcoholism, developmental and learning disabilities,  
68 narcotic addiction, drug abuse, drug dependence and other  
69 illnesses, disorders, handicaps and problems (including the  
70 problems of the aging) relating to minimum services established by  
71 the Department of Mental Health.

72 (f) To promote the general mental health of the people  
73 of the region.

74 (g) To pay the administrative costs of the operation of  
75 said regional commissions, including per diem for the members of  
76 said commission and its employees, attorney's fees, if and when  
77 such are required in the opinion of said commission, and such  
78 other expenses of the commission as may be necessary. The  
79 Department of Mental Health standards and audit rules shall  
80 determine what administrative cost figures shall consist of for  
81 the purposes of this paragraph. Each regional commission shall  
82 submit a cost report annually to the Department of Mental Health  
83 in accordance with guidelines promulgated by the department.

84 (h) To employ and compensate any personnel that may be  
85 necessary to effectively carry out the programs and services  
86 established pursuant to the provisions of the aforesaid act,  
87 provided such person meets the standards established by the  
88 Department of Mental Health.

89 (i) To acquire whatever hazard, casualty or workers'  
90 compensation insurance that may be necessary for any property,  
91 real or personal, owned, leased or rented by said commissions, or  
92 any employees or personnel hired by the said commissions.

93 (j) To acquire professional liability insurance on all  
94 employees as may be deemed necessary and proper by the commission,



95 and to pay, out of the funds of the commission, all premiums due  
96 and payable on account thereof.

97 (k) To provide and finance within their own facilities,  
98 or through agreements or contracts with other local, state or  
99 federal agencies or institutions, nonprofit corporations, or  
100 political subdivisions or representatives thereof, programs and  
101 services for the mentally ill, including treatment for alcoholics  
102 and promulgating and administering of programs to combat drug  
103 abuse and the mentally retarded.

104 (l) To borrow money from private lending institutions  
105 in order to promote any of the foregoing purposes. A commission  
106 may pledge collateral, including real estate, to secure the  
107 repayment of money borrowed under the authority of this paragraph.  
108 Any such borrowing undertaken by a commission shall be on terms  
109 and conditions that are prudent in the sound judgment of the  
110 members of the commission, and the interest on any such loan shall  
111 not exceed the amount specified in Section 75-17-105. Any money  
112 borrowed, debts incurred or other obligations undertaken by a  
113 commission, regardless of whether borrowed, incurred or undertaken  
114 before or after the effective date of this act, shall be valid,  
115 binding and enforceable if it or they are borrowed, incurred or  
116 undertaken for any purpose specified in this section and otherwise  
117 conform to the requirements of this paragraph.

118 (m) To acquire, own and dispose of real and personal  
119 property. Any real and personal property paid for with state  
120 and/or county appropriated funds must have the written approval of  
121 the Department of Mental Health and/or the county board of  
122 supervisors, depending on the original source of funding, before  
123 being disposed of under this paragraph.

124 (n) To enter into managed care contracts and make such  
125 other arrangements as may be deemed necessary or appropriate by  
126 the regional commission in order to participate in any managed  
127 care program. Any such contract or arrangement affecting more



128 than one (1) region must have prior written approval of the  
129 Department of Mental Health before being initiated and annually  
130 thereafter.

131 (o) To provide facilities and services on a discounted  
132 or capitated basis. Any such action when affecting more than one  
133 (1) region must have prior written approval of the Department of  
134 Mental Health before being initiated and annually thereafter.

135 (p) To enter into contracts, agreements or other  
136 arrangements with any person, payor, provider or other entity,  
137 pursuant to which the regional commission assumes financial risk  
138 for the provision or delivery of any services, when deemed to be  
139 necessary or appropriate by the regional commission. Any action  
140 under this paragraph affecting more than one (1) region must have  
141 prior written approval of the Department of Mental Health before  
142 being initiated and annually thereafter.

143 (q) To provide direct or indirect funding, grants,  
144 financial support and assistance for any health maintenance  
145 organization, preferred provider organization or other managed  
146 care entity or contractor, where such organization, entity or  
147 contractor is operated on a nonprofit basis. Any action under  
148 this paragraph affecting more than one (1) region must have prior  
149 written approval of the Department of Mental Health before being  
150 initiated and annually thereafter.

151 (r) To form, establish, operate, and/or be a member of  
152 or participant in, either individually or with one or more other  
153 regional commissions, any managed care entity as defined in  
154 Section 83-41-403(c). Any action under this paragraph affecting  
155 more than one (1) region must have prior written approval of the  
156 Department of Mental Health before being initiated and annually  
157 thereafter.

158 (s) To meet at least annually with the board of  
159 supervisors of each county in its region for the purpose of



160 presenting its total annual budget and total mental  
161 health/retardation services system.

162 (t) To provide alternative living arrangements for  
163 persons with serious mental illness, including, but not limited  
164 to, group homes for the chronically mentally ill.

165 (u) To make purchases and enter into contracts for  
166 purchasing in compliance with the public purchasing law, Sections  
167 31-7-12 and 31-7-13, with compliance with the public purchasing  
168 law subject to audit by the State Department of Audit.

169 (v) To insure that all available funds are used for the  
170 benefit of the mentally ill, mentally retarded, substance abusers  
171 and developmentally disabled with maximum efficiency and minimum  
172 administrative cost. At any time a regional commission, and/or  
173 other related organization whatever it may be, accumulates surplus  
174 funds in excess of one-half (1/2) of its annual operating budget,  
175 the entity must submit a plan to the Department of Mental Health  
176 stating the capital improvements or other projects that require  
177 such surplus accumulation. If the required plan is not submitted  
178 within forty-five (45) days of the end of the applicable fiscal  
179 year, the Department of Mental Health shall withhold all state  
180 appropriated funds from such regional commission until such time  
181 as the capital improvement plan is submitted. If the submitted  
182 capital improvement plan is not accepted by the department, the  
183 said surplus funds shall be expended by the regional commission in  
184 the local mental health region on group homes for the mentally  
185 ill, mentally retarded, substance abusers, children or other  
186 mental health/retardation services approved by the Department of  
187 Mental Health.

188 (w) Notwithstanding any other provision of law, to  
189 fingerprint and perform a criminal history record check on every  
190 employee or volunteer. Every employee or volunteer shall provide  
191 a valid current social security number and/or driver's license  
192 number that will be furnished to conduct the criminal history



193 record check. If no disqualifying record is identified at the  
194 state level, fingerprints shall be forwarded to the Federal Bureau  
195 of Investigation for a national criminal history record check.  
196 Each commission is authorized to contract for the performance of  
197 this requirement if deemed appropriate.

198           (x) In general to take any action which will promote,  
199 either directly or indirectly, any and all of the foregoing  
200 purposes.

201           (2) The types of services established by the State  
202 Department of Mental Health that must be provided by the regional  
203 mental health/retardation centers for certification by the  
204 department, and the minimum levels and standards for those  
205 services established by the department, shall be provided by the  
206 regional mental health/retardation centers to children when such  
207 services are appropriate for children, in the determination of the  
208 department.

209           **SECTION 2.** This act shall take effect and be in force from  
210 and after its passage.

