

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

To: Appropriations

HOUSE BILL NO. 68
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF SUCH LAW FOR THE FISCAL YEAR
5 2006.

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

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any money in the State
9 General Fund not otherwise appropriated, to the Governor's Office
10 - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2005, and ending June 30, 2006.....
15 \$ 355,819,844.00.

16 **SECTION 2.** The following sum, or so much thereof as may be
17 necessary, is hereby appropriated out of any money in the State
18 Treasury to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing
20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2005, and ending June 30, 2006.....
22 \$ 290,875,942.00.

23 **SECTION 3.** The following sum, or so much thereof as may be
24 necessary, is hereby appropriated out of any money in any special
25 fund in the State Treasury to the credit of the Governor's Office
26 - Division of Medicaid which is comprised of special source funds
27 collected by or otherwise available to the commission, for the
28 purpose of providing medical assistance under the Mississippi

29 Medicaid Law and defraying the expenses of the administration of
30 such law, for the fiscal year beginning July 1, 2005, and ending
31 June 30, 2006..... \$ 3,009,281,634.00.

32 Prior period recovery of funds may be maintained and expended
33 by the division when the recovery is received or finalized.

34 **SECTION 4.** The following sum, or so much thereof as may be
35 necessary, is hereby appropriated out of any money in the State
36 Treasury to the credit of the Health Care Expendable Fund, for the
37 purpose of defraying the expenses of the Governor's Office -
38 Division of Medicaid for the fiscal year beginning July 1, 2005,
39 and ending June 30, 2006..... \$ 137,273,753.00.

40 The above funds shall be allocated as follows:

41	CHIP Program at 200% level of poverty...\$	6,214,717.00
42	Eyeglasses for adults.....\$	1,509,288.00
43	Home and Community Waiver Program.....\$	4,257,081.00
44	Disabled worker buy-in to the Medicaid	
45	program.....\$	1,629,144.00
46	Dental fee increase.....\$	1,953,197.00
47	Miscellaneous.....\$	266,345.00
48	Medical Services Program Matching Funds.\$	121,443,981.00

49 It is the intention of the Legislature that funds may be
50 shifted among the above allocated line items where needed in the
51 discretion of the Executive Director of the Division of Medicaid.

52 **SECTION 5.** Of the funds appropriated under the provisions of
53 Sections 1, 2, 3 and 4, 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.. \$	48,226,538.00
59	Travel and Subsistence.....	1,282,556.00
60	Contractual Services.....	116,809,000.00
61	Commodities.....	2,567,500.00

62 Capital Outlay:

63 Other Than Equipment..... 0.00

64 Equipment..... 2,714,000.00

65 Subsidies, Loans and Grants..... 3,621,651,579.00

66 Total..... \$ 3,793,251,173.00

67 FUNDING:

68 General Funds..... \$ 355,819,844.00

69 Special Funds..... 3,437,431,329.00

70 Total..... \$ 3,793,251,173.00

71 AUTHORIZED POSITIONS:

72 Permanent: Full Time..... 1,066

73 Part Time..... 0

74 Time-Limited: Full Time..... 0

75 Part Time..... 0

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 2007 do not exceed Fiscal Year 2006

80 funds appropriated for that purpose, unless programs or positions

81 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
112 award salary increases through reallocation, reclassification,
113 realignment, education benchmark, career ladder, or any other
114 means to increase salaries of employees or positions unless
115 specifically exempted by the following conditions: the award of
116 teacher pay increases, the advancement of a trainee/cadet to the
117 next level of a bona fide career ladder, the award of an
118 educational benchmark for the attainment of Certified Public
119 Accountant License or higher level professional certification as
120 determined by the State Personnel Board, the immediate replacement
121 of a departing employee with an individual from within state
122 service or a new hire at a salary level equivalent to that of the
123 departing employee, and the emergency appointment of nurses,
124 pharmacists or other health care professionals at a salary to be
125 determined by the State Personnel Board, unless otherwise
126 authorized in this act.

127 **SECTION 6.** It is the intention of the Legislature that the
128 Governor's Office - Division of Medicaid shall maintain complete
129 accounting and personnel records related to the expenditure of all
130 funds appropriated under this act and that such records shall be
131 in the same format and level of detail as maintained for Fiscal
132 Year 2005. It is further the intention of the Legislature that
133 the agency's budget request for Fiscal Year 2007 shall be
134 submitted to the Joint Legislative Budget Committee in a format
135 and level of detail comparable to the format and level of detail
136 provided during the Fiscal Year 2006 budget request process.

137 **SECTION 7.** In compliance with the "Mississippi Performance
138 Budget and Strategic Planning Act of 1994," it is the intent of
139 the Legislature that the funds provided herein shall be utilized
140 in the most efficient and effective manner possible to achieve the
141 intended mission of this agency. Based on the funding authorized,
142 this agency shall make every effort to attain the targeted
143 performance measures provided below:

144		FY2006
145	<u>Performance Measures</u>	<u>Target</u>
146	Administrative Services	
147	Admin as a Percent of Total Budget (%)	4.44
148	Medical Services	
149	Recipients (Persons)	710,000

150 A reporting of the degree to which the performance targets
151 set above have been or are being achieved shall be provided in the
152 agency's budget request submitted to the Joint Legislative Budget
153 Committee for Fiscal Year 2007.

154 **SECTION 8.** It is the intention of the Legislature that the
155 Executive Director of the Division of Medicaid may authorize
156 increases in any major objects of expenditures in total amounts
157 not to exceed twenty-five percent (25%) of the appropriated amount
158 of each major object of expenditure, provided that other major
159 objects of expenditure are decreased by a corresponding dollar

160 amount. It is further the intention of the Legislature that any
161 transfers made under the provision of this paragraph shall be of
162 an emergency nature and that in no case shall the transfers be
163 made which substantially alter the legislative intent for the
164 various programs as set forth in the original appropriations made
165 under this act. However, no transfers shall be authorized which
166 increase the major object of expenditure "Salaries, Wages and
167 Fringe Benefits."

168 **SECTION 9.** The money herein appropriated shall be paid by
169 the State Treasurer out of any money in the State Treasury to the
170 credit of the proper fund or funds as set forth in this act, upon
171 warrants issued by the State Fiscal Officer; and the State Fiscal
172 Officer shall issue his warrants upon requisitions signed by the
173 proper person, officer or officers, in the manner provided by law.

174 **SECTION 10.** None of the funds in Sections 1, 2, 3 and 4 may
175 be expended until the Division of Medicaid submits a State Plan
176 Amendment to the Centers for Medicare and Medicaid (CMS) regarding
177 the revision of organ transplant reimbursements.

178 **SECTION 11.** This act shall take effect and be in force from
179 and after July 1, 2005.