

By: Senator(s) Thames

To: Public Health and Welfare

SENATE BILL NO. 2991

1 AN ACT TO AMEND SECTION 43-14-1, MISSISSIPPI CODE OF 1972,
 2 WHICH ESTABLISHES THE INTERAGENCY COORDINATING COUNCIL FOR
 3 CHILDREN AND YOUTH, TO EXTEND THE DATE OF REPEAL ON THIS SECTION
 4 FROM JULY 1, 2005, TO JULY 1, 2007; TO AMEND SECTION 43-14-3,
 5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DUTIES OF SUCH
 6 COUNCIL, TO EXTEND THE DATE OF REPEAL ON THIS SECTION FROM JULY 1,
 7 2005, TO JULY 1, 2007; TO AMEND SECTION 43-14-5, MISSISSIPPI CODE
 8 OF 1972, WHICH PROVIDES A SPECIAL FUND FOR A STATEWIDE SYSTEM OF
 9 CARE BY MAP TEAMS UTILIZING SUCH FUNDS, TO EXTEND THE DATE OF
 10 REPEAL ON THIS SECTION FROM JULY 1, 2005, TO JULY 1, 2007; AND FOR
 11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 43-14-1, Mississippi Code of 1972, is
 14 amended as follows:

15 43-14-1. (1) The purpose of this chapter is to provide for
 16 the development and implementation of a coordinated interagency
 17 system of necessary services and care for children and youth up to
 18 age twenty-one (21) with serious emotional/behavioral disorders,
 19 including, but not limited to, conduct disorders, or mental
 20 illness who require services from a multiple services and multiple
 21 programs system, and who can be successfully diverted from
 22 inappropriate institutional placement. This program is to be done
 23 in the most fiscally responsible (cost efficient) manner possible,
 24 based on an individualized plan of care which takes into account
 25 other available interagency programs, including, but not limited
 26 to, Early Intervention Act of Infants and Toddlers, Section
 27 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,
 28 Section 43-13-117(5), waived program for home- and
 29 community-based services for developmentally disabled people,
 30 Section 43-13-117(29), and waived program for targeted case
 31 management services for children with special needs, Section

32 43-13-117(31), those children identified through the federal
33 Individuals with Disabilities Education Act of 1997 as having a
34 serious emotional disorder (EMD), the Mississippi Children's
35 Health Insurance Program Phase I and Phase II and waived
36 programs for children with serious emotional disturbances, Section
37 43-13-117(46), and is tied to clinically appropriate outcomes.
38 Some of the outcomes are to reduce the number of inappropriate
39 out-of-home placements inclusive of those out-of-state and to
40 reduce the number of inappropriate school suspensions and
41 expulsions for this population of children. From and after July
42 1, 2001, this coordinated interagency system of necessary services
43 and care shall be named the System of Care program. Children to
44 be served by this chapter who are eligible for Medicaid shall be
45 screened through the Medicaid Early Periodic Screening Diagnosis
46 and Treatment (EPSDT) and their needs for medically necessary
47 services shall be certified through the EPSDT process. For
48 purposes of this chapter, a "System of Care" is defined as a
49 coordinated network of agencies and providers working as a team to
50 make a full range of mental health and other necessary services
51 available as needed by children with mental health problems and
52 their families. The System of Care shall be:

- 53 (a) Child centered, family focused and family driven;
- 54 (b) Community based;
- 55 (c) Culturally competent and responsive; and shall
56 provide for:
 - 57 (i) Service coordination or case management;
 - 58 (ii) Prevention and early identification and
59 intervention;
 - 60 (iii) Smooth transitions among agencies,
61 providers, and to the adult service system;
 - 62 (iv) Human rights protection and advocacy;
 - 63 (v) Nondiscrimination in access to services;
 - 64 (vi) A comprehensive array of services;

65 (vii) Individualized service planning;
66 (viii) Services in the least restrictive
67 environment;
68 (ix) Family participation in all aspects of
69 planning, service delivery and evaluation; and
70 (x) Integrated services with coordinated planning
71 across child-serving agencies.

72 (2) There is established the Interagency Coordinating
73 Council for Children and Youth (hereinafter referred to as the
74 "ICCCY"). The ICCCY shall consist of the following membership:
75 (a) the State Superintendent of Public Education; (b) the
76 Executive Director of the Mississippi Department of Mental Health;
77 (c) the Executive Director of the State Department of Health; (d)
78 the Executive Director of the Department of Human Services; (e)
79 the Executive Director of the Division of Medicaid, Office of the
80 Governor; (f) the Executive Director of the State Department of
81 Rehabilitation Services; and (g) the Executive Director of
82 Mississippi Families as Allies for Children's Mental Health, Inc.
83 The council shall meet before August 1, 2001, and shall organize
84 for business by selecting a chairman, who shall serve for a
85 one-year term and may not serve consecutive terms. The council
86 shall adopt internal organizational procedures necessary for
87 efficient operation of the council. Each member of the council
88 shall designate necessary staff of their departments to assist the
89 ICCCY in performing its duties and responsibilities. The ICCCY
90 shall meet and conduct business at least twice annually. The
91 chairman of the ICCCY shall notify all persons who request such
92 notice as to the date, time and place of each meeting.

