

By: Senator(s) Bryan

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2836  
(As Sent to Governor)

1 AN ACT ENTITLED THE "ROSE ISABEL WILLIAMS MENTAL HEALTH  
2 REFORM ACT OF 2011"; TO AMEND SECTION 41-4-1 AND CREATE NEW  
3 SECTION 41-4-2, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE  
4 BOARD OF MENTAL HEALTH TO ADOPT REGULATIONS TO ENSURE THAT CORE  
5 ADULT MENTAL HEALTH SERVICES, CHILD MENTAL HEALTH SERVICES,  
6 INTELLECTUAL/DEVELOPMENTAL DISABILITIES SERVICES AND CRISIS  
7 SERVICES ARE PROVIDED IN EVERY COUNTY OF THE STATE; TO AMEND  
8 SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO DIRECT THE BOARD TO  
9 APPOINT A MEDICAL DIRECTOR FOR THE DEPARTMENT OF MENTAL HEALTH; TO  
10 EMPOWER THE BOARD TO ESTABLISH MINIMUM STANDARDS AND CERTIFY THE  
11 REQUIRED SERVICES FOR THE REGIONAL MENTAL HEALTH COMMISSIONS AND  
12 CENTERS AND OTHER COMMUNITY SERVICE PROVIDERS IN ORDER TO RECEIVE  
13 STATE FUNDS FOR SUCH SERVICES, AND TO IDENTIFY APPROPRIATE  
14 COMMUNITY SERVICE PROVIDERS TO PROVIDE SUCH CORE SERVICES; TO  
15 DIRECT THE BOARD TO ESTABLISH A STRATEGIC PLANNING AND BEST  
16 PRACTICES COMMITTEE FOR MENTAL HEALTH SERVICES; TO AMEND SECTION  
17 41-19-33, MISSISSIPPI CODE OF 1972, TO DIRECT THE REGIONAL MENTAL  
18 HEALTH/INTELLECTUAL/DEVELOPMENTAL DISABILITY COMMISSIONS AND  
19 CENTERS TO ADMINISTER MENTAL HEALTH/INTELLECTUAL DISABILITY  
20 PROGRAMS REQUIRED BY THE BOARD IN ORDER TO BE ELIGIBLE FOR STATE  
21 FUNDING, TO ANNUALLY SUBMIT AN ITEMIZED SERVICE PLAN TO THE  
22 DEPARTMENT FOR CERTIFICATION; TO AMEND SECTION 41-21-87,  
23 MISSISSIPPI CODE OF 1972, TO PROVIDE NOTICE FOR THE DISCHARGE OF A  
24 CIVILLY COMMITTED PATIENT, AND TO DIRECT THE DEPARTMENT OF MENTAL  
25 HEALTH TO PROVIDE THE DIRECTORS OF COMMUNITY MENTAL HEALTH CENTERS  
26 THE NAMES OF INDIVIDUALS DISCHARGED TO THEIR CATCHMENT AREA WITH A  
27 REFERRAL FOR COMMUNITY-BASED SERVICES; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** This act shall be known and may be cited as the  
30 "Rose Isabel Williams Mental Health Reform Act of 2011."

31 **SECTION 2.** Section 41-4-1, Mississippi Code of 1972, is  
32 amended as follows:

33 41-4-1. (1) The goal of the Rose Isabel Williams Mental  
34 Health Reform Act of 2011 is to reform the current Mississippi  
35 mental health delivery system so that necessary services, supports  
36 and operational structures for all its citizens with mental  
37 illness and/or alcohol and drug dependence and/or comorbidity,



38 whether children, youth or adults, are accessible and delivered  
39 preferably in the communities where these citizens live. To  
40 accomplish this goal, this act provides that initially certain  
41 core services as defined in subsection (2) of this section should  
42 be available to residents of each county in the state. These  
43 services may be provided by community mental health/intellectual  
44 disability centers. In order to determine what services are  
45 available, the State Department of Mental Health is directed to  
46 survey the community mental health/intellectual disability  
47 centers, and the community mental health/intellectual disability  
48 centers are directed to report what services they are currently  
49 providing in each county. This act does not require any community  
50 mental health/intellectual disability center to provide any  
51 service. This act is not independent authority for any program  
52 not otherwise authorized.

