

**Senate Amendments to House Bill No. 1735**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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 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 ..... \$     28,730,478.00.

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 ..... \$     211,323,362.00.

19       **SECTION 3.** Of the funds appropriated under the provisions of  
20 Sections 1 and 2, not more than the amounts set forth below shall  
21 be expended for the respective major objects or purposes of  
22 expenditure:

23       **MAJOR OBJECTS OF EXPENDITURE:**

24       Personal Services:

25               Salaries, Wages and Fringe Benefits.. \$     88,206,789.00  
26               Travel and Subsistence.....             7,045,491.00  
27               Contractual Services.....                43,573,346.00  
28               Commodities.....                         63,320,130.00

29       Capital Outlay:

30               Other Than Equipment.....               823,000.00

31	Equipment.....	6,105,636.00
32	Subsidies, Loans and Grants.....	<u>30,979,448.00</u>
33	Total.....	\$ 240,053,840.00

34 FUNDING:

35	General Funds.....	\$ 28,730,478.00
36	Special Funds.....	<u>211,323,362.00</u>
37	Total.....	\$ 240,053,840.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	1,681
40	Part Time.....	22
41	Time-Limited: Full Time.....	510
42	Part Time.....	11

43 With the funds herein appropriated, it is the intention of  
44 the Legislature that it shall be the agency's responsibility to  
45 make certain that funds required to be appropriated for "Personal  
46 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
47 funds appropriated for that purpose, unless programs or positions  
48 are added to the agency's Fiscal Year 2006 budget by the  
49 Mississippi Legislature. Based on data provided by the  
50 Legislative Budget Office, the State Personnel Board shall  
51 determine and publish the projected annual cost to fully fund all  
52 appropriated positions in compliance with the provisions of this  
53 act. It shall be the responsibility of the agency head to insure  
54 that no single personnel action increases this projected annual  
55 cost and/or the Fiscal Year 2005 appropriation for "Personal  
56 Services" when annualized, with the exception of escalated funds.  
57 If, at the time the agency takes any action to change "Personal  
58 Services," the State Personnel Board determines that the agency  
59 has taken an action which would cause the agency to exceed this  
60 projected annual cost or the Fiscal Year 2005 "Personal Services"  
61 appropriated level, when annualized, then only those actions which  
62 reduce the projected annual cost and/or the appropriation  
63 requirement will be processed by the State Personnel Board until  
64 such time as the requirements of this provision are met.

65 Any transfers or escalations shall be made in accordance with  
66 the terms, conditions and procedures established by law or  
67 allowable under the terms set forth within this act. The State  
68 Personnel Board shall not escalate positions without written  
69 approval from the Department of Finance and Administration. The  
70 Department of Finance and Administration shall not provide written  
71 approval to escalate any funds for salaries and/or positions  
72 without proof of availability of new or additional funds above the  
73 appropriated level.

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

78 **SECTION 4.** It is the intention of the Legislature that the  
79 State Department of Health shall maintain complete accounting and  
80 personnel records related to the expenditure of all funds  
81 appropriated under this act and that such records shall be in the  
82 same format and level of detail as maintained for Fiscal Year  
83 2004. It is further the intention of the Legislature that the  
84 agency's budget request for Fiscal Year 2006 shall be submitted to  
85 the Joint Legislative Budget Committee in a format and level of  
86 detail comparable to the format and level of detail provided  
87 during the Fiscal Year 2005 budget request process.

88 **SECTION 5.** In compliance with the "Mississippi Performance  
89 Budget and Strategic Planning Act of 1994," it is the intent of  
90 the Legislature that the funds provided herein shall be utilized  
91 in the most efficient and effective manner possible to achieve the  
92 intended mission of this agency. Based on the funding authorized,  
93 this agency shall make every effort to attain the targeted  
94 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Chronic Illness	
Patients Served (Persons)	300
Home Health Visits (Visits)	2,700

100	Hypertension Visits (Visits)	2,399
101	Diabetes Treatment Visits (Visits)	377
102	Maternal & Child Health	
103	Maternity Patients Served (Persons)	6,500
104	WIC Patients Served per Month (Persons)	10,300
105	Family Planning Patients Served (Persons)	97,233
106	Environmental Health	
107	General Sanitation Inspections (Actions)	30,100
108	Food Establishments Inspected (Sites)	30,000
109	Water Supplies Tested (Actions)	1,400
110	Disease Prevention	
111	Vaccinations Administered (Doses)	550,000
112	STD Diagnostic Treatment & Follow-up	
113	Services (Persons)	26,000
114	TB Cases & Contacts Investigated (Actions)	1,500
115	H Care Planning & Licensure	
116	Declaratory for CON Reviews (Actions)	400
117	Ambulance Services Lic/Permitted (Entities)	667
118	Nurse's Aides Certified (Persons)	6,418
119	Professional Licenses Issued (Actions)	6,418
120	Support Services	
121	Percentage of Total Budget (%)	6.97

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

126 **SECTION 6.** It is the intention of the Legislature that the  
127 State Department of Health may escalate any special funds and  
128 positions not to exceed Four Million Dollars (\$4,000,000.00).  
129 Such escalation shall be submitted to and approved by the  
130 Department of Finance and Administration in the manner consistent  
131 with the escalation of federal funds.

