

House Amendments to Senate Bill No. 3142

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 support and
8 maintenance of the Department of Mental Health for the fiscal year
9 beginning July 1, 2004, and ending June 30, 2005.....
10 \$ 179,782,061.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby authorized for expenditure out of any special
13 source funds which are collected by or otherwise become available
14 for the support and maintenance of the Department of Mental Health
15 for the fiscal year beginning July 1, 2004, and ending
16 June 30, 2005..... \$ 294,073,135.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 2, Twenty-five Million Two Hundred Sixteen Thousand Four
19 Hundred Fifty Dollars (\$25,216,450.00) shall be derived from the
20 Health Care Expendable Fund created in Section 43-13-407,
21 Mississippi Code of 1972, for the support and maintenance of the
22 Department of Mental Health. The funds provided for in this
23 section shall be allocated as follows:

- | | | |
|----|-----------------|--|
| 24 | \$ 7,149,533.00 | Expenses of the Department of Mental |
| 25 | | Health. |
| 26 | \$ 714,953.00 | Alzheimer's disease services development |
| 27 | | and implementation of Senate Bill No. |
| 28 | | 2100, 1997 Regular Session. |
| 29 | \$ 7,342,619.00 | Medicaid matching funds. |
| 30 | \$ 476,636.00 | Psychotropic drugs or Medicaid match. |

31	\$ 953,271.00	Alzheimer's Disease Program, prepayment
32		to Medicaid, etc.
33	\$ 6,339,252.00	Crisis centers, holding centers, group
34		homes, substance abuse programs,
35		Children's Programs, Prepayment of
36		Medicaid. etc.
37	\$ 2,144,860.00	Physician services at community mental
38		health centers.
39	\$ 95,326.00	Grant for Epilepsy Foundation of
40	<u> </u>	Mississippi or Medicaid match.
41	\$25,216,450.00	TOTAL

42 **SECTION 4.** Of the funds appropriated under the provisions of
43 Section 1 and authorized for expenditure under the provisions of
44 Section 2, not more than the amounts set forth below shall be
45 expended for the purposes of expenditure:

46 **CENTRAL OFFICE**

47 FUNDING:

48	General Funds.....	\$	2,274,889.00
49	Special Funds.....		<u>13,818,301.00</u>
50	Total.....	\$	16,093,190.00

51 AUTHORIZED POSITIONS:

52	Permanent:	Full Time.....	64
53		Part Time.....	0
54	Time-Limited:	Full Time.....	21
55		Part Time.....	0

56 **ELLISVILLE STATE SCHOOL AND FARM**

57 FUNDING:

58	General Funds.....	\$	15,534,188.00
59	Special Funds.....		<u>56,711,268.00</u>
60	Total.....	\$	72,245,456.00

61 AUTHORIZED POSITIONS:

62	Permanent:	Full Time.....	1,585
63		Part Time.....	32
64	Time-Limited:	Full Time.....	56
65		Part Time.....	0

66	EAST MISSISSIPPI STATE HOSPITAL		
67	FUNDING:		
68	General Funds.....	\$	28,364,892.00
69	Special Funds.....		<u>17,145,674.00</u>
70	Total.....	\$	45,510,566.00

71	AUTHORIZED POSITIONS:		
72	Permanent: Full Time.....		1,343
73	Part Time.....		6
74	Time-Limited: Full Time.....		121
75	Part Time.....		40

76	HUDSPETH REGIONAL CENTER		
77	FUNDING:		
78	General Funds.....	\$	7,371,894.00
79	Special Funds.....		<u>33,980,927.00</u>
80	Total.....	\$	41,352,821.00

81	AUTHORIZED POSITIONS:		
82	Permanent: Full Time.....		948
83	Part Time.....		28
84	Time-Limited: Full Time.....		48
85	Part Time.....		0

86	MISSISSIPPI STATE HOSPITAL		
87	FUNDING:		
88	General Funds.....	\$	68,313,424.00
89	Special Funds.....		<u>38,142,217.00</u>
90	Total.....	\$	106,455,641.00

91	AUTHORIZED POSITIONS:		
92	Permanent: Full Time.....		2,831
93	Part Time.....		11
94	Time-Limited: Full Time.....		221
95	Part Time.....		0