53 (2) The State Board of Mental Health is authorized and  
54 empowered to promulgate regulations to ensure that core adult  
55 mental health services, child mental health services,  
56 intellectual/developmental disability services, and substance  
57 abuse prevention and treatment/rehabilitation services are  
58 provided throughout the state through the regional mental  
59 health/intellectual disability commissions and centers or through  
60 other providers. The State Board of Mental Health is directed to  
61 give priority to crisis services and crisis stabilization unit  
62 services provided twenty-four (24) hours a day, seven (7) days a  
63 week, where trained emergency-crisis response staff triage  
64 referrals and respond in a timely and adequate manner to diffuse a  
65 current personal crisis situation.

66 **SECTION 3.** The following shall be codified as Section  
67 41-4-2, Mississippi Code of 1972:

68 41-4-2. The purpose of this chapter is to coordinate,  
69 develop, improve, plan for, and provide all services for persons  
70 of this state with mental illness, emotional disturbance,



71 alcoholism, drug dependence, and an intellectual disability; to  
72 promote, safeguard and protect human dignity, social well-being  
73 and general welfare of these persons under the cohesive control of  
74 one (1) coordinating and responsible agency so that mental health  
75 and intellectual disability services and facilities may be  
76 uniformly provided more efficiently and economically to any  
77 resident of the State of Mississippi; and further to seek means  
78 for the prevention of these disabilities.

79 **SECTION 4.** Section 41-4-7, Mississippi Code of 1972, is  
80 amended as follows:

81 41-4-7. The State Board of Mental Health shall have the  
82 following powers and duties:

83 (a) To appoint a full-time Executive Director of the  
84 Department of Mental Health, who shall be employed by the board  
85 and shall serve as executive secretary to the board. The first  
86 director shall be a duly licensed physician with special interest  
87 and competence in psychiatry, and shall possess a minimum of three  
88 (3) years' experience in clinical and administrative psychiatry.  
89 Subsequent directors shall possess at least a master's degree or  
90 its equivalent, and shall possess at least ten (10) years'  
91 administrative experience in the field of mental health. The  
92 salary of the executive director shall be determined by the board;

93 (b) To appoint a Medical Director for the Department of  
94 Mental Health. The medical director shall provide clinical  
95 oversight in the implementation of evidence based and best  
96 practices; provide clinical leadership in the integration of  
97 mental health, intellectual disability and addiction services with  
98 community partners in the public and private sectors; and provide  
99 oversight regarding standards of care. The medical director shall  
100 serve at the will and pleasure of the board, and will undergo an  
101 annual review of job performance and future service to the  
102 department;



103                   (c) To establish a Strategic Planning and Best  
104 Practices Committee (committee), which shall consist of fifteen  
105 (15) members as follows:

106                   (i) Three (3) members of the State Board of Mental  
107 Health;

108                   (ii) The Chairman of the Department of Psychiatry  
109 at the University of Mississippi Medical Center;

110                   (iii) The Executive Director of the Division of  
111 Medicaid in the Office of the Governor;

112                   (iv) Five (5) appointees of the Attorney General  
113 as follows:

114                               1. One (1) director of a community mental  
115 health center that is not a member of the Mississippi Association  
116 of Community Mental Health Centers; and

117                               2. Four (4) directors of community mental  
118 health centers that are members of the Mississippi Association of  
119 Community Mental Health Centers.

120                   (v) Five (5) appointees of the Governor as  
121 follows:

122                               1. One (1) representative of a nonprofit  
123 mental health advocacy group;

124                               2. One (1) consumer or family member of a  
125 consumer of mental health services;

126                               3. One (1) representative from a separate,  
127 private, nonprofit provider of a continuum of mental health  
128 services;

129                               4. Two (2) individuals knowledgeable in the  
130 field of mental health and/or with experience in business  
131 management or public administration.

132 All appointed members of the Strategic Planning and Best Practices  
133 Committee shall be appointed to three-year terms and may be  
134 reappointed.



135       The Department of Mental Health shall provide professional  
136 and technical support to the committee, including the services of  
137 the department's medical director, and its planning staff.  
138 Additionally, the committee shall be authorized to seek grants  
139 from public and private sources to conduct the necessary studies  
140 and evaluations to support the committee in carrying out its  
141 responsibilities. The committee may also seek the assistance of  
142 the state institutions of higher learning, the State Department of  
143 Health, the Division of Medicaid, the State Department of  
144 Education, any community mental health center, and any other state  
145 agency whose expertise may be helpful to the committee.

