

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

To: Appropriations

HOUSE BILL NO. 1735

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR
3 2005.

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

5 SECTION 1. The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the purpose of
8 defraying the expenses of the State Department of Health for the
9 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
10 \$ 26,836,178.00.

11 SECTION 2. The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the State Department
14 of Health which is comprised of special source funds collected by
15 or otherwise available to the department, for the purpose of
16 defraying the expenses of the department for the fiscal year
17 beginning July 1, 2004, and ending June 30, 2005.....
18 \$ 213,277,095.00.

19 SECTION 3. The following sum, or so much thereof as may be
20 necessary, is hereby appropriated out of any money in the State
21 Treasury to the credit of the Health Care Expendable Fund, for the
22 purpose of defraying the expenses of the State Board of Health for
23 the fiscal year beginning July 1, 2004, and ending June 30, 2005.
24 \$ 13,488,785.00.

25 The above funds shall be allocated as follows:

26 Maternal and Child Health Care
27 Program.....\$1,334,579.00

28 Early Intervention Program.....\$ 238,318.00
 29 Health Department Programs.....\$2,383,170.00
 30 Mississippi Qualified Health
 31 Center Grant Program.....\$3,813,084.00
 32 Trauma Care System.....\$5,719,626.00

33 It is the intention of the Legislature that none of the Five
 34 Million Seven Hundred Nineteen Thousand Six Hundred Twenty-six
 35 Dollars (\$5,719,626.00) authorized herein for the Trauma Care
 36 System shall be expended to the benefit of any hospital located
 37 outside the boundaries of the State of Mississippi, unless
 38 otherwise excepted in this paragraph. Further, unless otherwise
 39 excepted in this paragraph, no such out-of-state hospital shall be
 40 authorized to receive such funds until such time as the amount
 41 appropriated for such purpose shall reach an amount of Eight
 42 Million Dollars (\$8,000,000.00) or more. Funds shall be expended
 43 by the Mississippi Department of Health for distribution to the
 44 Regional Medical Center at Memphis, located in Memphis, Tennessee,
 45 for their participation in the Trauma Care System.

46 **SECTION 4.** Of the funds appropriated under the provisions of
 47 Sections 1, 2 and 3, not more than the amounts set forth below
 48 shall be expended for the respective major objects or purposes of
 49 expenditure:

50 MAJOR OBJECTS OF EXPENDITURE:

51 Personal Services:

52	Salaries, Wages and Fringe Benefits.. \$	89,605,330.00
53	Travel and Subsistence.....	7,050,257.00
54	Contractual Services.....	43,512,340.00
55	Commodities.....	62,845,477.00
56	Capital Outlay:	
57	Other Than Equipment.....	823,000.00
58	Equipment.....	6,544,349.00
59	Subsidies, Loans and Grants.....	<u>43,221,305.00</u>
60	Total..... \$	253,602,058.00

61	FUNDING:	
62	General Funds.....	\$ 26,836,178.00
63	Special Funds.....	<u>226,765,880.00</u>
64	Total.....	\$ 253,602,058.00

65 AUTHORIZED POSITIONS:

66	Permanent: Full Time.....	1,681
67	Part Time.....	22
68	Time-Limited: Full Time.....	510
69	Part Time.....	11

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

92 Any transfers or escalations shall be made in accordance with
93 the terms, conditions and procedures established by law or

94 allowable under the terms set forth within this act. The State
95 Personnel Board shall not escalate positions without written
96 approval from the Department of Finance and Administration. The
97 Department of Finance and Administration shall not provide written
98 approval to escalate any funds for salaries and/or positions
99 without proof of availability of new or additional funds above the
100 appropriated level.

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

105 **SECTION 5.** The funds authorized herein shall be used to fund
106 all operations of the agency with the following prohibitions:

107 (1) The agency shall not fill any current or future vacant
108 positions;

109 (2) The agency shall not take any action to promote or
110 otherwise award salary increases through reallocation,
111 reclassification, realignment, education benchmark, career ladder,
112 or any other means to increase salaries of employees or positions
113 except as allowed under the provisions set forth in House Bill No.
114 1279, 2004 Regular Legislative Session;

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

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

124 (5) The agency shall not expend funds to publish or
125 distribute any annual reports or other publications;