96	NORTH MISSISSIPPI REGIONAL CENTER		
97	FUNDING:		
98	General Funds.....	\$	9,336,385.00
99	Special Funds.....		<u>44,905,432.00</u>
100	Total.....	\$	54,241,817.00

101 AUTHORIZED POSITIONS:

102	Permanent:	Full Time.....	926
103		Part Time.....	12
104	Time-Limited:	Full Time.....	160
105		Part Time.....	13

106 **SOUTH MISSISSIPPI REGIONAL CENTER**

107 FUNDING:

108	General Funds.....	\$	7,363,306.00
109	Special Funds.....		<u>25,491,149.00</u>
110	Total.....	\$	32,854,455.00

111 AUTHORIZED POSITIONS:

112	Permanent:	Full Time.....	602
113		Part Time.....	8
114	Time-Limited:	Full Time.....	101
115		Part Time.....	4

116 **BOSWELL REGIONAL CENTER**

117 FUNDING:

118	General Funds.....	\$	8,687,378.00
119	Special Funds.....		<u>18,673,076.00</u>
120	Total.....	\$	27,360,454.00

121 AUTHORIZED POSITIONS:

122	Permanent:	Full Time.....	505
123		Part Time.....	3
124	Time-Limited:	Full Time.....	107
125		Part Time.....	2

126 **NORTH MISSISSIPPI STATE HOSPITAL**

127 FUNDING:

128	General Funds.....	\$	6,575,687.00
129	Special Funds.....		<u>1,465,928.00</u>
130	Total.....	\$	8,041,615.00

131 AUTHORIZED POSITIONS:

132	Permanent:	Full Time.....	185
133		Part Time.....	0
134	Time-Limited:	Full Time.....	4
135		Part Time.....	0

136	SOUTH MISSISSIPPI STATE HOSPITAL		
137	FUNDING:		
138	General Funds.....	\$	4,846,556.00
139	Special Funds.....		841,872.00
140	Total.....	\$	5,688,428.00

141	AUTHORIZED POSITIONS:		
142	Permanent: Full Time.....		156
143	Part Time.....		0
144	Time-Limited: Full Time.....		1
145	Part Time.....		0

146	CENTRAL MISSISSIPPI RESIDENTIAL CENTER		
147	FUNDING:		
148	General Funds.....	\$	3,085,436.00
149	Special Funds.....		1,345,033.00
150	Total.....	\$	4,430,469.00

151	AUTHORIZED POSITIONS:		
152	Permanent: Full Time.....		132
153	Part Time.....		0
154	Time-Limited: Full Time.....		14
155	Part Time.....		0

156	BROOKHAVEN JUVENILE REHABILITATION FACILITY		
157	FUNDING:		
158	General Funds.....	\$	4,284,464.00
159	Special Funds.....		0.00
160	Total.....	\$	4,284,464.00

161	AUTHORIZED POSITIONS:		
162	Permanent: Full Time.....		102
163	Part Time.....		0
164	Time-Limited: Full Time.....		10
165	Part Time.....		0

166	SPECIALIZED TREATMENT FACILITY		
167	FUNDING:		
168	General Funds.....	\$	686,796.00
169	Special Funds.....		0.00
170	Total.....	\$	686,796.00

171	AUTHORIZED POSITIONS:		
172	Permanent:	Full Time.....	85
173		Part Time.....	0
174	Time-Limited:	Full Time.....	0
175		Part Time.....	0

SERVICE BUDGET

177	FUNDING:		
178	General Funds.....	\$	13,056,766.00
179	Special Funds.....		<u>37,426,328.00</u>
180	Total.....	\$	50,483,094.00

181	AUTHORIZED POSITIONS:		
182	Permanent:	Full Time.....	0
183		Part Time.....	0
184	Time-Limited:	Full Time.....	0
185		Part Time.....	0

DIVISION OF ALCOHOL AND DRUG ABUSE

187	FUNDING:		
188	General Funds.....	\$	0.00
189	Special Funds.....		<u>4,125,930.00</u>
190	Total.....	\$	4,125,930.00

191	AUTHORIZED POSITIONS:		
192	Permanent:	Full Time.....	6
193		Part Time.....	0
194	Time-Limited:	Full Time.....	0
195		Part Time.....	0