146       This paragraph (c) shall stand repealed from and after July  
147 1, 2013;

148           (d) To develop a system of strategic planning for the  
149 development of services for persons with mental illness, persons  
150 with developmental disabilities and other clients of the public  
151 mental health system. Such strategic planning program shall  
152 require that the board, acting through the Strategic Planning and  
153 Best Practices Committee, perform the following functions  
154 respecting the delivery of services:

155                   (i) Establish measures for determining the  
156 efficiency and effectiveness of the services specified in Section  
157 41-4-1(2);

158                   (ii) Conducting studies of community-based care in  
159 other jurisdictions to determine which services offered in these  
160 jurisdictions have the potential to provide the citizens of  
161 Mississippi with more effective and efficient community-based  
162 care;

163                   (iii) Evaluating the efficiency and effectiveness  
164 of the services specified in Section 41-4-1(2);

165                   (iv) Recommending to the Legislature by January 1,  
166 2014, any necessary additions, deletions or other changes  
167 necessary to the services specified in Section 41-4-1(2);



168 (v) Implementing by July 1, 2012, a system of  
169 performance measures for the services specified in Section  
170 41-4-1(2);

171 (vi) Recommending to the Legislature any changes  
172 that the department believes are necessary to the current laws  
173 addressing civil commitment;

174 (vii) Conducting any other activities necessary to  
175 the evaluation and study of the services specified in Section  
176 41-4-1(2);

177 (viii) Assisting in conducting all necessary  
178 strategic planning for the delivery of all other services of the  
179 department. Such planning shall be conducted so as to produce a  
180 single strategic plan for the services delivered by the public  
181 mental health system and shall establish appropriate mission  
182 statements, goals, objectives and performance indicators for all  
183 programs and services of the public mental health system. For  
184 services other than those specified in Section 41-4-1(2), the  
185 committee shall recommend to the State Board of Mental Health a  
186 strategic plan that the board may adopt or modify;

187 (e) To set up state plans for the purpose of  
188 controlling and treating any and all forms of mental and emotional  
189 illness, alcoholism, drug misuse and developmental disabilities;

190 (f) To supervise, coordinate and establish standards  
191 for all operations and activities of the state related to mental  
192 health and providing mental health services. Nothing in this  
193 chapter shall preclude the services of a psychiatric/mental health  
194 nurse practitioner in accordance with an established nurse  
195 practitioner-physician protocol. A physician, clinical  
196 psychologist, psychiatric/mental health nurse practitioner in  
197 accordance with an established nurse practitioner-physician  
198 protocol or licensed clinical social worker shall certify each  
199 client's record annually after seeing the client in person or by  
200 telemedicine, and more often if medically indicated by physically



201 visiting the client and certifying same in the record. \* \* \* The  
202 board shall have the authority to develop and implement all  
203 standards and plans and shall have the authority to establish  
204 appropriate actions, including financially punitive actions, to  
205 ensure enforcement of these established standards, in accordance  
206 with the Administrative Procedures Law (Section 25-43-1 et seq.).  
207 The regional community mental health/intellectual disability  
208 centers shall comply with all of the board's established standards  
209 that are applicable to those centers, and the board may withhold  
210 any state funds that otherwise would be allocated or paid to any  
211 of those centers that does not comply with the board's established  
212 standards. This paragraph (f) shall stand repealed on July 1,  
213 2013;

214 (g) To enter into contracts with any other state or  
215 federal agency, or with any private person, organization or group  
216 capable of contracting, if it finds such action to be in the  
217 public interest;

218 (h) To collect reasonable fees for its services;  
219 however, if it is determined that a person receiving services is  
220 unable to pay the total fee, the department shall collect any  
221 amount such person is able to pay;

222 (i) To certify, coordinate and establish minimum  
223 standards and establish minimum required services, as specified in  
224 Section 41-4-1(2), for regional mental health and intellectual  
225 disability commissions and other community service providers for  
226 community or regional programs and services in adult mental  
227 health, children and youth mental health, intellectual  
228 disabilities, alcoholism, drug misuse, developmental disabilities,  
229 compulsive gambling, addictive disorders and related programs  
230 throughout the state. Such regional mental health and  
231 intellectual disability commissions and other community service  
232 providers shall, on or before July 1 of each year, submit an  
233 annual operational plan to the State Department of Mental Health



