

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

To: Appropriations

HOUSE BILL NO. 1735
(As Sent to Governor)

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 \$ 29,062,469.00.

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 \$ 12,562,607.00.

25 The above funds shall be allocated as follows:

26 Maternal and Child Health Care

27 Program.....\$1,242,943.00

28 Early Intervention Program.....\$ 221,954.00
 29 Health Department Programs.....\$2,219,542.00
 30 Mississippi Qualified Health
 31 Center Grant Program.....\$3,551,267.00
 32 Trauma Care System.....\$5,326,901.00

33 The State Department of Health may transfer a portion of
 34 Trauma Care System funds to the Division of Medicaid for the
 35 development and implementation of an enhanced reimbursement fee
 36 program related to trauma care and services, used to match federal
 37 funds, under a cooperative agreement between the State Department
 38 of Health and the Division of Medicaid.

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

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

56 MAJOR OBJECTS OF EXPENDITURE:

57 Personal Services:

58 Salaries, Wages and Fringe Benefits.. \$ 89,602,234.00
 59 Travel and Subsistence..... 7,049,930.00
 60 Contractual Services..... 44,012,143.00

61	Commodities.....	64,046,359.00
62	Capital Outlay:	
63	Other Than Equipment.....	823,000.00
64	Equipment.....	6,544,172.00
65	Subsidies, Loans and Grants.....	<u>42,824,333.00</u>
66	Total.....	\$ 254,902,171.00

67 FUNDING:

68	General Funds.....	\$ 29,062,469.00
69	Special Funds.....	<u>225,839,702.00</u>
70	Total.....	\$ 254,902,171.00

71 AUTHORIZED POSITIONS:

72	Permanent: Full Time.....	1,831
73	Part Time.....	30
74	Time-Limited: Full Time.....	602
75	Part Time.....	17

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

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

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

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

111 **SECTION 5.** It is the intention of the Legislature that the
112 State Department of Health shall maintain complete accounting and
113 personnel records related to the expenditure of all funds
114 appropriated under this act and that such records shall be in the
115 same format and level of detail as maintained for Fiscal Year
116 2004. It is further the intention of the Legislature that the
117 agency's budget request for Fiscal Year 2006 shall be submitted to
118 the Joint Legislative Budget Committee in a format and level of
119 detail comparable to the format and level of detail provided
120 during the Fiscal Year 2005 budget request process.

121 **SECTION 6.** In compliance with the "Mississippi Performance
122 Budget and Strategic Planning Act of 1994," it is the intent of
123 the Legislature that the funds provided herein shall be utilized
124 in the most efficient and effective manner possible to achieve the
125 intended mission of this agency. Based on the funding authorized,

126 this agency shall make every effort to attain the targeted
127 performance measures provided below:

128		FY2005
129	<u>Performance Measures</u>	<u>Target</u>
130	Chronic Illness	
131	Patients Served (Persons)	300
132	Home Health Visits (Visits)	2,700
133	Hypertension Visits (Visits)	2,399
134	Diabetes Treatment Visits (Visits)	377
135	Maternal & Child Health	
136	Maternity Patients Served (Persons)	6,500
137	WIC Patients Served per Month (Persons)	10,300
138	Family Planning Patients Served (Persons)	97,233
139	Environmental Health	
140	General Sanitation Inspections (Actions)	30,100
141	Food Establishments Inspected (Sites)	30,000
142	Water Supplies Tested (Actions)	1,400
143	Disease Prevention	
144	Vaccinations Administered (Doses)	550,000
145	STD Diagnostic Treatment & Follow-up	
146	Services (Persons)	26,000
147	TB Cases & Contacts Investigated (Actions)	1,500
148	H Care Planning & Licensure	
149	Declaratory for CON Reviews (Actions)	400
150	Ambulance Services Lic/Permitted (Entities)	667
151	Nurse's Aides Certified (Persons)	6,418
152	Professional Licenses Issued (Actions)	6,418
153	Support Services	
154	Percentage of Total Budget (%)	6.97

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

159 **SECTION 7.** It is the intention of the Legislature that the
160 State Department of Health may escalate any special funds and
161 positions not to exceed Four Million Dollars (\$4,000,000.00).
162 Such escalation shall be submitted to and approved by the
163 Department of Finance and Administration in the manner consistent
164 with the escalation of federal funds.

165 **SECTION 8.** It is the intention of the Legislature that the
166 Department of Health shall have the authority to expend any
167 special funds collected or otherwise available, notwithstanding
168 any restrictions in the general law or statutes earmarking said
169 funds for a particular use, that are in excess of the amounts
170 needed for the purpose of such fund, for the purpose of providing
171 maternal and child health, family planning and disease control
172 services.