196 With the funds herein appropriated, it is the intention of
 197 the Legislature that it shall be the agency's responsibility to
 198 make certain that funds required to be appropriated for "Personal
 199 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
 200 funds appropriated for that purpose, unless programs or positions
 201 are added to the agency's Fiscal Year 2006 budget by the
 202 Mississippi Legislature. Based on data provided by the
 203 Legislative Budget Office, the State Personnel Board shall
 204 determine and publish the projected annual cost to fully fund all
 205 appropriated positions in compliance with the provisions of this

206 act. It shall be the responsibility of the agency head to insure
207 that no single personnel action increases this projected annual
208 cost and/or the Fiscal Year 2005 appropriation for "Personal
209 Services" when annualized, with the exception of escalated funds.
210 If, at the time the agency takes any action to change "Personal
211 Services," the State Personnel Board determines that the agency
212 has taken an action which would cause the agency to exceed this
213 projected annual cost or the Fiscal Year 2005 "Personal Services"
214 appropriated level, when annualized, then only those actions which
215 reduce the projected annual cost and/or the appropriation
216 requirement will be processed by the State Personnel Board until
217 such time as the requirements of this provision are met.

218 Any transfers or escalations shall be made in accordance with
219 the terms, conditions and procedures established by law or
220 allowable under the terms set forth within this act. The State
221 Personnel Board shall not escalate positions without written
222 approval from the Department of Finance and Administration. The
223 Department of Finance and Administration shall not provide written
224 approval to escalate any funds for salaries and/or positions
225 without proof of availability of new or additional funds above the
226 appropriated level.

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

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

233 (1) The agency shall not fill any current or future vacant
234 positions;

235 (2) The agency shall not take any action to promote or
236 otherwise award salary increases through reallocation,
237 reclassification, realignment, education benchmark, career ladder,
238 or any other means to increase salaries of employees or positions
239 except as allowed under the provisions set forth in House Bill No.
240 1279, 2004 Regular Session;

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

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

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

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

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

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

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

267 **SECTION 6.** It is the intention of the Legislature that none
268 of the funds appropriated above shall be expended unless members
269 of the Mississippi House of Representatives and Mississippi Senate
270 are notified at least five (5) days prior to a public ceremony
271 announcing the award of any grant in their district or any public
272 announcement or ceremony regarding the groundbreaking or opening
273 of a facility, roadway or bridge for which the Legislature has
274 made funds available. Any signage regarding any public event or
275 any new facility, roadway or bridge shall include the following

276 language: "Funds were made available for this project by the
277 Mississippi State Legislature."

278 **SECTION 7.** It is the intention of the Legislature that the
279 Department of Mental Health shall maintain complete accounting and
280 personnel records related to the expenditure of all funds
281 appropriated under this act and that such records shall be in the
282 same format and level of detail as maintained for Fiscal Year
283 2004. It is further the intention of the Legislature that the
284 agency's budget request for Fiscal Year 2006 shall be submitted to
285 the Joint Legislative Budget Committee in a format and level of
286 detail comparable to the format and level of detail provided
287 during the Fiscal Year 2005 budget request process.

288 **SECTION 8.** In compliance with the "Mississippi Performance
289 Budget and Strategic Planning Act of 1994," it is the intent of
290 the Legislature that the funds provided herein shall be utilized
291 in the most efficient and effective manner possible to achieve the
292 intended mission of this agency. Based on the funding authorized,
293 this agency shall make every effort to attain the targeted
294 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Services Management	
State Institutions Operated (Number of)	12
Units Monitored, etc (Number of)	1,112
Grants Administered (Number of)	486
Mental Health Services	
Group Homes - Alternative Living (Beds)	35
Halfway Houses (Beds)	258
Psychotropic Drugs Purchased (Prescriptions)	20,000
Mental Retardation Services	
Community Living Clients	2,400
Work Activity & Employment Related (Clients)	1,050
Children & Youth Services	
Group Homes (Beds)	72
Chemical Dependency (Beds)	20

