

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

To: Appropriations

HOUSE BILL NO. 68  
(As Sent to Governor)

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.** This act shall take effect and be in force from  
175 and after July 1, 2005.