126 (6) The agency shall not expend funds for public relation
127 activities regarding the functions, programs or services of the
128 agency except as allowed under the provisions set forth in House
129 Bill No. 1279, 2004 Regular Legislative Session;

130 (7) The agency shall not advertise the functions, programs
131 or services of the agency except that the Mississippi Development
132 Authority is authorized to expend funds for advertising to carry
133 out the purposes of key programs administered by the authority;

134 (8) The agency shall not expend funds for staff development
135 or training services;

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

141 **SECTION 6.** It is the intention of the Legislature that none
142 of the funds appropriated above shall be expended unless members
143 of the Mississippi House of Representatives and Mississippi Senate
144 are notified at least five (5) days prior to a public ceremony
145 announcing the award of any grant in their district or any public
146 announcement or ceremony regarding the groundbreaking or opening
147 of a facility, roadway or bridge for which the Legislature has
148 made funds available. Any signage regarding any public event or
149 any new facility, roadway or bridge shall include the following
150 language: "Funds were made available for this project by the
151 Mississippi State Legislature."

152 **SECTION 7.** It is the intention of the Legislature that the
153 State Department of Health shall maintain complete accounting and
154 personnel records related to the expenditure of all funds
155 appropriated under this act and that such records shall be in the
156 same format and level of detail as maintained for Fiscal Year
157 2004. It is further the intention of the Legislature that the
158 agency's budget request for Fiscal Year 2006 shall be submitted to

159 the Joint Legislative Budget Committee in a format and level of
 160 detail comparable to the format and level of detail provided
 161 during the Fiscal Year 2005 budget request process.

162 **SECTION 8.** In compliance with the "Mississippi Performance
 163 Budget and Strategic Planning Act of 1994," it is the intent of
 164 the Legislature that the funds provided herein shall be utilized
 165 in the most efficient and effective manner possible to achieve the
 166 intended mission of this agency. Based on the funding authorized,
 167 this agency shall make every effort to attain the targeted
 168 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
171 Chronic Illness	
172 Patients Served (Persons)	300
173 Home Health Visits (Visits)	2,700
174 Hypertension Visits (Visits)	2,399
175 Diabetes Treatment Visits (Visits)	377
176 Maternal & Child Health	
177 Maternity Patients Served (Persons)	6,500
178 WIC Patients Served per Month (Persons)	10,300
179 Family Planning Patients Served (Persons)	97,233
180 Environmental Health	
181 General Sanitation Inspections (Actions)	30,100
182 Food Establishments Inspected (Sites)	30,000
183 Water Supplies Tested (Actions)	1,400
184 Disease Prevention	
185 Vaccinations Administered (Doses)	550,000
186 STD Diagnostic Treatment & Follow-up	
187 Services (Persons)	26,000
188 TB Cases & Contacts Investigated (Actions)	1,500
189 H Care Planning & Licensure	
190 Declaratory for CON Reviews (Actions)	400
191 Ambulance Services Lic/Permitted (Entities)	667

192 Nurse's Aides Certified (Persons) 6,418
193 Professional Licenses Issued (Actions) 6,418
194 Support Services
195 Percentage of Total Budget (%) 6.97

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

200 **SECTION 9.** It is the intention of the Legislature that the
201 State Department of Health may escalate any special funds and
202 positions not to exceed Four Million Dollars (\$4,000,000.00).
203 Such escalation shall be submitted to and approved by the
204 Department of Finance and Administration in the manner consistent
205 with the escalation of federal funds.

206 **SECTION 10.** It is the intention of the Legislature that the
207 Department of Health shall have the authority to expend any
208 special funds collected or otherwise available, notwithstanding
209 any restrictions in the general law or statutes earmarking said
210 funds for a particular use, that are in excess of the amounts
211 needed for the purpose of such fund, for the purpose of providing
212 maternal and child health, family planning and disease control
213 services.

214 **SECTION 11.** It is the intention of the Legislature that with
215 the funds provided herein, the State Department of Health may
216 provide and administer without charge, Hepatitis B vaccinations to
217 Emergency Medical Services (EMS) personnel who are in need of such
218 vaccinations through job related exposure.

