

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

HOUSE BILL NO. 1696

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 2008.

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, 2007, and ending June 30, 2008.....

10 ..... \$ 36,696,916.00.

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, 2007, and ending June 30, 2008.....

18 ..... \$ 241,790,967.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Sections 1 and 2, Five Million Four Hundred Four Thousand Two
21 Hundred Seventy Dollars (\$5,404,270.00) shall be derived from the
22 State General Fund and Seven Million One Hundred Fifty-eight
23 Thousand Three Hundred Thirty-seven Dollars (\$7,158,337.00) shall
24 be derived from the Health Care Expendable Fund, created in
25 Section 43-13-407, Mississippi Code of 1972, for the support and
26 maintenance of the State Department of Health. The funds provided
27 in this section shall be allocated as follows:

28 Maternal and Child Health Care  
 29 Program.....\$1,242,943.00  
 30 Early Intervention Program.....\$ 221,954.00  
 31 Health Department Programs.....\$2,219,542.00  
 32 Mississippi Qualified Health  
 33 Center Grant Program.....\$3,551,267.00  
 34 Trauma Care System.....\$5,326,901.00

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

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

54 **SECTION 4.** Of the funds appropriated under the provisions of  
 55 Sections 1 and 2, not more than the amounts set forth below shall  
 56 be expended for the respective major objects or purposes of  
 57 expenditure:

58 MAJOR OBJECTS OF EXPENDITURE:

59 Personal Services:

60 Salaries, Wages and Fringe Benefits.. \$ 105,763,733.00

61	Travel and Subsistence.....	5,374,085.00
62	Contractual Services.....	45,078,375.00
63	Commodities.....	65,827,197.00
64	Capital Outlay:	
65	Other Than Equipment.....	0.00
66	Equipment.....	6,342,866.00
67	Vehicles.....	0.00
68	Wireless Communication Devices.....	1,500.00
69	Subsidies, Loans and Grants.....	<u>50,100,127.00</u>
70	Total.....	\$ 278,487,883.00
71	FUNDING:	
72	General Funds.....	\$ 36,696,916.00
73	Special Funds.....	<u>241,790,967.00</u>
74	Total.....	\$ 278,487,883.00

75 AUTHORIZED POSITIONS:

76	Permanent: Full Time.....	1,553
77	Part Time.....	21
78	Time-Limited: Full Time.....	639
79	Part Time.....	11

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

85 With the funds herein appropriated, it is the intention of  
86 the Legislature that it shall be the agency's responsibility to  
87 make certain that funds required to be appropriated for "Personal  
88 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
89 funds appropriated for that purpose, unless programs or positions  
90 are added to the agency's Fiscal Year 2009 budget by the  
91 Mississippi Legislature. Based on data provided by the  
92 Legislative Budget Office, the State Personnel Board shall  
93 determine and publish the projected annual cost to fully fund all

94 appropriated positions in compliance with the provisions of this  
95 act. It shall be the responsibility of the agency head to insure  
96 that no single personnel action increases this projected annual  
97 cost and/or the Fiscal Year 2008 appropriation for "Personal  
98 Services" when annualized, with the exception of escalated funds.  
99 If, at the time the agency takes any action to change "Personal  
100 Services," the State Personnel Board determines that the agency  
101 has taken an action which would cause the agency to exceed this  
102 projected annual cost or the Fiscal Year 2008 "Personal Services"  
103 appropriated level, when annualized, then only those actions which  
104 reduce the projected annual cost and/or the appropriation  
105 requirement will be processed by the State Personnel Board until  
106 such time as the requirements of this provision are met.

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

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

120 **SECTION 5.** It is the intention of the Legislature that the  
121 State Department of Health shall maintain complete accounting and  
122 personnel records related to the expenditure of all funds  
123 appropriated under this act and that such records shall be in the  
124 same format and level of detail as maintained for Fiscal Year  
125 2007. It is further the intention of the Legislature that the  
126 agency's budget request for Fiscal Year 2009 shall be submitted to

127 the Joint Legislative Budget Committee in a format and level of  
 128 detail comparable to the format and level of detail provided  
 129 during the Fiscal Year 2008 budget request process.