132 **SECTION 7.** It is the intention of the Legislature that the  
133 Department of Health shall have the authority to expend any  
134 special funds collected or otherwise available, notwithstanding

135 any restrictions in the general law or statutes earmarking said  
136 funds for a particular use, that are in excess of the amounts  
137 needed for the purpose of such fund, for the purpose of providing  
138 maternal and child health, family planning and disease control  
139 services.

140       **SECTION 8.** It is the intention of the Legislature that with  
141 the funds provided herein, the State Department of Health may  
142 provide and administer without charge, Hepatitis B vaccinations to  
143 Emergency Medical Services (EMS) personnel who are in need of such  
144 vaccinations through job related exposure.

145       **SECTION 9.** In addition to all other sums heretofore  
146 appropriated, the following sum, or so much thereof as may be  
147 necessary, is hereby appropriated out of any money in the State  
148 Treasury to the credit of the Local Governments and Rural Water  
149 Systems Emergency Loan Fund, and the Local Governments and Rural  
150 Water System Improvements Revolving Loan Fund as authorized in  
151 Chapter 521, Laws of 1995, to the State Department of Health for  
152 the purpose of defraying the expenses of the Local Governments and  
153 Rural Water Systems Improvements Board, for the fiscal year  
154 beginning July 1, 2004, and ending June 30, 2005.....  
155 ..... \$ 33,552,000.00.

156       **SECTION 10.** It is the intention of the Legislature that in  
157 the event that there are insufficient Child Care Development Block  
158 Grant Funds, then the Department of Health shall maintain the  
159 Child Care Licensure Program at the same level that the program  
160 was in Fiscal Year 1993 using any other funds.

161       **SECTION 11.** Of the funds appropriated in Section 2, One  
162 Million Dollars (\$1,000,000.00) shall come from the Department of  
163 Human Services, Child Care Development Fund or other appropriate  
164 special funds for the purpose of child care licensure. These  
165 funds are to be transferred to the State Department of Health no  
166 later than July 31, 2004. The State Department of Health shall  
167 make a complete accounting of the uses of these funds to the  
168 Department of Human Services.

169           **SECTION 12.** It is the intention of the Legislature that the  
170 State Department of Health shall expend not more than Fifty  
171 Thousand Dollars (\$50,000.00) of the funds appropriated in Section  
172 1 and allocated in Section 3 for providing the oil known as  
173 "Lorenzo's Oil" for the treatment of the genetic disorder  
174 adrenoleukodystrophy (ALD), to children and Mississippi residents  
175 over the age of twenty-one (21) who have the genetic disorder  
176 adrenoleukodystrophy and for whom Medicaid does not reimburse the  
177 cost of providing the oil. The department may also provide needed  
178 pathology and biannual MRI exams.

179           **SECTION 13.** In addition to all other funds heretofore  
180 appropriated, the following sum, or so much thereof as may be  
181 necessary, is hereby appropriated out of any money deposited in  
182 the State Treasury from the Mississippi Tobacco Pilot Program as  
183 authorized in the case Mike Moore Attorney General ex rel. State  
184 of Mississippi v. The American Tobacco Company et al. (Chancery  
185 Court of Jackson County, Mississippi, Cause No. 94-1429) to the  
186 State Department of Health for the fiscal year beginning  
187 July 1, 2004, and ending June 30, 2005..... \$ 8,000,000.00.

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

192           **SECTION 14.** Of the funds appropriated in Section 1, Seven  
193 Hundred Fifty Thousand Dollars (\$750,000.00) are provided for the  
194 purpose of purchasing AIDS drugs and other necessary AIDS related  
195 medical services.

196           **SECTION 15.** Of the funds appropriated herein, Fifty Thousand  
197 Dollars (\$50,000.00) is provided for the Osteoporosis Program.

198           **SECTION 16.** In addition to all other funds heretofore  
199 appropriated, the following sum, or so much thereof as may be  
200 necessary, is hereby appropriated out of any money in any special  
201 fund in the State Treasury to the credit of the State Department  
202 of Health which is comprised of special source funds collected by  
203 or otherwise available to the department, for the purpose of

204 funding the Federal Bioterrorism Preparedness Program to the State  
205 Department of Health for the fiscal year beginning July 1, 2004,  
206 and ending June 30, 2005..... \$ 16,217,101.00.

207       **SECTION 17.** The money herein appropriated shall be paid by  
208 the State Treasurer out of any money in the State Treasury to the  
209 credit of the proper fund or funds as set forth in this act, upon  
210 warrants issued by the State Fiscal Officer; and the State Fiscal  
211 Officer shall issue his warrants upon requisitions signed by the  
212 proper person, officer or officers, in the manner provided by law.

213       **SECTION 18.** This act shall take effect and be in force from  
214 and after July 1, 2004.

SS05\HB1735A.J

John O. Gilbert  
Secretary of the Senate