

By: Representatives Stringer, Brown

To: Appropriations

HOUSE BILL NO. 1462
(As Sent to Governor)

1 AN ACT TO DIRECT THE STATE TREASURER TO TRANSFER CERTAIN
2 SPECIAL FUNDS INTO THE WORKING CASH-STABILIZATION RESERVE FUND AND
3 THE BUDGET CONTINGENCY FUND DURING FISCAL YEAR 2004; TO AMEND
4 SECTION 43-13-113, MISSISSIPPI CODE OF 1972, TO INCREASE THE
5 AUTHORIZED LINE OF CREDIT FOR THE DIVISION OF MEDICAID TO USE FOR
6 BUDGET SHORTFALLS AND TO PROVIDE THAT THE LINE OF CREDIT MAY BE
7 FROM COMMERCIAL RESOURCES; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The State Treasurer shall transfer to the Working
10 Cash-Stabilization Reserve Fund created in Section 27-103-203, out
11 of the following enumerated fund, the amount listed below
12 throughout the period beginning upon passage of this act and
13 through June 30, 2004:

<u>Agency/Fund</u>	<u>Fund No.</u>	<u>Amount</u>
Federal Fiscal Assistance		
Grant Fund	3997	<u>\$32,016,028.00</u>
Total		\$32,016,028.00

18 **SECTION 2.** The State Treasurer shall transfer to the Budget
19 Contingency Fund created in Section 27-103-301, out of the
20 following enumerated fund, the amount listed below throughout the
21 period beginning upon passage of this act and through June 30,
22 2004:

<u>Agency/Fund</u>	<u>Fund No.</u>	<u>Amount</u>
Working Cash-Stabilization		
Fund	3992	<u>\$28,000,000.00</u>
Total		\$28,000,000.00

27 **SECTION 3.** Section 43-13-113, Mississippi Code of 1972, is
28 amended as follows:

29 43-13-113. (1) The State Treasurer shall receive on behalf
30 of the state, and execute all instruments incidental thereto,
31 federal and other funds to be used for financing the medical
32 assistance plan or program adopted pursuant to this article, and
33 place all such funds in a special account to the credit of the
34 Governor's Office-Division of Medicaid, which funds shall be
35 expended by the division for the purposes and under the provisions
36 of this article, and shall be paid out by the State Treasurer as
37 funds appropriated to carry out the provisions of this article are
38 paid out by him.

39 The division shall issue all checks or electronic transfers
40 for administrative expenses, and for medical assistance under the
41 provisions of this article. All such checks or electronic
42 transfers shall be drawn upon funds made available to the division
43 by the State Auditor, upon requisition of the director. It is the
44 purpose of this section to provide that the State Auditor shall
45 transfer, in lump sums, amounts to the division for disbursement
46 under the regulations which shall be made by the director with the
47 approval of the Governor; however, the division, or its fiscal
48 agent in behalf of the division, shall be authorized in
49 maintaining separate accounts with a Mississippi bank to handle
50 claim payments, refund recoveries and related Medicaid program
51 financial transactions, to aggressively manage the float in these
52 accounts while awaiting clearance of checks or electronic
53 transfers and/or other disposition so as to accrue maximum
54 interest advantage of the funds in the account, and to retain all
55 earned interest on these funds to be applied to match federal
56 funds for Medicaid program operations.

57 (2) The division is authorized to obtain a line of credit
58 through the State Treasurer from the Working Cash-Stabilization
59 Fund or any other special source funds maintained in the State
60 Treasury in an amount not exceeding One Hundred Fifty Million
61 Dollars (\$150,000,000.00) to fund shortfalls which, from time to

62 time, may occur due to decreases in state matching fund cash flow.
63 The length of indebtedness under this provision shall not carry
64 past the end of the quarter following the loan origination. Loan
65 proceeds shall be received by the State Treasurer and shall be
66 placed in a Medicaid designated special fund account. Loan
67 proceeds shall be expended only for health care services provided
68 under the Medicaid program. The division may pledge as security
69 for such interim financing future funds that will be received by
70 the division. Any such loans shall be repaid from the first
71 available funds received by the division in the manner of and
72 subject to the same terms provided in this section.

73 In the event the State Treasurer makes a determination that
74 special source funds are not sufficient to cover a line of credit
75 for the Division of Medicaid, the division is authorized to obtain
76 a line of credit, in an amount not exceeding One Hundred Fifty
77 Million Dollars (\$150,000,000.00), from a commercial lender or a
78 consortium of lenders. The length of indebtedness under this
79 provision shall not carry past the end of the quarter following
80 the loan origination. The division shall obtain a minimum of two
81 (2) written quotes that shall be presented to the State Fiscal
82 Officer and State Treasurer, who shall jointly select a lender.
83 Loan proceeds shall be received by the State Treasurer and shall
84 be placed in a Medicaid designated special fund account. Loan
85 proceeds shall be expended only for health care services provided
86 under the Medicaid program. The division may pledge as security
87 for such interim financing future funds that will be received by
88 the division. Any such loans shall be repaid from the first
89 available funds received by the division in the manner of and
90 subject to the same terms provided in this section.

91 (3) Disbursement of funds to providers shall be made as
92 follows:

93 (a) All providers must submit all claims to the
94 Division of Medicaid's fiscal agent no later than twelve (12)
95 months from the date of service.

96 (b) The Division of Medicaid's fiscal agent must pay
97 ninety percent (90%) of all clean claims within thirty (30) days
98 of the date of receipt.

99 (c) The Division of Medicaid's fiscal agent must pay
100 ninety-nine percent (99%) of all clean claims within ninety (90)
101 days of the date of receipt.

102 (d) The Division of Medicaid's fiscal agent must pay
103 all other claims within twelve (12) months of the date of receipt.

104 (e) If a claim is neither paid nor denied for valid and
105 proper reasons by the end of the time periods as specified above,
106 the Division of Medicaid's fiscal agent must pay the provider
107 interest on the claim at the rate of one and one-half percent
108 (1-1/2%) per month on the amount of such claim until it is finally
109 settled or adjudicated.

110 (4) The date of receipt is the date the fiscal agent
111 receives the claim as indicated by its date stamp on the claim or,
112 for those claims filed electronically, the date of receipt is the
113 date of transmission.

114 (5) The date of payment is the date of the check or, for
115 those claims paid by electronic funds transfer, the date of the
116 transfer.

117 (6) The above specified time limitations do not apply in the
118 following circumstances:

119 (a) Retroactive adjustments paid to providers
120 reimbursed under a retrospective payment system;

121 (b) If a claim for payment under Medicare has been
122 filed in a timely manner, the fiscal agent may pay a Medicaid
123 claim relating to the same services within six (6) months after
124 it, or the provider, receives notice of the disposition of the
125 Medicare claim;

126 (c) Claims from providers under investigation for fraud
127 or abuse; and

128 (d) The Division of Medicaid and/or its fiscal agent
129 may make payments at any time in accordance with a court order, to
130 carry out hearing decisions or corrective actions taken to resolve
131 a dispute, or to extend the benefits of a hearing decision,
132 corrective action, or court order to others in the same situation
133 as those directly affected by it.

134 (7) Repealed.

135 (8) If sufficient funds are appropriated therefor by the
136 Legislature, the Division of Medicaid may contract with the
137 Mississippi Dental Association, or an approved designee, to
138 develop and operate a Donated Dental Services (DDS) program
139 through which volunteer dentists will treat needy disabled, aged
140 and medically-compromised individuals who are non-Medicaid
141 eligible recipients.

142 **SECTION 4.** This act shall take effect and be in force from
143 and after its passage.