130 **SECTION 6.** In compliance with the "Mississippi Performance  
 131 Budget and Strategic Planning Act of 1994," it is the intent of  
 132 the Legislature that the funds provided herein shall be utilized  
 133 in the most efficient and effective manner possible to achieve the  
 134 intended mission of this agency. Based on the funding authorized,  
 135 this agency shall make every effort to attain the targeted  
 136 performance measures provided below:

	FY2008
<u>Performance Measures</u>	<u>Target</u>
139 Chronic Illness	
140 Home Health Patients Served (Persons)	984
141 Home Health Visits (Visits)	79,569
142 Hypertension Visits (Visits)	2,500
143 Diabetes Treatment Visits (Visits)	151
144 Maternal And Child Health	
145 Maternity Patients Served (Persons)	7,650
146 WIC Patients Served per Month (Persons)	105,000
147 Family Planning Patients Served (Persons)	72,011
148 Environmental Health	
149 General Sanitation Inspections (Actions)	23,299
150 Food Establishments Inspections (Actions)	29,000
151 Water Supplies Tested (Actions)	1,340
152 Disease Prevention	
153 Vaccinations Administered (Doses)	540,000
154 STD Diagnostic Treatment & Follow-up 155 Services (Persons)	61,000
156 TB Cases & Contacts Investigated (Actions)	2,443
157 Health Care Planning And Licensure	
158 CON Declaratory Opinions Issued (Actions)	200
159 Ambulance Services Lic/Permitted (Entities)	650

160	Professional Licenses Issued (Actions)	5,185
161	Support Services	
162	Percentage of Total Budget (%)	5.98
163	Bioterrorism	
164	Number of Statewide Preparedness	
165	Exercises Conducted (Number of)	5
166	Number of Emergency Preparedness and	
167	Strategic National Stockpile Trainings	5

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

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

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

189 **SECTION 8.** It is the intention of the Legislature that with  
190 the funds provided herein, the State Department of Health may  
191 provide and administer without charge, Hepatitis B vaccinations to

192 Emergency Medical Services (EMS) personnel who are in need of such  
193 vaccinations through job related exposure.

194       **SECTION 9.** In addition to all other sums heretofore  
195 appropriated, the following sum, or so much thereof as may be  
196 necessary, is hereby appropriated out of any money in the State  
197 Treasury to the credit of the Local Governments and Rural Water  
198 Systems Emergency Loan Fund, and the Local Governments and Rural  
199 Water System Improvements Revolving Loan Fund as authorized in  
200 Chapter 521, Laws of 1995, to the State Department of Health for  
201 the purpose of defraying the expenses of the Local Governments and  
202 Rural Water Systems Improvements Board, for the fiscal year  
203 beginning July 1, 2007, and ending June 30, 2008.....  
204 ..... \$           28,000,000.00.

205       **SECTION 10.** Of the funds appropriated in Section 2, One  
206 Million Dollars (\$1,000,000.00) shall come from the Department of  
207 Human Services, Child Care Development Fund or other appropriate  
208 special funds for the purpose of child care licensure. These  
209 funds are to be transferred to the State Department of Health no  
210 later than July 31, 2007. The State Department of Health shall  
211 make a complete accounting of the uses of these funds to the  
212 Department of Human Services.

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

223       **SECTION 12.** If House Bill No. 1132 of the 2007 Regular  
224 Legislative Session is not enacted, it is the intention of the

225 Legislature that in addition to all other funds heretofore  
226 appropriated, the following sum, or so much thereof as may be  
227 necessary, is hereby appropriated out of the Tobacco Control  
228 Commission Fund to the State Department of Health for the fiscal  
229 year beginning July 1, 2007, and ending June 30, 2008.....  
230 ..... \$ 5,000,000.00.

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

235 If House Bill No. 1132 of the 2007 Regular Legislative  
236 Session is enacted, no funds appropriated in this section shall be  
237 expended.