311	3% Alcohol Tax-alcohol/drug Prg	
312	Residential Treatment Beds	684
313	Out-Patient Admissions	8,100
314	Performance Measures are included in the	
315	Mi - Institutional Care	
316	Patient & Resident Days (Number of)	703,662
317	Operating Cost per Patient & Resident Day	311
318	Mi - Pre/post Inst Care	
319	Clients Served (Number of)	1,817
320	Mi - Support Services	
321	Percent of Support Staff to Direct Staff (%)	10
322	Support as a Percent of Total Budget	11
323	Mr - Institutional Care	
324	Patient & Resident Days (Number of)	409,754
325	Cost per Patient & Resident Day	303
326	Patient & Resident Days (Client Days)	50,328
327	Independent Living Skills (Client Days)	6,038
328	ICF/MR Licensed Client Bed Days	58,350
329	Mr - Group Homes	
330	Community Based Services (Client Days)	56,000
331	ICF & MR Residential Services (Client Days)	156,612
332	ICF & MR Group Home (Client Days)	35,770
333	Mr - Community Programs	
334	Clients Served - HCBW (Individuals)	678
335	Therapy for Children & Families (Sessions)	7,000
336	Employment Support (Contacts & Visits)	23,109
337	Case Management (Contacts)	5,612
338	Residential ICF & MR Program (Clients)	1,540
339	Mr - Support Services	
340	Percent of Support Staff to Direct Staff (%)	3.03
341	Support as a Percent of Total Budget	22
342	Mi - Crisis Intervention Ctr	
343	Patient & Resident Days (Number of)	0
344	Mi - Residential Apartments	
345	Patient & Resident Days (Number of)	0

346 Mi - Residential Homes
347 Patient & Resident Days (Number of) 0
348 Mi - Footprints Adult Day Svcs
349 Clients Served (Number of) 20

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

354 **SECTION 9.** Of the funds appropriated under the provisions of
355 Section 1, authorized for expenditure in Section 2, and allocated
356 in Section 3 to the "Central Office," funds are included for an
357 Alzheimer's education and training program.

358 **SECTION 10.** Of the funds appropriated under the provisions
359 of Section 1, authorized for expenditure in Section 2, and
360 allocated in Section 4 to the "Central Office," funds are included
361 to compensate part-time members of the Sexual Predator Review
362 Board at an hourly rate not to exceed the hourly rate for
363 similarly qualified and titled full-time state employees, plus
364 fringe benefits allowable for such part-time employees.

365 **SECTION 11.** Of the funds appropriated under the provisions
366 of Section 1, authorized for expenditure under the provisions of
367 Section 2, and allocated under the provisions of Section 4, funds
368 in the amount of Two Hundred Thousand Dollars (\$200,000.00) may be
369 expended for the support of a pilot project to provide authority
370 for East Mississippi State Hospital and Mississippi State Hospital
371 to contract with local hospitals located in counties with a
372 population of less than fifty thousand (50,000) to provide
373 emergency inpatient care to individuals committed by the Chancery
374 Court to East Mississippi State Hospital or Mississippi State
375 Hospital for treatment of mental illness if, at the time that such
376 commitment is made, a bed is not available for admission to East
377 Mississippi State Hospital or Mississippi State Hospital. East
378 Mississippi State Hospital and Mississippi State Hospital shall
379 have the authority to contract with local hospitals located in
380 counties with a population of less than fifty thousand (50,000)

381 for inpatient emergency care for a period not to exceed seven (7)
382 days at a rate not to exceed One Hundred and Fifty Dollars
383 (\$150.00) per day with East Mississippi State Hospital or
384 Mississippi State Hospital providing One Hundred Dollars (\$100.00)
385 and the local government providing Fifty Dollars (\$50.00) per day
386 for such care. Payment for such physician fees shall be made at
387 the Medicaid rate of reimbursement and paid by East Mississippi
388 State Hospital or Mississippi State Hospital. Funds provided for
389 the initiation of this pilot project shall not be expended for
390 inpatient hospital care unless there is participation in the
391 reimbursement for such care by the local government as required by
392 the provisions of this section.

393 **SECTION 12.** It is the intention of the Legislature that the
394 Executive Director of the Department of Mental Health shall have
395 authority to transfer cash from one special fund treasury fund to
396 another special fund treasury fund under the control of the
397 Department of Mental Health. The purpose of this authority is to
398 more efficiently use available cash reserves. It is further the
399 intention of the Legislature that the Executive Director of the
400 Department of Mental Health shall submit written justification for
401 the transfer to the Legislative Budget Office and the Department
402 of Finance and Administration on or before the fifteenth (15th) of
403 the month prior to the effective date of the transfer.