219 **SECTION 12.** In addition to all other sums heretofore
220 appropriated, the following sum, or so much thereof as may be
221 necessary, is hereby appropriated out of any money in the State
222 Treasury to the credit of the Local Governments and Rural Water
223 Systems Emergency Loan Fund, and the Local Governments and Rural
224 Water System Improvements Revolving Loan Fund as authorized in

225 Chapter 521, Laws of 1995, to the State Department of Health for
226 the purpose of defraying the expenses of the Local Governments and
227 Rural Water Systems Improvements Board, for the fiscal year
228 beginning July 1, 2004, and ending June 30, 2005.....
229 \$ 33,278,291.00.

230 **SECTION 13.** It is the intention of the Legislature that in
231 the event that there are insufficient Child Care Development Block
232 Grant Funds, then the Department of Health shall maintain the
233 Child Care Licensure Program at the same level that the program
234 was in Fiscal Year 1993 using any other funds.

235 **SECTION 14.** Of the funds appropriated in Section 2, One
236 Million Dollars (\$1,000,000.00) shall come from the Department of
237 Human Services, Child Care Development Fund or other appropriate
238 special funds for the purpose of child care licensure. These
239 funds are to be transferred to the State Department of Health no
240 later than July 31, 2004. The State Department of Health shall
241 make a complete accounting of the uses of these funds to the
242 Department of Human Services.

243 **SECTION 15.** It is the intention of the Legislature that the
244 State Department of Health shall expend not more than Fifty
245 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
246 1 and allocated in Section 4 for providing the oil known as
247 "Lorenzo's Oil" for the treatment of the genetic disorder
248 adrenoleukodystrophy (ALD), to children and Mississippi residents
249 over the age of twenty-one (21) who have the genetic disorder
250 adrenoleukodystrophy and for whom Medicaid does not reimburse the
251 cost of providing the oil. The department may also provide needed
252 pathology and biannual MRI exams.

253 **SECTION 16.** In addition to all other funds heretofore
254 appropriated, the following sum, or so much thereof as may be
255 necessary, is hereby appropriated out of any money deposited in
256 the State Treasury from the Mississippi Tobacco Pilot Program as
257 authorized in the case Mike Moore Attorney General ex rel. State

258 of Mississippi v. The American Tobacco Company et al. (Chancery
259 Court of Jackson County, Mississippi, Cause No. 94-1429) to the
260 State Department of Health for the fiscal year beginning
261 July 1, 2004, and ending June 30, 2005..... \$ 8,000,000.00.

262 It is the intention of the Legislature that of the funds
263 appropriated in this section, an amount of Two Million Five
264 Hundred Thousand Dollars (\$2,500,000.00) is provided to fund the
265 School Tobacco Nurse Program.

266 **SECTION 17.** Of the funds appropriated in Section 1, Seven
267 Hundred Fifty Thousand Dollars (\$750,000.00) are provided for the
268 purpose of purchasing AIDS drugs and other necessary AIDS related
269 medical services.

270 **SECTION 18.** Of the funds appropriated in Section 3, the
271 amounts of One Hundred Twenty-five Thousand Dollars (\$125,000.00)
272 shall be allocated to the T. K. Martin Center at Mississippi State
273 University and One Hundred Twenty-five Thousand Dollars
274 (\$125,000.00) shall be allocated to the Regional Rehabilitation
275 Center in Tupelo for the Early Intervention Program.

276 **SECTION 19.** Of the funds appropriated herein, Fifty Thousand
277 Dollars (\$50,000.00) is provided for the Osteoporosis Program.

278 **SECTION 20.** In addition to all other funds heretofore
279 appropriated, the following sum, or so much thereof as may be
280 necessary, is hereby appropriated out of any money in any special
281 fund in the State Treasury to the credit of the State Department
282 of Health which is comprised of special source funds collected by
283 or otherwise available to the department, for the purpose of
284 funding the Federal Bioterrorism Preparedness Program to the State
285 Department of Health for the fiscal year beginning July 1, 2004,
286 and ending June 30, 2005..... \$ 16,217,101.00.

287 **SECTION 21.** The money herein appropriated shall be paid by
288 the State Treasurer out of any money in the State Treasury to the
289 credit of the proper fund or funds as set forth in this act, upon
290 warrants issued by the State Fiscal Officer; and the State Fiscal

291 Officer shall issue his warrants upon requisitions signed by the
292 proper person, officer or officers, in the manner provided by law.

293 **SECTION 22.** This act shall take effect and be in force from
294 and after July 1, 2004.