

By: Representatives Holland, Barnett, Davis, Flaggs, Gibbs, Malone, Markham, Read, Shows, Stevens, Scott To: Appropriations

HOUSE BILL NO. 1734 (As Passed the House)

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S OFFICE -
2 DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF SUCH LAW FOR THE FISCAL YEAR
5 2005.

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

7 SECTION 1. The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any money in the State
9 General Fund not otherwise appropriated, to the Governor's Office
10 - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2004, and ending June 30, 2005.....
15 ..... \$ 247,025,158.00.

16 SECTION 2. The following sum, or so much thereof as may be
17 necessary, is hereby appropriated out of any money in the State
18 Treasury to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing
20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
22 ..... \$ 180,014,150.00.

23 SECTION 3. The following sum, or so much thereof as may be
24 necessary, is hereby appropriated out of any money in any special
25 fund in the State Treasury to the credit of the Governor's Office
26 - Division of Medicaid which is comprised of special source funds
27 collected by or otherwise available to the commission, for the
28 purpose of providing medical assistance under the Mississippi

29 Medicaid Law and defraying the expenses of the administration of  
30 such law, for the fiscal year beginning July 1, 2004, and ending  
31 June 30, 2005..... \$ 2,879,011,007.00.

32 Prior period recovery of funds may be maintained and expended  
33 by the division when the recovery is received or finalized.

34 **SECTION 4.** The following sum, or so much thereof as may be  
35 necessary, is hereby appropriated out of any money in the State  
36 Treasury to the credit of the Health Care Expendable Fund, for the  
37 purpose of defraying the expenses of the Governor's Office -  
38 Division of Medicaid for the fiscal year beginning July 1, 2004,  
39 and ending June 30, 2005..... \$ 75,057,956.00.

40 The above funds shall be allocated as follows:

41	CHIP Program at 200% level of poverty...\$	6,673,389.00
42	Eyeglasses for adults.....\$	1,620,680.00
43	Home and Community Waiver Program.....\$	4,571,271.00
44	Expand coverage for Poverty Level Aged and	
45	Disabled group.....\$	9,056,740.00
46	Disabled worker buy-in to the Medicaid	
47	program.....\$	1,749,381.00
48	Dental fee increase.....\$	2,097,350.00
49	Miscellaneous.....\$	286,002.00
50	Medical Services Program Matching Funds.\$	49,003,144.00

51 It is the intention of the Legislature that funds may be  
52 shifted among the above allocated line items where needed in the  
53 discretion of the Executive Director of the Division of Medicaid.

54 **SECTION 5.** Of the funds appropriated under the provisions of  
55 Sections 1, 2, 3 and 4, not more than the amounts set forth below  
56 shall be expended for the respective major objects or purposes of  
57 expenditure:

58 MAJOR OBJECTS OF EXPENDITURE:

59 Personal Services:

60	Salaries, Wages and Fringe Benefits.. \$	24,332,895.00
61	Travel and Subsistence.....	628,538.00

62	Contractual Services.....	89,080,998.00
63	Commodities.....	700,500.00
64	Capital Outlay:	
65	Other Than Equipment.....	0.00
66	Equipment.....	277,000.00
67	Subsidies, Loans and Grants.....	<u>3,266,088,340.00</u>
68	Total.....	\$ 3,381,108,271.00
69	FUNDING:	
70	General Funds.....	\$ 247,025,158.00
71	Special Funds.....	<u>3,134,083,113.00</u>
72	Total.....	\$ 3,381,108,271.00

73 AUTHORIZED POSITIONS:

74	Permanent: Full Time.....	571
75	Part Time.....	0
76	Time-Limited: Full Time.....	10
77	Part Time.....	0

78 With the funds herein appropriated, it is the intention of  
79 the Legislature that it shall be the agency's responsibility to  
80 make certain that funds required to be appropriated for "Personal  
81 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
82 funds appropriated for that purpose, unless programs or positions  
83 are added to the agency's Fiscal Year 2006 budget by the  
84 Mississippi Legislature. Based on data provided by the  
85 Legislative Budget Office, the State Personnel Board shall  
86 determine and publish the projected annual cost to fully fund all  
87 appropriated positions in compliance with the provisions of this  
88 act. It shall be the responsibility of the agency head to insure  
89 that no single personnel action increases this projected annual  
90 cost and/or the Fiscal Year 2005 appropriation for "Personal  
91 Services" when annualized, with the exception of escalated funds.  
92 If, at the time the agency takes any action to change "Personal  
93 Services," the State Personnel Board determines that the agency  
94 has taken an action which would cause the agency to exceed this

95 projected annual cost or the Fiscal Year 2005 "Personal Services"  
96 appropriated level, when annualized, then only those actions which  
97 reduce the projected annual cost and/or the appropriation  
98 requirement will be processed by the State Personnel Board until  
99 such time as the requirements of this provision are met.

100 Any transfers or escalations shall be made in accordance with  
101 the terms, conditions and procedures established by law or  
102 allowable under the terms set forth within this act. The State  
103 Personnel Board shall not escalate positions without written  
104 approval from the Department of Finance and Administration. The  
105 Department of Finance and Administration shall not provide written  
106 approval to escalate any funds for salaries and/or positions  
107 without proof of availability of new or additional funds above the  
108 appropriated level.

109 No general funds authorized to be expended herein shall be  
110 used to replace federal funds and/or other special funds which are  
111 being used for salaries authorized under the provisions of this  
112 act and which are withdrawn and no longer available.