404 **SECTION 13.** It is the intention of the Legislature that the
405 Department of Mental Health shall have the authority to receive,
406 budget, and expend funds from any source, including beginning cash
407 in excess of beginning cash when spending authority was initially
408 appropriated, that may become available to the department in
409 accordance with the rules and regulations of the Department of
410 Finance and Administration in a manner consistent with the
411 escalation of federal funds.

412 **SECTION 14.** The Department of Mental Health and its
413 facilities shall have the authority, within funding and spending
414 authority appropriated under the provisions of Section 1,
415 authorized for expenditure in Section 2, and allocated under the

416 provisions of Section 4 of this act, to transfer funds to the
417 Division of Medicaid in payment of Medicaid match and designate
418 that the funds thus transferred shall be applied to Medicaid match
419 obligations arising in the subsequent fiscal year.

420 **SECTION 15.** Any person within the Department of Mental
421 Health who must work on a statutory holiday or any holiday
422 proclaimed by the Governor, may at the discretion of the Director
423 of the Institution and the Executive Director of the Department of
424 Mental Health and within available personnel funds, be paid "call
425 back pay" in lieu of "compensatory time credit."

426 **SECTION 16.** Of the funds appropriated to the "Service
427 Budget," funds are included for the support of community mental
428 health services for Fiscal Year 2005.

429 Provided, however, that none of the funds appropriated for
430 the support of community mental health services shall be made
431 available to any Regional Mental Health/Retardation Center which
432 does not receive from each of its participating counties a dollar
433 amount equivalent to what the proceeds of a three-fourths (3/4)
434 mill tax on all taxable property in the county in Fiscal Year 1982
435 would have been or the amount of funds contributed to the center
436 by the county in Fiscal Year 1984, whichever shall be greater. By
437 means of performance contracts, the Department of Mental Health
438 shall disburse the funds appropriated in this section for services
439 for the mentally ill, mentally retarded and alcohol/drug abusers.
440 The State Board of Mental Health and the Department of Mental
441 Health shall be responsible for selecting the types of services
442 which shall be provided with the funds appropriated in this
443 section, for developing and monitoring performance contracts and
444 for holding contractors accountable for utilization of funds.

445 **SECTION 17.** Funds presently included or any funds received
446 in the future for timber funds at Ellisville State School and East
447 Mississippi State Hospital are hereby authorized for transfer to
448 the regular operating budgets of the respective facilities. Each
449 facility shall receive such funds as "Special" funds, and such
450 funds shall be available for use in payment of any and all

451 expenses of each facility, paid by the State Treasurer upon
452 warrants issued by the State Fiscal Officer; and the State Fiscal
453 Officer shall issue his warrants upon requisitions signed by the
454 proper person, officer or officers in the manner provided by law.

455 **SECTION 18.** The Department of Mental Health and its
456 facilities shall have the express legal authority, within funding
457 and spending authority appropriated under the provisions of
458 Section 1, authorized for expenditure under the provisions of
459 Section 2, and allocated under the provisions of Section 4 of this
460 act, to purchase land for use by residential facilities operated
461 by the Department, either directly or by means of transferring
462 funds to the Bureau of Building, Grounds and Real Property
463 Management, and to transfer such funds to Bureau of Building,
464 Grounds, and Real Property Management for the purposes of
465 constructing and equipping group homes for persons with mental
466 illness, mental retardation, and/or substance abuse; constructing
467 and equipping such other buildings as may be required for
468 treatment of persons with mental illness, mental retardation,
469 and/or substance abuse; repair and renovate existing buildings;
470 and to construct, repair and/or renovate employee housing. Any
471 intermediate care facilities for the mentally retarded (ICF/MR)
472 constructed with funds authorized in this section shall be
473 authorized to participate in Medicaid funding available for such
474 services.

475 **SECTION 19.** Of the General Funds appropriated to the
476 "Service Budget," the sum required may be expended to fund the
477 Home and Community Based Waiver Option for community mental
478 retardation services as authorized under Section 43-13-117 (29) of
479 the Mississippi Code of 1972 (Annotated).

480 **SECTION 20.** With the funds herein appropriated, the
481 Department of Mental Health is authorized to provide home and
482 community based treatment and institutional treatment to not more
483 than ten (10) persons at any given time who, on or after reaching
484 their twenty-first birthday (age 21), suffered a severe brain
485 injury and whose condition as a result of that brain injury would

486 have resulted in their classification as developmentally disabled
487 if such injury had occurred prior to their twenty-first birthday.