234 for approval or disapproval based on the minimum standards and  
235 minimum required services established by the department for  
236 certification and itemize the services specified in Section  
237 41-4-1(2). As part of the annual operation plan required by this  
238 paragraph (i) submitted by any regional community mental health  
239 center or by any other reasonable certification deemed acceptable  
240 by the department, the community mental health center shall state  
241 those services specified in Section 41-4-1(2) that it will provide  
242 and also those services that it will not provide. If the  
243 department finds deficiencies in the plan of any regional  
244 commission or community service provider based on the minimum  
245 standards and minimum required services established for  
246 certification, the department shall give the regional commission  
247 or community service provider a six-month probationary period to  
248 bring its standards and services up to the established minimum  
249 standards and minimum required services. After the six-month  
250 probationary period, if the department determines that the  
251 regional commission or community service provider still does not  
252 meet the minimum standards and minimum required services  
253 established for certification, the department may remove the  
254 certification of the commission or provider and from and after  
255 July 1, 2011, the commission or provider shall be ineligible for  
256 state funds from Medicaid reimbursement or other funding sources  
257 for those services. However, the department shall not mandate a  
258 standard or service, or decertify a regional commission or  
259 community service provider for not meeting a standard or service,  
260 if the standard or service does not have funding appropriated by  
261 the Legislature or have a state, federal or local funding  
262 source \* \* \* identified by the department \* \* \*. No county shall  
263 be required to levy millage to provide a mandated standard or  
264 service above the minimum rate required by Section 41-19-39.  
265 After the six-month probationary period, the department may  
266 identify an appropriate community service provider to provide any





267 core services in that county that are not provided by a community  
268 mental health center. However, the department shall not offer  
269 reimbursement or other accommodations to a community service  
270 provider of core services that were not offered to the decertified  
271 community mental health center for the same or similar services.

272 The State Board of Mental Health shall promulgate rules and  
273 regulations necessary to implement the provisions of this  
274 paragraph (i), in accordance with the Administrative Procedures  
275 Law (Section 25-43-1.101 et seq.);

276 (j) To establish and promulgate reasonable minimum  
277 standards for the construction and operation of state and all  
278 Department of Mental Health certified facilities, including  
279 reasonable minimum standards for the admission, diagnosis, care,  
280 treatment, transfer of patients and their records, and also  
281 including reasonable minimum standards for providing day care,  
282 outpatient care, emergency care, inpatient care and follow-up  
283 care, when such care is provided for persons with mental or  
284 emotional illness, an intellectual disability, alcoholism, drug  
285 misuse and developmental disabilities;

286 (k) To implement best practices for all services  
287 specified in Section 41-4-1(2), and to establish and implement all  
288 other services delivered by the Department of Mental Health. To  
289 carry out this responsibility, the board shall require the  
290 department to establish a division responsible for developing best  
291 practices based on a comprehensive analysis of the mental health  
292 environment to determine what the best practices for each service  
293 are. In developing best practices, the board shall consider the  
294 cost and benefits associated with each practice with a goal of  
295 implementing only those practices that are cost-effective  
296 practices for service delivery. Such best practices shall be  
297 utilized by the board in establishing performance standards and  
298 evaluations of the community mental health centers' services  
299 required by paragraph (d) of this section;



300           (l) To assist community or regional programs consistent  
301 with the purposes of this chapter by making grants and contracts  
302 from available funds;

303           (m) To establish and collect reasonable fees for  
304 necessary inspection services incidental to certification or  
305 compliance;

306           (n) To accept gifts, trusts, bequests, grants,  
307 endowments or transfers of property of any kind;

308           (o) To receive monies coming to it by way of fees for  
309 services or by appropriations;

310           (p) To serve as the single state agency in receiving  
311 and administering any and all funds available from any source for  
312 the purpose of service delivery, training, research and education  
313 in regard to all forms of mental illness, intellectual  
314 disabilities, alcoholism, drug misuse and developmental  
315 disabilities, unless such funds are specifically designated to a  
316 particular agency or institution by the federal government, the  
317 Mississippi Legislature or any other grantor;

318           (q) To establish mental health holding centers for the  
319 purpose of providing short-term emergency mental health treatment,  
320 places for holding persons awaiting commitment proceedings or  
321 awaiting placement in a state mental health facility following  
322 commitment, and for diverting placement in a state mental health  
323 facility. These mental health holding facilities shall be readily  
324 accessible, available statewide, and be in compliance with  
325 emergency services' minimum standards. They shall be  
326 comprehensive and available to triage and make appropriate  
327 clinical disposition, including the capability to access inpatient  
328 services or less restrictive alternatives, as needed, as  
329 determined by medical staff. Such facility shall have medical,  
330 nursing and behavioral services available on a  
331 twenty-four-hour-a-day basis. The board may provide for all or  
332 part of the costs of establishing and operating the holding



333 centers in each district from such funds as may be appropriated to  
334 the board for such use, and may participate in any plan or  
335 agreement with any public or private entity under which the entity  
336 will provide all or part of the costs of establishing and  
337 operating a holding center in any district;

