

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:

137	FY2008
138 <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.