488 **SECTION 21.** The following sum, or so much thereof as may be
489 necessary, is hereby reappropriated out of any money in the
490 special fund in the State Treasury to the credit of the Department
491 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,
492 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year
493 beginning July 1, 2004, and ending June 30, 2005.....
494 \$ 10,000,000.00

495 Notwithstanding the amount reappropriated under the
496 provisions of this section, in no event shall the amount expended
497 exceed the unexpended balance as of June 30, 2004, or change the
498 purpose for which the funds were originally authorized.

499 **SECTION 22.** None of the funds appropriated herein may be
500 used to pay for alternative residential placement or
501 hospitalization for mental health, mental retardation, or
502 substance treatment of a person committed to the Department of
503 Mental Health under Sections 41-21-61, et seq., 41-21-107,
504 41-31-1, et seq., 43-21-315, and 43-21-611, Mississippi Code of
505 1972.

506 **SECTION 23.** Of the funds appropriated under the provisions
507 of Section 1, authorized for expenditure in Section 2, and
508 allocated in Section 4 to Mississippi State Hospital, funds not to
509 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be
510 expended for preplanning costs associated with a project or
511 projects to renovate buildings on the campus of Mississippi State
512 Hospital to meet standards of the Joint Commission on
513 Accreditation of Healthcare Organizations.

514 **SECTION 24.** None of the funds appropriated for the support
515 of community mental health, mental retardation, or substance abuse
516 services shall be made available to any service provider which,
517 upon determination of the Executive Director of the Department of
518 Mental Health, has an outstanding monetary obligation owed to the
519 Department of Mental Health or to the Division of Medicaid,
520 pursuant to an audit or programmatic review performed by the

521 Department of Mental Health, that has not been resolved, including
522 those audits or programmatic reviews that occurred prior to
523 July 1, 2004.

524 **SECTION 25.** From the funds provided herein, the Department
525 shall have the authority to adjust salaries of academic teachers
526 to be commensurate to the teacher's salary scale as provided in
527 the Mississippi Teacher Opportunity Program for the 2004-2005
528 school year, as outlined in Section 37-19-7, Mississippi Code of
529 1972, effective July 1, 2003.

530 **SECTION 26.** No program or entity certified by the Department
531 of Mental Health which also receives state source, federal source,
532 or Medicaid funding directly from the Department of Mental Health
533 or by virtue of state source funds appropriated to the Department
534 of Mental Health for Medicaid match for provision of mental
535 health, mental retardation, or substance abuse services shall pay
536 to any person employed by that program or entity a salary or
537 compensation, directly or indirectly, in excess of the salary
538 provided for a similar position under the classification system of
539 the State Personnel Board for a person with similar credentials,
540 educational level, and directly related years of experience in the
541 position. Any person whose current salary already exceeds the
542 allowable amount as determined under this section shall be allowed
543 to retain his or her current salary, but no increases shall be
544 granted until such time as the allowable maximum salary under the
545 classification system of the State Personnel Board exceeds the
546 current salary paid to that person. Those programs and entities
547 may adopt a system of compensation that includes additional
548 compensation for Educational Benchmarks as allowed under the State
549 Personnel Board system. Further, the Department of Mental Health
550 and the State Personnel Board shall collaborate in determining
551 similarity of positions in those programs or entities affected by
552 this Section to positions within the classification system of the
553 State Personnel Board in any manner they deem appropriate to
554 efficiently implement the provisions of this Section. Staff

555 of the State Personnel Board and the Department of Mental Health
556 shall be the final authority in the determination of corresponding
557 job titles and pay grades. Failure to comply with the provisions
558 of this Section shall be cause to reduce or terminate funding
559 received from the Department of Mental Health.

560 **SECTION 27.** The money herein appropriated shall be paid by
561 the State Treasurer out of any money in the State Treasury to the
562 credit of the proper fund or funds as set forth in this act, upon
563 warrants issued by the State Fiscal Officer; and the State Fiscal
564 Officer shall issue his warrants upon requisitions signed by the
565 proper person, officer or officers in the manner provided by law.

566 **SECTION 28.** This act shall take effect and be in force from
567 and after July 1, 2004.

HR05\SB3142A.J

Don Richardson
Clerk of the House of Representatives