

Senate Amendments to House Bill No. 1696

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 \$ 36,773,476.00.

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 \$ 240,417,992.00.

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 Nine Million Seven Hundred Eight Thousand
23 Three Hundred Thirty-seven Dollars (\$9,708,337.00) shall be
24 derived from the Health Care Expendable Fund, created in Section
25 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 School Nurse Programs.....\$2,550,000.00

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

42 It is the intention of the Legislature that if House Bill
43 1132, 2007 Regular Session, is enacted the Department of Health
44 shall transfer Two Million Five Hundred Fifty Thousand Dollars
45 (\$2,550,000.00) to the designated support agency for the school
46 nurse program.

47 It is the intention of the Legislature that none of the Five
48 Million Three Hundred Twenty-six Thousand Nine Hundred One Dollars
49 (\$5,326,901.00) authorized herein for the Trauma Care System shall
50 be expended to the benefit of any hospital located outside the
51 boundaries of the State of Mississippi, unless otherwise excepted
52 in this paragraph. Further, unless otherwise excepted in this
53 paragraph, no such out-of-state hospital shall be authorized to
54 receive such funds until such time as the amount appropriated for
55 such purpose shall reach an amount of Eight Million Dollars
56 (\$8,000,000.00) or more. Funds shall be expended by the
57 Mississippi Department of Health for distribution to the Regional
58 Medical Center at Memphis, located in Memphis, Tennessee, for
59 their participation in the Trauma Care System.

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

64 MAJOR OBJECTS OF EXPENDITURE:

65 Personal Services:

| | | | |
|----|---------------------------------------|----|-----------------------|
| 66 | Salaries, Wages and Fringe Benefits.. | \$ | 104,931,885.00 |
| 67 | Travel and Subsistence..... | | 5,340,000.00 |
| 68 | Contractual Services..... | | 44,755,942.00 |
| 69 | Commodities..... | | 63,225,490.00 |
| 70 | Capital Outlay: | | |
| 71 | Other Than Equipment..... | | 0.00 |
| 72 | Equipment..... | | 6,329,921.00 |
| 73 | Vehicles..... | | 0.00 |
| 74 | Wireless Communication Devices..... | | 1,500.00 |
| 75 | Subsidies, Loans and Grants..... | | <u>52,606,730.00</u> |
| 76 | Total..... | \$ | 277,191,468.00 |
| 77 | FUNDING: | | |
| 78 | General Funds..... | \$ | 36,773,476.00 |
| 79 | Special Funds..... | | <u>240,417,992.00</u> |
| 80 | Total..... | \$ | 277,191,468.00 |

81 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|-------|
| 82 | Permanent: | Full Time..... | 1,553 |
| 83 | | Part Time..... | 21 |
| 84 | Time-Limited: | Full Time..... | 609 |
| 85 | | Part Time..... | 11 |

86 Funds are provided herein to adjust the Variable Compensation
87 Plan to ensure that all full-time employees receive a pay increase
88 equal to the realignment component of the Variable Compensation
89 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
90 whichever is greater, to be awarded on July 1, 2007.

91 With the funds herein appropriated, it is the intention of
92 the Legislature that it shall be the agency's responsibility to
93 make certain that funds required to be appropriated for "Personal
94 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
95 funds appropriated for that purpose, unless programs or positions
96 are added to the agency's Fiscal Year 2009 budget by the
97 Mississippi Legislature. Based on data provided by the
98 Legislative Budget Office, the State Personnel Board shall
99 determine and publish the projected annual cost to fully fund all
100 appropriated positions in compliance with the provisions of this

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

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

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

126 The agency shall not take any action to promote or otherwise
127 award salary increases through reallocation, reclassification,
128 realignment, education benchmark, career ladder, or any other
129 means to increase salaries of employees or positions unless
130 specifically exempted by the following conditions: the award of
131 teacher pay increases, the advancement of a trainee/cadet to the
132 next level of a bona fide career ladder, the award of an
133 educational benchmark for the attainment of Certified Public
134 Accountant License or higher level professional certification as
135 determined by the State Personnel Board, the immediate replacement

136 of a departing employee with an individual from within state
 137 service or a new hire at a salary level equivalent to that of the
 138 departing employee, and the emergency appointment of nurses,
 139 pharmacists or other health care professionals at a salary to be
 140 determined by the State Personnel Board, unless otherwise
 141 authorized in this act.

