

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

To: Appropriations

HOUSE BILL NO. 69

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR
3 2006.

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

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, 2005, and ending June 30, 2006.....

10 \$ 26,963,010.00.

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, 2005, and ending June 30, 2006.....

18 \$ 214,457,621.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Section 2, Twelve Million Five Hundred Sixty-two Thousand Six
21 Hundred Seven Dollars (\$12,562,607.00) shall be derived from the
22 Health Care Expendable Fund, created in Section 43-13-407,
23 Mississippi Code of 1972, for the support and maintenance of the
24 State Department of Health. The funds provided in this section
25 shall be allocated as follows:

26 Maternal and Child Health Care
27 Program.....\$1,242,943.00

28 Early Intervention Program.....\$ 221,954.00
 29 Health Department Programs.....\$2,219,542.00
 30 Mississippi Qualified Health
 31 Center Grant Program.....\$3,551,267.00
 32 Trauma Care System.....\$5,326,901.00

33 The State Department of Health may transfer a portion of
 34 Trauma Care System funds to the Division of Medicaid for the
 35 development and implementation of an enhanced reimbursement fee
 36 program related to trauma care and services, used to match federal
 37 funds, under a cooperative agreement between the State Department
 38 of Health and the Division of Medicaid.

39 It is the intention of the Legislature that none of the Five
 40 Million Three Hundred Twenty-six Thousand Nine Hundred One Dollars
 41 (\$5,326,901.00) authorized herein for the Trauma Care System shall
 42 be expended to the benefit of any hospital located outside the
 43 boundaries of the State of Mississippi, unless otherwise excepted
 44 in this paragraph. Further, unless otherwise excepted in this
 45 paragraph, no such out-of-state hospital shall be authorized to
 46 receive such funds until such time as the amount appropriated for
 47 such purpose shall reach an amount of Eight Million Dollars
 48 (\$8,000,000.00) or more. Funds shall be expended by the
 49 Mississippi Department of Health for distribution to the Regional
 50 Medical Center at Memphis, located in Memphis, Tennessee, for
 51 their participation in the Trauma Care System.

52 **SECTION 4.** Of the funds appropriated under the provisions of
 53 Sections 1 and 2, not more than the amounts set forth below shall
 54 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.. \$ 89,857,790.00
 59 Travel and Subsistence..... 5,000,000.00
 60 Contractual Services..... 38,704,775.00

61	Commodities.....	59,834,679.00
62	Capital Outlay:	
63	Other Than Equipment.....	0.00
64	Equipment.....	5,000,000.00
65	Subsidies, Loans and Grants.....	<u>43,023,387.00</u>
66	Total.....	\$ 241,420,631.00

67 FUNDING:

68	General Funds.....	\$ 26,963,010.00
69	Special Funds.....	<u>214,457,621.00</u>
70	Total.....	\$ 241,420,631.00

71 AUTHORIZED POSITIONS:

72	Permanent: Full Time.....	1,744
73	Part Time.....	30
74	Time-Limited: Full Time.....	726
75	Part Time.....	17

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

137 **SECTION 6.** 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 Chronic Illness	
147 Patients Served (Persons)	4600
148 Home Health Visits (Visits)	99,816
149 Hypertension Visits (Visits)	7,672
150 Diabetes Treatment Visits (Visits)	377
151 Maternal & Child Health	
152 Maternity Patients Served (Persons)	7,500
153 WIC Patients Served per Month (Persons)	101,000
154 Family Planning Patients Served (Persons)	97,233
155 Environmental Health	
156 General Sanitation Inspections (Actions)	20,080
157 Food Establishments Inspected (Sites)	30,000
158 Water Supplies Tested (Actions)	1,390
159 Disease Prevention	

160	Vaccinations Administered (Doses)	350,000
161	STD Diagnostic Treatment & Follow-up	
162	Services (Persons)	26,000
163	TB Cases & Contacts Investigated (Actions)	1,500
164	H Care Planning & Licensure	
165	Declaratory for CON Reviews (Actions)	400
166	Ambulance Services Lic/Permitted (Entities)	685
167	Nurse's Aides Certified (Persons)	3,000
168	Professional Licenses Issued (Actions)	4,899
169	Support Services	
170	Percentage of Total Budget (%)	6.59

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

175 **SECTION 7.** It is the intent of the Legislature that the
176 Mississippi Department of Health shall have authority to escalate
177 the various budgets in both funds and positions, with the approval
178 of the State Fiscal Officer, from any special funds collected or
179 available, in the current fiscal year or any prior fiscal year,
180 not to exceed Five Million Dollars (\$5,000,000.00), to the agency
181 for expenditure. Upon such approval, the Mississippi Department
182 of Health may expend such funds in the manner authorized by law.

183 The Executive Director of the Mississippi Department of
184 Health shall submit to the Department of Finance and
185 Administration a certified statement providing a detailed
186 explanation for any escalation, including a justification for the
187 establishment of any new positions or reclassification of existing
188 positions and the existence of any required matching funds for
189 those positions, and an assessment of the impact on the agency's
190 General Fund Budget for the three (3) fiscal years following the
191 fiscal year in which the escalation is requested.