173 **SECTION 9.** It is the intention of the Legislature that with
174 the funds provided herein, the State Department of Health may
175 provide and administer without charge, Hepatitis B vaccinations to
176 Emergency Medical Services (EMS) personnel who are in need of such
177 vaccinations through job related exposure.

178 **SECTION 10.** In addition to all other sums heretofore
179 appropriated, the following sum, or so much thereof as may be
180 necessary, is hereby appropriated out of any money in the State
181 Treasury to the credit of the Local Governments and Rural Water
182 Systems Emergency Loan Fund, and the Local Governments and Rural
183 Water System Improvements Revolving Loan Fund as authorized in
184 Chapter 521, Laws of 1995, to the State Department of Health for
185 the purpose of defraying the expenses of the Local Governments and
186 Rural Water Systems Improvements Board, for the fiscal year
187 beginning July 1, 2004, and ending June 30, 2005.....
188 \$ 33,552,000.00.

189 **SECTION 11.** It is the intention of the Legislature that in
190 the event that there are insufficient Child Care Development Block
191 Grant Funds, then the Department of Health shall maintain the

192 Child Care Licensure Program at the same level that the program
193 was in Fiscal Year 1993 using any other funds.

194 **SECTION 12.** Of the funds appropriated in Section 2, One
195 Million Dollars (\$1,000,000.00) shall come from the Department of
196 Human Services, Child Care Development Fund or other appropriate
197 special funds for the purpose of child care licensure. These
198 funds are to be transferred to the State Department of Health no
199 later than July 31, 2004. The State Department of Health shall
200 make a complete accounting of the uses of these funds to the
201 Department of Human Services.

202 **SECTION 13.** It is the intention of the Legislature that the
203 State Department of Health shall expend not more than Fifty
204 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
205 1 and allocated in Section 4 for providing the oil known as
206 "Lorenzo's Oil" for the treatment of the genetic disorder
207 adrenoleukodystrophy (ALD), to children and Mississippi residents
208 over the age of twenty-one (21) who have the genetic disorder
209 adrenoleukodystrophy and for whom Medicaid does not reimburse the
210 cost of providing the oil. The department may also provide needed
211 pathology and biannual MRI exams.

212 **SECTION 14.** In addition to all other funds heretofore
213 appropriated, the following sum, or so much thereof as may be
214 necessary, is hereby appropriated out of any money deposited in
215 the State Treasury from the Mississippi Tobacco Pilot Program as
216 authorized in the case Mike Moore Attorney General ex rel. State
217 of Mississippi v. The American Tobacco Company et al. (Chancery
218 Court of Jackson County, Mississippi, Cause No. 94-1429) to the
219 State Department of Health for the fiscal year beginning
220 July 1, 2004, and ending June 30, 2005..... \$ 8,000,000.00.

221 It is the intention of the Legislature that of the funds
222 appropriated in this section, an amount not less than Two Million
223 Five Hundred Thousand Dollars (\$2,500,000.00) is provided to fund
224 the School Tobacco Nurse Program.

225 **SECTION 15.** Of the funds appropriated in Section 1, Seven
226 Hundred Fifty Thousand Dollars (\$750,000.00) are provided for the
227 purpose of purchasing AIDS drugs and other necessary AIDS related
228 medical services.

229 **SECTION 16.** Of the funds appropriated in Section 3, the
230 amounts of One Hundred Twenty-five Thousand Dollars (\$125,000.00)
231 shall be allocated to the T. K. Martin Center at Mississippi State
232 University and One Hundred Twenty-five Thousand Dollars
233 (\$125,000.00) shall be allocated to the Regional Rehabilitation
234 Center in Tupelo for the Early Intervention Program.

235 **SECTION 17.** Of the funds appropriated herein, Fifty Thousand
236 Dollars (\$50,000.00) is provided for the Osteoporosis Program.

237 **SECTION 18.** In addition to all other funds heretofore
238 appropriated, the following sum, or so much thereof as may be
239 necessary, is hereby appropriated out of any money in any special
240 fund in the State Treasury to the credit of the State Department
241 of Health which is comprised of special source funds collected by
242 or otherwise available to the department, for the purpose of
243 funding the Federal Bioterrorism Preparedness Program to the State
244 Department of Health for the fiscal year beginning July 1, 2004,
245 and ending June 30, 2005..... \$ 16,217,101.00.

246 **SECTION 19.** The money herein appropriated shall be paid by
247 the State Treasurer out of any money in the State Treasury to the
248 credit of the proper fund or funds as set forth in this act, upon
249 warrants issued by the State Fiscal Officer; and the State Fiscal
250 Officer shall issue his warrants upon requisitions signed by the
251 proper person, officer or officers, in the manner provided by law.

252 **SECTION 20.** This act shall take effect and be in force from
253 and after July 1, 2004.