142 **SECTION 5.** It is the intention of the Legislature that the
 143 State Department of Health shall maintain complete accounting and
 144 personnel records related to the expenditure of all funds
 145 appropriated under this act and that such records shall be in the
 146 same format and level of detail as maintained for Fiscal Year
 147 2007. It is further the intention of the Legislature that the
 148 agency's budget request for Fiscal Year 2009 shall be submitted to
 149 the Joint Legislative Budget Committee in a format and level of
 150 detail comparable to the format and level of detail provided
 151 during the Fiscal Year 2008 budget request process.

152 **SECTION 6.** In compliance with the "Mississippi Performance
 153 Budget and Strategic Planning Act of 1994," it is the intent of
 154 the Legislature that the funds provided herein shall be utilized
 155 in the most efficient and effective manner possible to achieve the
 156 intended mission of this agency. Based on the funding authorized,
 157 this agency shall make every effort to attain the targeted
 158 performance measures provided below:

| | FY2008 |
|---|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| 161 Chronic Illness | |
| 162 Home Health Patients Served (Persons) | 984 |
| 163 Home Health Visits (Visits) | 79,569 |
| 164 Hypertension Visits (Visits) | 2,500 |
| 165 Diabetes Treatment Visits (Visits) | 151 |
| 166 Maternal And Child Health | |
| 167 Maternity Patients Served (Persons) | 7,650 |
| 168 WIC Patients Served per Month (Persons) | 105,000 |
| 169 Family Planning Patients Served (Persons) | 72,011 |
| 170 Environmental Health | |

| | | |
|-----|---|---------|
| 171 | General Sanitation Inspections (Actions) | 23,299 |
| 172 | Food Establishments Inspections (Actions) | 29,000 |
| 173 | Water Supplies Tested (Actions) | 1,340 |
| 174 | Disease Prevention | |
| 175 | Vaccinations Administered (Doses) | 540,000 |
| 176 | STD Diagnostic Treatment & Follow-up | |
| 177 | Services (Persons) | 61,000 |
| 178 | TB Cases & Contacts Investigated (Actions) | 2,443 |
| 179 | Health Care Planning And Licensure | |
| 180 | CON Declaratory Opinions Issued (Actions) | 200 |
| 181 | Ambulance Services Lic/Permitted (Entities) | 650 |
| 182 | Professional Licenses Issued (Actions) | 5,185 |
| 183 | Support Services | |
| 184 | Percentage of Total Budget (%) | 5.98 |
| 185 | Bioterrorism | |
| 186 | Number of Statewide Preparedness | |
| 187 | Exercises Conducted (Number of) | 5 |
| 188 | Number of Emergency Preparedness and | |
| 189 | Strategic National Stockpile Trainings | 5 |

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

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

202 The Executive Director of the Mississippi Department of
203 Health shall submit to the Department of Finance and
204 Administration a certified statement providing a detailed
205 explanation for any escalation, including a justification for the

206 establishment of any new positions or reclassification of existing
207 positions and the existence of any required matching funds for
208 those positions, and an assessment of the impact on the agency's
209 General Fund Budget for the three (3) fiscal years following the
210 fiscal year in which the escalation is requested.

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

216 **SECTION 9.** In addition to all other sums heretofore
217 appropriated, the following sum, or so much thereof as may be
218 necessary, is hereby appropriated out of any money in the State
219 Treasury to the credit of the Local Governments and Rural Water
220 Systems Emergency Loan Fund, and the Local Governments and Rural
221 Water System Improvements Revolving Loan Fund as authorized in
222 Chapter 521, Laws of 1995, to the State Department of Health for
223 the purpose of defraying the expenses of the Local Governments and
224 Rural Water Systems Improvements Board, for the fiscal year
225 beginning July 1, 2007, and ending June 30, 2008.....
226 \$ 28,000,000.00.

227 **SECTION 10.** Of the funds appropriated in Section 2, One
228 Million Dollars (\$1,000,000.00) shall come from the Department of
229 Human Services, Child Care Development Fund or other appropriate
230 special funds for the purpose of child care licensure. These
231 funds are to be transferred to the State Department of Health no
232 later than July 31, 2007. The State Department of Health shall
233 make a complete accounting of the uses of these funds to the
234 Department of Human Services.

