

By: Representatives Holland, Barnett, Banks, Davis, Flagg, Gibbs, Malone, Markham, Read, Shows, Stevens To: Appropriations

HOUSE BILL NO. 1695 (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 2008.

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, 2007, and ending June 30, 2008.....
15 \$ 395,282,948.00.

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, 2007, and ending June 30, 2008.....
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, 2007, and ending
31 June 30, 2008..... \$ 3,191,347,875.00.

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, 2007,
39 and ending June 30, 2008..... \$ 118,293,220.00.

40 The above funds shall be allocated as follows:

41	CHIP Program at 200% level of poverty.....	\$ 3,541,227.00
42	Eyeglasses for adults.....	\$ 860,012.00
43	Home and Community Waiver Program.....	\$ 2,425,741.00
44	Disabled worker buy-in to the Medicaid	
45	program.....	\$ 928,307.00
46	Dental fee increase.....	\$ 1,112,957.00
47	Miscellaneous.....	\$ 151,767.00
48	Medical Services Program Matching Funds.....	\$ 109,273,209.00

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..	\$ 47,731,328.00
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.....	2,594,000.00
65	Vehicles.....	40,000.00
66	Wireless Communication Devices.....	80,000.00
67	Subsidies, Loans and Grants.....	<u>3,824,695,601.00</u>
68	Total.....	\$ 3,995,799,985.00

69 FUNDING:

70	General Funds.....	\$ 395,282,948.00
71	Special Funds.....	<u>3,600,517,037.00</u>
72	Total.....	\$ 3,995,799,985.00

73 AUTHORIZED POSITIONS:

74	Permanent: Full Time.....	1,066
75	Part Time.....	0
76	Time-Limited: Full Time.....	3
77	Part Time.....	0

78 Funds are provided herein to adjust the Variable Compensation
79 Plan to ensure that all full-time employees receive a pay increase
80 equal to the realignment component of the Variable Compensation
81 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
82 is greater, to be awarded on July 1, 2007.

83 With the funds herein appropriated, it is the intention of
84 the Legislature that it shall be the agency's responsibility to
85 make certain that funds required to be appropriated for "Personal
86 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
87 funds appropriated for that purpose, unless programs or positions
88 are added to the agency's Fiscal Year 2008 budget by the
89 Mississippi Legislature. Based on data provided by the
90 Legislative Budget Office, the State Personnel Board shall
91 determine and publish the projected annual cost to fully fund all
92 appropriated positions in compliance with the provisions of this
93 act. It shall be the responsibility of the agency head to insure
94 that no single personnel action increases this projected annual

95 cost and/or the Fiscal Year 2008 appropriations for "Personal
96 Services" when annualized, with the exception of escalated funds
97 and educational benchmarks. If, at the time the agency takes any
98 action to change "Personal Services", the State Personnel Board
99 determines that the agency has taken an action which would cause
100 the agency to exceed this projected annual cost or the Fiscal Year
101 2008 "Personal Services" appropriated level, when annualized, then
102 only those actions which reduce the projected annual cost and/or
103 the appropriation requirement will be processed by the State
104 Personnel Board until such time as the requirements of this
105 provision are met. On January 1, 2008, the State Personnel Board
106 will make adjustments to the structure side of the compliance
107 report based on data provided by the Legislative Budget Office in
108 order for agencies to award educational benchmarks.

109 Any transfers or escalations shall be made in accordance with
110 the terms, conditions and procedures established by law or
111 allowable under the terms set forth within this act. The State
112 Personnel Board shall not escalate positions without written
113 approval from the Department of Finance and Administration. The
114 Department of Finance and Administration shall not provide written
115 approval to escalate any funds for salaries and/or positions
116 without proof of availability of new or additional funds above the
117 appropriated level.

118 No general funds authorized to be expended herein shall be
119 used to replace federal funds and/or other special funds which are
120 being used for salaries authorized under the provisions of this
121 act and which are withdrawn and no longer available.

122 **SECTION 6.** It is the intention of the Legislature that the
123 Governor's Office - Division of Medicaid shall maintain complete
124 accounting and personnel records related to the expenditure of all
125 funds appropriated under this act and that such records shall be
126 in the same format and level of detail as maintained for Fiscal
127 Year 2007. It is further the intention of the Legislature that

128 the agency's budget request for Fiscal Year 2009 shall be
129 submitted to the Joint Legislative Budget Committee in a format
130 and level of detail comparable to the format and level of detail
131 provided during the Fiscal Year 2008 budget request process.

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

	FY2008
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a Percent of Total Budget (%)	4.26
Medical Services	
Recipients (Persons)	674,000

145 A reporting of the degree to which the performance targets
146 set above have been or are being achieved shall be provided in the
147 agency's budget request submitted to the Joint Legislative Budget
148 Committee for Fiscal Year 2009.

149 **SECTION 8.** It is the intention of the Legislature that
150 whenever two (2) or more bids are received by this agency for the
151 purchase of commodities or equipment, and whenever all things
152 stated in such received bids are equal with respect to price,
153 quality and service, the Mississippi Industries for the Blind
154 shall be given preference. A similar preference shall be given to
155 the Mississippi Industries for the Blind whenever purchases are
156 made without competitive bids.

157 **SECTION 9.** Of the funds appropriated in Sections 1, 2, 3 and
158 4, an additional amount not less than Two Hundred Fifty Thousand
159 Dollars (\$250,000.00) shall be expended in the Home and Community

160 Based Waiver Program over and above the amount expended in Fiscal
161 Year 2007.

162 **SECTION 10.** It is the intention of the Legislature that the
163 Executive Director of the Division of Medicaid may authorize
164 increases in any major objects of expenditure in total amounts not
165 to exceed twenty-five percent (25%) of the appropriated amount of
166 each major object of expenditure, provided that other major
167 objects of expenditure are decreased by a corresponding dollar
168 amount. It is further the intention of the Legislature that any
169 transfers made under the provisions of this paragraph shall be of
170 an emergency nature and that in no case shall the transfers be
171 made which substantially alter the legislative intent for the
172 various programs as set forth in the original appropriations made
173 under this act. However, no transfers shall be authorized which
174 increase the major object of expenditure "Salaries, Wages and
175 Fringe Benefits." The Division shall notify the Director of the
176 Legislative Budget Office within fifteen (15) days of any transfer
177 made.

178 **SECTION 11.** Of the funds appropriated herein, an amount not
179 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is
180 provided to implement an Adult Foster Care program for Medicaid
181 recipients as authorized by Senate Bill No. 2416, 2007 Regular
182 Session of the Legislature.

183 **SECTION 12.** Of the funds appropriated herein, an amount not
184 to exceed One Hundred Twenty-five Thousand Dollars (\$125,000.00)
185 shall be used to implement a pilot program to promote smoking
186 cessation by use of the most up-to-date prescription class of
187 smoking cessation medication, that being nicotine receptor partial
188 agonist.

189 **SECTION 13.** Any reclassifications and/or reallocations
190 affected under the rules of the State Personnel Board shall be
191 reported to the Director of the Legislative Budget Office no later
192 than fifteen (15) days of Personnel Board approval.

193 **SECTION 14.** The money herein appropriated shall be paid by
194 the State Treasurer out of any money in the State Treasury to the
195 credit of the proper fund or funds as set forth in this act, upon
196 warrants issued by the State Fiscal Officer; and the State Fiscal
197 Officer shall issue his warrants upon requisitions signed by the
198 proper person, officer or officers, in the manner provided by law.

199 **SECTION 15.** This act shall take effect and be in force from
200 and after July 1, 2007.