HOUSE BILL NO. 738
(As Passed the House)

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

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

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

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

(a) To establish, own, lease, acquire, construct, build, operate and maintain mental illness, mental health, mental retardation, alcoholism and general rehabilitative facilities and services designed to serve the needs of the people of the region so designated; provided that the services supplied by said regional commissions shall include those services determined by the Department of Mental Health to be necessary and may include, in addition to the above, services for persons with developmental and learning disabilities; for persons suffering from narcotic addiction and problems of drug abuse and drug dependence; and for the aging as designated and certified by the Department of Mental Health.
(b) To provide facilities and services for the prevention of mental illness, mental disorders, developmental and learning disabilities, alcoholism, narcotic addiction, drug abuse, drug dependence and other related handicaps or problems (including the problems of the aging) among the people of the region so designated, and for the rehabilitation of persons suffering from such illnesses, disorders, handicaps or problems as designated and certified by the Department of Mental Health.

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

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

(e) To enter into contracts and make such other arrangements as may be necessary with any and all private businesses, corporations, partnerships, proprietorships or other...
private agencies, whether organized for profit or otherwise, as may be approved by and acceptable to the regional commission for the purpose of establishing, funding, constructing, operating and maintaining facilities and services for the care, treatment and rehabilitation of persons suffering from mental illness, mental retardation, alcoholism, developmental and learning disabilities, narcotic addiction, drug abuse, drug dependence and other illnesses, disorders, handicaps and problems (including the problems of the aging) relating to minimum services established by the Department of Mental Health.

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

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

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

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

(j) To acquire professional liability insurance on all employees as may be deemed necessary and proper by the commission,
and to pay, out of the funds of the commission, all premiums due
and payable on account thereof.

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

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

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

(n) To enter into managed care contracts and make such
other arrangements as may be deemed necessary or appropriate by
the regional commission in order to participate in any managed
care program. Any such contract or arrangement affecting more
than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

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

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

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

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

(s) To meet at least annually with the board of supervisors of each county in its region for the purpose of...
presenting its total annual budget and total mental health/retardation services system.

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

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

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

(w) Notwithstanding any other provision of law, to fingerprint and perform a criminal history record check on every employee or volunteer. Every employee or volunteer shall provide a valid current social security number and/or driver's license number that will be furnished to conduct the criminal history
ST: Community Mental Health Centers; authorize to fingerprint and perform background checks on employees and volunteers.