338         (r) To certify/license case managers, mental health  
339 therapists, intellectual disability therapists, mental  
340 health/intellectual disability program administrators, addiction  
341 counselors and others as deemed appropriate by the board. Persons  
342 already professionally licensed by another state board or agency  
343 are not required to be certified/licensed under this section by  
344 the Department of Mental Health. The department shall not use  
345 professional titles in its certification/licensure process for  
346 which there is an independent licensing procedure. Such  
347 certification/licensure shall be valid only in the state mental  
348 health system, in programs funded and/or certified by the  
349 Department of Mental Health, and/or in programs certified/licensed  
350 by the State Department of Health that are operated by the state  
351 mental health system serving persons with mental illness, an  
352 intellectual disability, a developmental disability or addictions,  
353 and shall not be transferable;

354         (s) To develop formal mental health worker  
355 qualifications for regional mental health and intellectual  
356 disability commissions and other community service providers. The  
357 State Personnel Board shall develop and promulgate a recommended  
358 salary scale and career ladder for all regional mental  
359 health/intellectual disability center therapists and case managers  
360 who work directly with clients. The State Personnel Board shall  
361 also develop and promulgate a career ladder for all direct care  
362 workers employed by the State Department of Mental Health;

363         (t) The employees of the department shall be governed  
364 by personnel merit system rules and regulations, the same as other  
365 employees in state services;



366           (u) To establish such rules and regulations as may be  
367 necessary in carrying out the provisions of this chapter,  
368 including the establishment of a formal grievance procedure to  
369 investigate and attempt to resolve consumer complaints;

370           (v) To grant easements for roads, utilities and any  
371 other purpose it finds to be in the public interest;

372           (w) To survey statutory designations, building markers  
373 and the names given to mental health/intellectual disability  
374 facilities and proceedings in order to recommend deletion of  
375 obsolete and offensive terminology relative to the mental  
376 health/intellectual disability system. Based upon a  
377 recommendation of the executive director, the board shall have the  
378 authority to name/rename any facility operated under the auspices  
379 of the Department of Mental Health for the sole purpose of  
380 deleting such terminology;

381           (x) To ensure an effective case management system  
382 directed at persons who have been discharged from state and  
383 private psychiatric hospitals to ensure their continued well-being  
384 in the community;

385           (y) To develop formal service delivery standards  
386 designed to measure the quality of services delivered to community  
387 clients, as well as the timeliness of services to community  
388 clients provided by regional mental health/intellectual disability  
389 commissions and other community services providers;

390           (z) To establish regional state offices to provide  
391 mental health crisis intervention centers and services available  
392 throughout the state to be utilized on a case-by-case emergency  
393 basis. The regional services director, other staff and delivery  
394 systems shall meet the minimum standards of the Department of  
395 Mental Health;

396           (aa) To require performance contracts with community  
397 mental health/intellectual disability service providers to contain  
398 performance indicators to measure successful outcomes, including



399 diversion of persons from inpatient psychiatric hospitals,  
400 rapid/timely response to emergency cases, client satisfaction with  
401 services and other relevant performance measures;

402        (bb) To enter into interagency agreements with other  
403 state agencies, school districts and other local entities as  
404 determined necessary by the department to ensure that local mental  
405 health service entities are fulfilling their responsibilities to  
406 the overall state plan for behavioral services;

407        (cc) To establish and maintain a toll-free grievance  
408 reporting telephone system for the receipt and referral for  
409 investigation of all complaints by clients of state and community  
410 mental health/intellectual disability facilities;

411        (dd) To establish a peer review/quality assurance  
412 evaluation system that assures that appropriate assessment,  
413 diagnosis and treatment is provided according to established  
414 professional criteria and guidelines;

415        (ee) To develop and implement state plans for the  
416 purpose of assisting with the care and treatment of persons with  
417 Alzheimer's disease and other dementia. This plan shall include  
418 education and training of service providers, caregivers in the  
419 home setting and others who deal with persons with Alzheimer's  
420 disease and other dementia, and development of adult day care,  
421 family respite care and counseling programs to assist families who  
422 maintain persons with Alzheimer's disease and other dementia in  
423 the home setting. No agency shall be required to provide any  
424 services under this section until such time as sufficient funds  
425 have been appropriated or otherwise made available by the  
426 Legislature specifically for the purposes of the treatment of  
427 persons with Alzheimer's and other dementia;