238 **SECTION 13.** Of the funds appropriated in Section 1, Seven  
239 Hundred Twenty-five Thousand Dollars (\$725,000.00) are provided  
240 for the purpose of purchasing AIDS drugs and other necessary AIDS  
241 related medical services.

242 **SECTION 14.** Of the funds appropriated in Section 1,  
243 Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the  
244 Southern AIDS Commission, Inc., for the purpose of providing  
245 technical assistance, and providing for the expansion of education  
246 on causes and prevention of HIV/AIDS, and providing delivery  
247 services to persons infected with HIV. The Southern AIDS  
248 Commission, Inc. shall report by February 1, 2008, to the Board of  
249 Health and the Chairmen of the House and Senate Public Health  
250 Committees the status of the project and all services provided.

251 **SECTION 15.** Of the funds appropriated in Sections 1 and 2,  
252 and allocated in Section 3, the amounts of One Hundred Ten  
253 Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be  
254 allocated to the T.K. Martin Center at Mississippi State  
255 University and One Hundred Ten Thousand Nine Hundred Seventy-seven  
256 Dollars (\$110,977.00) shall be allocated to the Regional



257 Rehabilitation Center in Tupelo for the Early Intervention  
258 Program.

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

262         **SECTION 17.** It is the intention of the Legislature that the  
263 Executive Director of the State Department of Health may authorize  
264 increases in major objects of expenditure in total amounts not to  
265 exceed twenty-five percent (25%) of the appropriated amount of  
266 each major object of expenditure, provided that other major  
267 objects of expenditure are decreased by a corresponding dollar  
268 amount. However, no transfers shall be authorized which increase  
269 the major object of expenditure "Salaries, Wages and Fringe  
270 Benefits."

271         **SECTION 18.** In addition to all other funds heretofore  
272 appropriated, the following sum, or so much thereof as may be  
273 necessary, is hereby appropriated out of any money in the State  
274 Treasury to the credit of the Mississippi Burn Care Fund which is  
275 comprised of special source funds collected by or otherwise  
276 available to the department, for the purpose of funding the  
277 development of a plan for delivery of services and of providing  
278 reimbursement for uncompensated medical care to Mississippi burn  
279 victims through the trauma care system, for the fiscal year  
280 beginning July 1, 2007, and ending June 30, 2008.....  
281 ..... \$3,000,000.00.

282         The State Department of Health shall issue any certificates  
283 of need necessary to any person proposing the construction of,  
284 addition of, or conversion of any beds or the expansion of any  
285 health care facility for use exclusively for the treatment of burn  
286 victims, and such beds shall be classified and limited to use for  
287 such treatment of burn victims and may not be converted to any  
288 other use and are not to be classified or included in the acute  
289 care bed inventory of the state for health planning purposes. Any

290 such beds shall participate in the statewide trauma care system as  
291 provided by Section 41-59-5 and be entitled to an allocation of  
292 funds from the Mississippi Burn Care Fund as established by  
293 Section 7-9-70. For purposes of this subsection, the provisions  
294 of Section 41-7-193(1) requiring substantial compliance with the  
295 projection of need as reported in the current State Health Plan  
296 are waived.

297       **SECTION 19.** It is the intention of the Legislature that  
298 whenever two (2) or more bids are received by this agency for the  
299 purchase of commodities or equipment, and whenever all things  
300 stated in such received bids are equal with respect to price,  
301 quality and service, the Mississippi Industries for the Blind  
302 shall be given preference. A similar preference shall be given to  
303 the Mississippi Industries for the Blind whenever purchases are  
304 made without competitive bids.

305       **SECTION 20.** The money herein appropriated shall be paid by  
306 the State Treasurer out of any money in the State Treasury to the  
307 credit of the proper fund or funds as set forth in this act, upon  
308 warrants issued by the State Fiscal Officer; and the State Fiscal  
309 Officer shall issue his warrants upon requisitions signed by the  
310 proper person, officer or officers, in the manner provided by law.

311       **SECTION 21.** This act shall take effect and be in force from  
312 and after July 1, 2007.