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

197 **SECTION 9.** In addition to all other sums heretofore
198 appropriated, the following sum, or so much thereof as may be
199 necessary, is hereby appropriated out of any money in the State
200 Treasury to the credit of the Local Governments and Rural Water
201 Systems Emergency Loan Fund, and the Local Governments and Rural
202 Water System Improvements Revolving Loan Fund as authorized in
203 Chapter 521, Laws of 1995, to the State Department of Health for
204 the purpose of defraying the expenses of the Local Governments and
205 Rural Water Systems Improvements Board, for the fiscal year
206 beginning July 1, 2005, and ending June 30, 2006.....
207 \$ 33,552,000.00.

208 **SECTION 10.** Of the funds appropriated in Section 2, One
209 Million Dollars (\$1,000,000.00) shall come from the Department of
210 Human Services, Child Care Development Fund or other appropriate
211 special funds for the purpose of child care licensure. These
212 funds are to be transferred to the State Department of Health no
213 later than July 31, 2005. The State Department of Health shall
214 make a complete accounting of the uses of these funds to the
215 Department of Human Services.

216 **SECTION 11.** It is the intention of the Legislature that the
217 State Department of Health shall expend not more than Fifty
218 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
219 1 and allocated in Section 4 for providing the oil known as
220 "Lorenzo's Oil" for the treatment of the genetic disorder
221 adrenoleukodystrophy (ALD), to children and Mississippi residents
222 over the age of twenty-one (21) who have the genetic disorder
223 adrenoleukodystrophy and for whom Medicaid does not reimburse the

224 cost of providing the oil. The department may also provide needed
225 pathology and biannual MRI exams.

226 **SECTION 12.** In addition to all other funds heretofore
227 appropriated, the following sum, or so much thereof as may be
228 necessary, is hereby appropriated out of any money deposited in
229 the State Treasury from the Mississippi Tobacco Pilot Program as
230 authorized in the case Mike Moore Attorney General ex rel. State
231 of Mississippi v. The American Tobacco Company et al. (Chancery
232 Court of Jackson County, Mississippi, Cause No. 94-1429) to the
233 State Department of Health for the fiscal year beginning
234 July 1, 2005, and ending June 30, 2006..... \$ 5,000,000.00.

235 It is the intention of the Legislature that of the funds
236 appropriated in this section, an amount not less than Two Million
237 Five Hundred Thousand Dollars (\$2,500,000.00) is provided to fund
238 the School Tobacco Nurse Program.

239 **SECTION 13.** Of the funds appropriated in Section 1, Seven
240 Hundred Thousand Dollars (\$700,000.00) are provided for the
241 purpose of purchasing AIDS drugs and other necessary AIDS related
242 medical services.

243 **SECTION 14.** Of the funds appropriated in Section 1, Fifty
244 Thousand Dollars (\$50,000.00) shall be provided to the Southern
245 AIDS Commission, Inc., for the purpose of providing technical
246 assistance, and providing for the expansion of education on causes
247 and prevention of HIV/AIDS, and providing delivery services to
248 persons infected with HIV.

249 **SECTION 15.** Of the funds appropriated in Section 3, the
250 amounts of One Hundred Ten Thousand Nine Hundred Seventy-seven
251 Dollars (\$110,977.00) shall be allocated to the T.K. Martin Center
252 at Mississippi State University and One Hundred Ten Thousand Nine
253 Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to
254 the Regional Rehabilitation Center in Tupelo for the Early
255 Intervention Program.

256 **SECTION 16.** Of the funds appropriated herein, Fifty Thousand
257 Dollars (\$50,000.00) is provided for the Breast and Cervical
258 Cancer Program.

259 **SECTION 17.** In addition to all other funds heretofore
260 appropriated, the following sum, or so much thereof as may be
261 necessary, is hereby appropriated out of any money in any special
262 fund in the State Treasury to the credit of the State Department
263 of Health which is comprised of special source funds collected by
264 or otherwise available to the department, for the purpose of
265 funding the Federal Bioterrorism Preparedness Program to the State
266 Department of Health for the fiscal year beginning July 1, 2005,
267 and ending June 30, 2006..... \$ 14,280,000.00.

268 **SECTION 18.** It is the intention of the Legislature that the
269 Executive Director of the State Department of Health may authorize
270 increases in major objects of expenditure in total amounts not to
271 exceed twenty-five percent (25%) of the appropriated amount of
272 each major object of expenditure, provided that other major
273 objects of expenditure are decreased by a corresponding dollar
274 amount. However, no transfers shall be authorized which increase
275 the major object of expenditure "Salaries, Wages and Fringe
276 Benefits."

277 **SECTION 19.** The money herein appropriated shall be paid by
278 the State Treasurer out of any money in the State Treasury to the
279 credit of the proper fund or funds as set forth in this act, upon
280 warrants issued by the State Fiscal Officer; and the State Fiscal
281 Officer shall issue his warrants upon requisitions signed by the
282 proper person, officer or officers, in the manner provided by law.

283 **SECTION 20.** This act shall take effect and be in force from
284 and after July 1, 2005.