428        (ff) Working with the advice and consent of the  
429 administration of Ellisville State School, to enter into  
430 negotiations with the Economic Development Authority of Jones  
431 County for the purpose of negotiating the possible exchange, lease



432 or sale of lands owned by Ellisville State School to the Economic  
433 Development Authority of Jones County. It is the intent of the  
434 Mississippi Legislature that such negotiations shall ensure that  
435 the financial interest of the persons with an intellectual  
436 disability served by Ellisville State School will be held  
437 paramount in the course of these negotiations. The Legislature  
438 also recognizes the importance of economic development to the  
439 citizens of the State of Mississippi and Jones County, and  
440 encourages fairness to the Economic Development Authority of Jones  
441 County. Any negotiations proposed which would result in the  
442 recommendation for exchange, lease or sale of lands owned by  
443 Ellisville State School must have the approval of the State Board  
444 of Mental Health. The State Board of Mental Health may and has  
445 the final authority as to whether or not these negotiations result  
446 in the exchange, lease or sale of the properties it currently  
447 holds in trust for persons with an intellectual disability served  
448 at Ellisville State School.

449 If the State Board of Mental Health authorizes the sale of  
450 lands owned by Ellisville State School, as provided for under this  
451 paragraph (ff), the monies derived from the sale shall be placed  
452 into a special fund that is created in the State Treasury to be  
453 known as the "Ellisville State School Client's Trust Fund." The  
454 principal of the trust fund shall remain inviolate and shall never  
455 be expended. Any interest earned on the principal may be expended  
456 solely for the benefits of clients served at Ellisville State  
457 School. The State Treasurer shall invest the monies of the trust  
458 fund in any of the investments authorized for the Mississippi  
459 Prepaid Affordable College Tuition Program under Section 37-155-9,  
460 and those investments shall be subject to the limitations  
461 prescribed by Section 37-155-9. Unexpended amounts remaining in  
462 the trust fund at the end of a fiscal year shall not lapse into  
463 the State General Fund, and any interest earned on amounts in the  
464 trust fund shall be deposited to the credit of the trust fund.



465 The administration of Ellisville State School may use any interest  
466 earned on the principal of the trust fund, upon appropriation by  
467 the Legislature, as needed for services or facilities by the  
468 clients of Ellisville State School. Ellisville State School shall  
469 make known to the Legislature, through the Legislative Budget  
470 Committee and the respective Appropriations Committees of the  
471 House and Senate, its proposed use of interest earned on the  
472 principal of the trust fund for any fiscal year in which it  
473 proposes to make expenditures thereof. The State Treasurer shall  
474 provide Ellisville State School with an annual report on the  
475 Ellisville State School Client's Trust Fund to indicate the total  
476 monies in the trust fund, interest earned during the year,  
477 expenses paid from the trust fund and such other related  
478 information.

479 Nothing in this section shall be construed as applying to or  
480 affecting mental health/intellectual disability services provided  
481 by hospitals as defined in Section 41-9-3(a), and/or their  
482 subsidiaries and divisions, which hospitals, subsidiaries and  
483 divisions are licensed and regulated by the Mississippi State  
484 Department of Health unless such hospitals, subsidiaries or  
485 divisions voluntarily request certification by the Mississippi  
486 State Department of Mental Health.

487 All new programs authorized under this section shall be  
488 subject to the availability of funds appropriated therefor by the  
489 Legislature;

490 (gg) Working with the advice and consent of the  
491 administration of Boswell Regional Center, to enter into  
492 negotiations with the Economic Development Authority of Simpson  
493 County for the purpose of negotiating the possible exchange, lease  
494 or sale of lands owned by Boswell Regional Center to the Economic  
495 Development Authority of Simpson County. It is the intent of the  
496 Mississippi Legislature that such negotiations shall ensure that  
497 the financial interest of the persons with an intellectual



498 disability served by Boswell Regional Center will be held  
499 paramount in the course of these negotiations. The Legislature  
500 also recognizes the importance of economic development to the  
501 citizens of the State of Mississippi and Simpson County, and  
502 encourages fairness to the Economic Development Authority of  
503 Simpson County. Any negotiations proposed which would result in  
504 the recommendation for exchange, lease or sale of lands owned by  
505 Boswell Regional Center must have the approval of the State Board  
506 of Mental Health. The State Board of Mental Health may and has  
507 the final authority as to whether or not these negotiations result  
508 in the exchange, lease or sale of the properties it currently  
509 holds in trust for persons with an intellectual disability served  
510 at Boswell Regional Center. In any such exchange, lease or sale  
511 of such lands owned by Boswell Regional Center, title to all  
512 minerals, oil and gas on such lands shall be reserved, together  
513 with the right of ingress and egress to remove same, whether such  
514 provisions be included in the terms of any such exchange, lease or  
515 sale or not.