93 (3) The Interagency System of Care Council is created to
94 serve as the state management team for the ICCCY, with the
95 responsibility of collecting and analyzing data and funding
96 strategies necessary to improve the operation of the System of
97 Care programs, and to make recommendations to the ICCCY and to the

98 Legislature concerning such strategies on or before December 31,
99 2002. The System of Care Council also has the responsibility of
100 coordinating the local Multidisciplinary Assessment and Planning
101 (MAP) teams and may apply for grants from public and private
102 sources necessary to carry out its responsibilities. The
103 Interagency System of Care Council shall be comprised of one (1)
104 member from each of the appropriate child-serving divisions or
105 sections of the State Department of Health, the Department of
106 Human Services, the State Department of Mental Health, the State
107 Department of Education, the Division of Medicaid of the
108 Governor's Office, the Department of Rehabilitation Services, a
109 family member representing a family education and support 501(c)3
110 organization, a representative from the Council of Administrators
111 for Special Education/Mississippi Organization of Special
112 Education Supervisors (CASE/MOSES) and a family member designated
113 by Mississippi Families as Allies for Children's Mental Health,
114 Inc. Appointments to the Interagency System of Care Council shall
115 be made within sixty (60) days after the effective date of this
116 act. The council shall organize by selecting a chairman from its
117 membership to serve on an annual basis, and the chairman may not
118 serve consecutive terms.

119 (4) There is established a statewide system of local
120 Multidisciplinary Assessment and Planning Resource (MAP) teams.
121 The MAP teams shall be comprised of one (1) representative each at
122 the county level from the major child-serving public agencies for
123 education, human services, health, mental health and
124 rehabilitative services approved by respective state agencies of
125 the Department of Education, the Department of Human Services, the
126 Department of Health, the Department of Mental Health and the
127 Department of Rehabilitation Services. Three (3) additional
128 members may be added to each team, one (1) of which may be a
129 representative of a family education/support 501(c)3 organization
130 with statewide recognition and specifically established for the

131 population of children defined in Section 43-14-1. The remaining
132 two (2) members will be representatives of significant
133 community-level stakeholders with resources that can benefit the
134 population of children defined in Section 43-14-1.

135 (5) The Interagency Coordinating Council for Children and
136 Youth may provide input relative to how each agency utilizes its
137 federal and state statutes, policy requirements and funding
138 streams to identify and/or serve children and youth in the
139 population defined in Section 43-14-1. The ICCCY shall support
140 the implementation of the plans of the respective state agencies
141 for comprehensive multidisciplinary care, treatment and placement
142 of these children.

143 (6) The ICCCY shall oversee a pool of state funds that may
144 be contributed by each participating state agency and additional
145 funds from the Mississippi Tobacco Health Care Expenditure Fund,
146 subject to specific appropriation therefor by the Legislature.
147 Part of this pool of funds shall be available for increasing the
148 present funding levels by matching Medicaid funds in order to
149 increase the existing resources available for necessary
150 community-based services for Medicaid beneficiaries.

151 (7) The local coordinating care MAP team will facilitate the
152 development of the individualized System of Care programs for the
153 population targeted in Section 43-14-1.

154 (8) Each local MAP team shall serve as the single point of
155 entry to ensure that comprehensive diagnosis and assessment occur
156 and shall coordinate needed services through the local
157 coordinating care entity for the children named in subsection (1).
158 Local children in crisis shall have first priority for access to
159 the MAP team processes and local System of Care programs.

160 (9) The Interagency Coordinating Council for Children and
161 Youth shall facilitate monitoring of the performance of local MAP
162 teams.

163 (10) Each state agency named in subsection (2) of this
164 section shall enter into a binding interagency agreement to
165 participate in the oversight of the statewide System of Care
166 programs for the children and youth described in this section.
167 The agreement shall be signed and in effect by July 1 of each
168 year.

169 (11) This section shall stand repealed from and after July
170 1, 2007.

171 **SECTION 2.** Section 43-14-3, Mississippi Code of 1972, is
172 amended as follows:

173 43-14-3. In addition to the specific authority provided in
174 Section 43-14-1, the powers and responsibilities of the
175 Interagency Coordinating Council for Children and Youth shall be
176 as follows:

177 (a) To serve in an advisory capacity and to provide
178 state level leadership and oversight to the development of the
179 System of Care programs; and

180 (b) To insure the creation and availability of an
181 annual pool of funds from each participating agency member of the
182 ICCCY that includes the amount to be contributed by each agency
183 and a process for utilization of those funds.

184 This section shall stand repealed from and after July 1,
185 2007.

186 **SECTION 3.** Section 43-14-5, Mississippi Code of 1972, is
187 amended as follows:

188 43-14-5. There is created in the State Treasury a special
189 fund into which shall be deposited all funds contributed by the
190 Department of Human Services, State Department of Health,
191 Department of Mental Health, State Department of Rehabilitation
192 Services insofar as recipients are otherwise eligible under the
193 Rehabilitation Act of 1973, as amended, and State Department of
194 Education for the operation of a statewide System of Care by MAP

195 teams utilizing such funds as may be made available to those MAP
196 teams through a Request for Proposal (RFP) approved by the ICCCY.

197 This section shall stand repealed from and after July 1,
198 2007.

199 **SECTION 4.** This act shall take effect and be in force from
200 and after July 1, 2005.