235 **SECTION 11.** It is the intention of the Legislature that the
236 State Department of Health shall expend not more than Fifty
237 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
238 1 and allocated in Section 4 for providing the oil known as
239 "Lorenzo's Oil" for the treatment of the genetic disorder
240 adrenoleukodystrophy (ALD), to children and Mississippi residents

241 over the age of twenty-one (21) who have the genetic disorder
242 adrenoleukodystrophy and for whom Medicaid does not reimburse the
243 cost of providing the oil. The department may also provide needed
244 pathology and biannual MRI exams.

245 **SECTION 12.** Of the funds appropriated in Section 1, Seven
246 Hundred Twenty-five Thousand Dollars (\$725,000.00) are provided
247 for the purpose of purchasing AIDS drugs and other necessary AIDS
248 related medical services.

249 **SECTION 13.** Of the funds appropriated in Section 1,
250 Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the
251 Southern AIDS Commission, Inc., for the purpose of providing
252 technical assistance, and providing for the expansion of education
253 on causes and prevention of HIV/AIDS, and providing delivery
254 services to persons infected with HIV. The Southern AIDS
255 Commission, Inc. shall report by February 1, 2008, to the Board of
256 Health and the Chairmen of the House and Senate Public Health
257 Committees the status of the project and all services provided.

258 **SECTION 14.** Of the funds appropriated in Sections 1 and 2,
259 and allocated in Section 3, the amounts of One Hundred Ten
260 Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be
261 allocated to the T.K. Martin Center at Mississippi State
262 University and One Hundred Ten Thousand Nine Hundred Seventy-seven
263 Dollars (\$110,977.00) shall be allocated to the Regional
264 Rehabilitation Center in Tupelo for the Early Intervention
265 Program.

266 **SECTION 15.** Of the funds appropriated herein, Fifty Thousand
267 Dollars (\$50,000.00) is provided for the Breast and Cervical
268 Cancer Program.

269 **SECTION 16.** It is the intention of the Legislature that the
270 Executive Director of the State Department of Health may authorize
271 increases in major objects of expenditure in total amounts not to
272 exceed twenty-five percent (25%) of the appropriated amount of
273 each major object of expenditure, provided that other major
274 objects of expenditure are decreased by a corresponding dollar
275 amount. However, no transfers shall be authorized which increase

276 the major object of expenditure "Salaries, Wages and Fringe
277 Benefits."

278 **SECTION 17.** In addition to all other funds heretofore
279 appropriated, the following sum, or so much thereof as may be
280 necessary, is hereby appropriated out of any money in the State
281 Treasury to the credit of the Mississippi Burn Care Fund which is
282 comprised of special source funds collected by or otherwise
283 available to the department, for the purpose of funding the
284 development of a plan for delivery of services and of providing
285 reimbursement for uncompensated medical care to Mississippi burn
286 victims through the trauma care system, for the fiscal year
287 beginning July 1, 2007, and ending June 30, 2008.....
288 \$3,000,000.00.

289 The State Department of Health shall issue any certificates
290 of need necessary to any person proposing the construction of,
291 addition of, or conversion of any beds or the expansion of any
292 health care facility for use exclusively for the treatment of burn
293 victims, and such beds shall be classified and limited to use for
294 such treatment of burn victims and may not be converted to any
295 other use and are not to be classified or included in the acute
296 care bed inventory of the state for health planning purposes. Any
297 such beds shall participate in the statewide trauma care system as
298 provided by Section 41-59-5 and be entitled to an allocation of
299 funds from the Mississippi Burn Care Fund as established by
300 Section 7-9-70. For purposes of this subsection, the provisions
301 of Section 41-7-193(1) requiring substantial compliance with the
302 projection of need as reported in the current State Health Plan
303 are waived.

304 **SECTION 18.** It is the intention of the Legislature that
305 whenever two (2) or more bids are received by this agency for the
306 purchase of commodities or equipment, and whenever all things
307 stated in such received bids are equal with respect to price,
308 quality and service, the Mississippi Industries for the Blind
309 shall be given preference. A similar preference shall be given to

310 the Mississippi Industries for the Blind whenever purchases are
311 made without competitive bids.

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

318 **SECTION 20.** This act shall take effect and be in force from
319 and after July 1, 2007.

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John O. Gilbert
Secretary of the Senate