516 If the State Board of Mental Health authorizes the sale of  
517 lands owned by Boswell Regional Center, as provided for under this  
518 paragraph (gg), the monies derived from the sale shall be placed  
519 into a special fund that is created in the State Treasury to be  
520 known as the "Boswell Regional Center Client's Trust Fund." The  
521 principal of the trust fund shall remain inviolate and shall never  
522 be expended. Any earnings on the principal may be expended solely  
523 for the benefits of clients served at Boswell Regional Center.  
524 The State Treasurer shall invest the monies of the trust fund in  
525 any of the investments authorized for the Mississippi Prepaid  
526 Affordable College Tuition Program under Section 37-155-9, and  
527 those investments shall be subject to the limitations prescribed  
528 by Section 37-155-9. Unexpended amounts remaining in the trust  
529 fund at the end of a fiscal year shall not lapse into the State  
530 General Fund, and any earnings on amounts in the trust fund shall





531 be deposited to the credit of the trust fund. The administration  
532 of Boswell Regional Center may use any earnings on the principal  
533 of the trust fund, upon appropriation by the Legislature, as  
534 needed for services or facilities by the clients of Boswell  
535 Regional Center. Boswell Regional Center shall make known to the  
536 Legislature, through the Legislative Budget Committee and the  
537 respective Appropriations Committees of the House and Senate, its  
538 proposed use of the earnings on the principal of the trust fund  
539 for any fiscal year in which it proposes to make expenditures  
540 thereof. The State Treasurer shall provide Boswell Regional  
541 Center with an annual report on the Boswell Regional Center  
542 Client's Trust Fund to indicate the total monies in the trust  
543 fund, interest and other income earned during the year, expenses  
544 paid from the trust fund and such other related information.

545 Nothing in this section shall be construed as applying to or  
546 affecting mental health/intellectual disability services provided  
547 by hospitals as defined in Section 41-9-3(a), and/or their  
548 subsidiaries and divisions, which hospitals, subsidiaries and  
549 divisions are licensed and regulated by the Mississippi State  
550 Department of Health unless such hospitals, subsidiaries or  
551 divisions voluntarily request certification by the Mississippi  
552 State Department of Mental Health.

553 All new programs authorized under this section shall be  
554 subject to the availability of funds appropriated therefor by the  
555 Legislature;

556 (hh) Notwithstanding any other section of the code, the  
557 Board of Mental Health shall be authorized to fingerprint and  
558 perform a criminal history record check on every employee or  
559 volunteer. Every employee and volunteer shall provide a valid  
560 current social security number and/or driver's license number  
561 which shall be furnished to conduct the criminal history record  
562 check. If no disqualifying record is identified at the state



563 level, fingerprints shall be forwarded to the Federal Bureau of  
564 Investigation for a national criminal history record check;

565 (ii) The Department of Mental Health shall have the  
566 authority for the development of a consumer friendly single point  
567 of intake and referral system within its service areas for persons  
568 with mental illness, an intellectual disability, developmental  
569 disabilities or alcohol or substance abuse who need assistance  
570 identifying or accessing appropriate services. The department  
571 will develop and implement a comprehensive evaluation procedure  
572 ensuring that, where appropriate, the affected person or their  
573 parent or legal guardian will be involved in the assessment and  
574 planning process. The department, as the point of intake and as  
575 service provider, shall have the authority to determine the  
576 appropriate institutional, hospital or community care setting for  
577 persons who have been diagnosed with mental illness, an  
578 intellectual disability, developmental disabilities and/or alcohol  
579 or substance abuse, and may provide for the least restrictive  
580 placement if the treating professional believes such a setting is  
581 appropriate, if the person affected or their parent or legal  
582 guardian wants such services, and if the department can do so with  
583 a reasonable modification of the program without creating a  
584 fundamental alteration of the program. The least restrictive  
585 setting could be an institution, hospital or community setting,  
586 based upon the needs of the affected person or their parent or  
587 legal guardian;

588 (jj) To have the sole power and discretion to enter  
589 into, sign, execute and deliver long-term or multiyear leases of  
590 real and personal property owned by the Department of Mental  
591 Health to and from other state and federal agencies and private  
592 entities deemed to be in the public's best interest. Any monies  
593 derived from such leases shall be deposited into the funds of the  
594 Department of Mental Health for its exclusive use. Leases to  
595 private entities shall be approved by the Department of Finance



