

By: Representative Holland

To: Public Health and Human
Services; Medicaid

HOUSE BILL NO. 1379

1 AN ACT TO CODIFY NEW SECTION 43-13-121.1, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT THE DIVISION OF MEDICAID SHALL IMPLEMENT A
3 "MONEY FOLLOWS THE PERSON" PROCESS BY WHICH FUNDING FOR NURSING
4 FACILITY SERVICES FOR MEDICAID-ELIGIBLE BENEFICIARIES MAY BE USED
5 TO PAY FOR HOME- AND COMMUNITY-BASED WAIVER SERVICES FOR THOSE
6 NURSING FACILITY RESIDENTS WHO CHOOSE THOSE SERVICES; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 43-13-121.1, Mississippi Code of 1972:

11 43-13-121.1. (1) It is the intent of the Legislature to
12 implement a "money follows the person" process by which a portion
13 of the money used to cover the cost of nursing facility services
14 for Medicaid-eligible beneficiaries may be transferred to fund
15 home- and community-based waiver services through the Elderly and
16 Disabled Waiver, the Independent Living Waiver, and the Traumatic
17 Brain Injury/Spinal Cord Injury Waiver programs.

18 (2) Notwithstanding any other state law, the Executive
19 Director of the Division of Medicaid is authorized to transfer
20 funds allocated for nursing facility services for
21 Medicaid-eligible nursing facility residents to cover the cost of
22 home- and community-based waiver services if the nursing facility
23 resident meets the eligibility criteria for either the Elderly and
24 Disabled Waiver, the Independent Living Waiver, or the Traumatic
25 Brain Injury/Spinal Cord Injury Waiver program and the resident
26 chooses to receive those services.

27 (3) The authority of the executive director of the division
28 to transfer funds from nursing facility services shall extend to

29 home- and community-based waiver programs administered by the
30 division and the Department of Rehabilitation Services.

31 (4) Under the "money follows the person" process, the
32 executive director of the division shall transfer funds to cover
33 the cost of services provided through the Elderly and Disabled
34 Waiver, the Independent Living Waiver, and the Traumatic Brain
35 Injury/Spinal Cord Injury Waiver programs to Medicaid-eligible
36 nursing facility residents who choose to leave the nursing
37 facility and receive home- and community-based waiver services.
38 The executive director of the division shall ensure that the
39 amount transferred under this section is redirected to the
40 appropriate home- and community-based waiver program in an amount
41 sufficient to provide waiver services to each nursing facility
42 resident upon his or her discharge from the nursing facility.

43 (5) The number of nursing facility residents who receive
44 home- and community-based waiver services through this "money
45 follows the person" process will not count against the total
46 number of unduplicated individuals approved by the Centers for
47 Medicare and Medicaid Services to receive home- and
48 community-based services. Instead, the division shall amend the
49 Elderly and Disabled Waiver, the Independent Living Waiver, and
50 the Traumatic Brain Injury/Spinal Cord Injury Waiver programs, as
51 necessary, to obtain authorization from the Centers for Medicare
52 and Medicaid Services to specifically serve this group of former
53 nursing facility residents through the "money follows the person"
54 process.

55 (6) Two months before implementation of this "money follows
56 the person" process, the executive director of the division shall
57 send a letter to all Medicaid-eligible nursing facility residents
58 informing them of the option to obtain home- and community-based
59 waiver services through this process and providing them with a
60 central contact point for applying for home- and community-based
61 waiver services.

62 (7) The executive director of the division shall submit an
63 annual report by January 1 of each year to the Legislature and to
64 the Mississippi Access to Care (MAC) Oversight Committee
65 concerning: (a) the number of individuals who have transitioned
66 from nursing facilities to the Elderly and Disabled Waiver, the
67 Independent Living Waiver, and the Traumatic Brain Injury/Spinal
68 Cord Injury Waiver programs; (b) the number of individuals in
69 nursing facilities who have indicated that they want to return to
70 the community; and (c) the number of individuals on referral lists
71 for the Elderly and Disabled Waiver, the Independent Living
72 Waiver, and the Traumatic Brain Injury/Spinal Cord Injury Waiver
73 programs.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2006.