113 **SECTION 6.** The funds authorized herein shall be used to fund  
114 all operations of the agency with the following prohibitions:

115 (1) The agency shall not fill any current or future vacant  
116 positions except such positions as needed for carrying out the  
117 purpose and intent of House Bill No. 1434, 2004 Regular  
118 Legislative Session.

119 (2) The agency shall not take any action to promote or  
120 otherwise award salary increases through reallocation,  
121 reclassification, realignment, education benchmark, career ladder,  
122 or any other means to increase salaries of employees or positions  
123 except as allowed under the provisions set forth in House Bill No.  
124 1279, 2004 Regular Legislative Session or except as needed for  
125 carrying out the purpose and intent of House Bill No. 1434, 2004  
126 Regular Legislative Session.

127           (3) The agency shall not expend funds for out-of-state  
128 travel except as allowed under the provisions set forth in House  
129 Bill No. 1279, 2004 Regular Legislative Session;

130           (4) The agency shall not expend funds for the purchase of or  
131 contract for cellular phones, two-way radios or pagers, except for  
132 support of employees in the Department of Public Safety and the  
133 Bureau of Narcotics as recommended by Information Technology  
134 Services or as allowed under the provisions set forth in House  
135 Bill No. 1279, 2004 Regular Legislative Session;

136           (5) The agency shall not expend funds to publish or  
137 distribute any annual reports or other publications except where  
138 required by federal law.

139           (6) The agency shall not expend funds for public relation  
140 activities regarding the functions, programs or services of the  
141 agency except as allowed under the provisions set forth in House  
142 Bill No. 1279, 2004 Regular Legislative Session, or except for  
143 carrying out the purpose and intent of House Bill No. 1434, 2004  
144 Regular Legislative Session.

145           (7) The agency shall not advertise the functions, programs  
146 or services of the agency except that the Mississippi Development  
147 Authority is authorized to expend funds for advertising to carry  
148 out the purposes of key programs administered by the authority or  
149 except for carrying out the purpose and intent of House Bill No.  
150 1434, 2004 Regular Legislative Session.

151           (8) The agency shall not expend funds for staff development  
152 or training services except for carrying out the purpose and  
153 intent of House Bill No. 1434, 2004 Regular Legislative Session.

154           (9) The agency shall not expend funds for the purchase of  
155 new or replacement equipment or furniture, excluding lease  
156 purchase payments on agreements in effect upon passage of this  
157 appropriation bill, except as allowed under the provisions set  
158 forth in House Bill No. 1279, 2004 Regular Legislative Session.

159           **SECTION 7.** It is the intention of the Legislature that none  
160 of the funds appropriated above shall be expended unless members  
161 of the Mississippi House of Representatives and Mississippi Senate  
162 are notified at least five (5) days prior to a public ceremony  
163 announcing the award of any grant in their district or any public  
164 announcement or ceremony regarding the groundbreaking or opening  
165 of a facility, roadway or bridge for which the Legislature has  
166 made funds available. Any signage regarding any public event or  
167 any new facility, roadway or bridge shall include the following  
168 language: "Funds were made available for this project by the  
169 Mississippi State Legislature."

170           **SECTION 8.** It is the intention of the Legislature that the  
171 Governor's Office - Division of Medicaid shall maintain complete  
172 accounting and personnel records related to the expenditure of all  
173 funds appropriated under this act and that such records shall be  
174 in the same format and level of detail as maintained for Fiscal  
175 Year 2004. It is further the intention of the Legislature that  
176 the agency's budget request for Fiscal Year 2006 shall be  
177 submitted to the Joint Legislative Budget Committee in a format  
178 and level of detail comparable to the format and level of detail  
179 provided during the Fiscal Year 2005 budget request process.

180           **SECTION 9.** In compliance with the "Mississippi Performance  
181 Budget and Strategic Planning Act of 1994," it is the intent of  
182 the Legislature that the funds provided herein shall be utilized  
183 in the most efficient and effective manner possible to achieve the  
184 intended mission of this agency. Based on the funding authorized,  
185 this agency shall make every effort to attain the targeted  
186 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a Percent of Total Budget (%)	2.80
Medical Services	

192	Recipients (Persons)	725,000
193	Recipients in Managed Care (Persons)	0
194	Primary Care Physicians (Persons)	8,400

195 A reporting of the degree to which the performance targets  
196 set above have been or are being achieved shall be provided in the  
197 agency's budget request submitted to the Joint Legislative Budget  
198 Committee for Fiscal Year 2006.

199 **SECTION 10.** It is the intention of the Legislature that the  
200 Executive Director of the Division of Medicaid may authorize  
201 increases in any major objects of expenditures in total amounts  
202 not to exceed twenty-five percent (25%) of the appropriated amount  
203 of each major object of expenditure, provided that other major  
204 objects of expenditure are decreased by a corresponding dollar  
205 amount.

206 **SECTION 11.** Of the funds appropriated under the provisions  
207 of Section 3, Eighty Million Dollars (\$80,000,000.00) shall be  
208 derived from the Budget Contingency Fund created in Section  
209 27-103-301, Mississippi Code of 1972.

210 **SECTION 12.** The money herein appropriated shall be paid by  
211 the State Treasurer out of any money in the State Treasury to the  
212 credit of the proper fund or funds as set forth in this act, upon  
213 warrants issued by the State Fiscal Officer; and the State Fiscal  
214 Officer shall issue his warrants upon requisitions signed by the  
215 proper person, officer or officers, in the manner provided by law.

216 **SECTION 13.** This act shall take effect and be in force from  
217 and after July 1, 2004.