596 and Administration and all leases shall be filed with the  
597 Secretary of State;

598           (kk) To certify and establish minimum standards and  
599 minimum required services for county facilities used for housing,  
600 feeding and providing medical treatment for any person who has  
601 been involuntarily ordered admitted to a treatment center by a  
602 court of competent jurisdiction. If the department finds  
603 deficiencies in any such county facility or its provider based on  
604 the minimum standards and minimum required services established  
605 for certification, the department shall give the county or its  
606 provider a six-month probationary period to bring its standards  
607 and services up to the established minimum standards and minimum  
608 required services. After the six-month probationary period, if  
609 the department determines that the county or its provider still  
610 does not meet the minimum standards and minimum required services,  
611 the department may remove the certification of the county or  
612 provider and require the county to contract with another county  
613 having a certified facility to hold those persons for that period  
614 of time pending transportation and admission to a state treatment  
615 facility. Any cost incurred by a county receiving an  
616 involuntarily committed person from a county with a decertified  
617 holding facility shall be reimbursed by the home county to the  
618 receiving county.

619           **SECTION 5.** Section 41-19-33, Mississippi Code of 1972, is  
620 amended as follows:

621           41-19-33. (1) Each region so designated or established  
622 under Section 41-19-31 shall establish a regional commission to be  
623 composed of members appointed by the boards of supervisors of the  
624 various counties in the region. It shall be the duty of such  
625 regional commission to administer mental health/intellectual  
626 disability programs certified and required by the State Board of  
627 Mental Health and as specified in Section 41-4-1(2). In addition,  
628 once designated and established as provided hereinabove, a



629 regional commission shall have the following authority and shall  
630 pursue and promote the following general purposes:

631 (a) To establish, own, lease, acquire, construct,  
632 build, operate and maintain mental illness, mental health,  
633 intellectual disability, alcoholism and general rehabilitative  
634 facilities and services designed to serve the needs of the people  
635 of the region so designated; provided that the services supplied  
636 by the regional commissions shall include those services  
637 determined by the Department of Mental Health to be necessary and  
638 may include, in addition to the above, services for persons with  
639 developmental and learning disabilities; for persons suffering  
640 from narcotic addiction and problems of drug abuse and drug  
641 dependence; and for the aging as designated and certified by the  
642 Department of Mental Health. Such regional mental health and  
643 intellectual disability commissions and other community service  
644 providers shall, on or before July 1 of each year, submit an  
645 annual operational plan to the Department of Mental Health for  
646 approval or disapproval based on the minimum standards and minimum  
647 required services established by the department for certification  
648 and itemize the services as specified in Section 41-4-1(2). As  
649 part of the annual operation plan required by Section 41-4-7(h)  
650 submitted by any regional community mental health center or by any  
651 other reasonable certification deemed acceptable by the  
652 department, the community mental health center shall state those  
653 services specified in Section 41-4-1(2) that it will provide and  
654 also those services that it will not provide. If the department  
655 finds deficiencies in the plan of any regional commission or  
656 community service provider based on the minimum standards and  
657 minimum required services established for certification, the  
658 department shall give the regional commission or community service  
659 provider a six-month probationary period to bring its standards  
660 and services up to the established minimum standards and minimum  
661 required services. After the six-month probationary period, if



662 the department determines that the regional commission or  
663 community service provider still does not meet the minimum  
664 standards and minimum required services established for  
665 certification, the department may remove the certification of the  
666 commission or provider and from and after July 1, 2011, the  
667 commission or provider shall be ineligible for state funds from  
668 Medicaid reimbursement or other funding sources for those  
669 services. After the six-month probationary period, the Department  
670 of Mental Health may identify an appropriate community service  
671 provider to provide any core services in that county that are not  
672 provided by a community mental health center. However, the  
673 department shall not offer reimbursement or other accommodations  
674 to a community service provider of core services that were not  
675 offered to the decertified community mental health center for the  
676 same or similar services.

677 (b) To provide facilities and services for the  
678 prevention of mental illness, mental disorders, developmental and  
679 learning disabilities, alcoholism, narcotic addiction, drug abuse,  
680 drug dependence and other related handicaps or problems (including  
681 the problems of the aging) among the people of the region so  
682 designated, and for the rehabilitation of persons suffering from  
683 such illnesses, disorders, handicaps or problems as designated and  
684 certified by the Department of Mental Health.

685 (c) To promote increased understanding of the problems  
686 of mental illness, intellectual disabilities, alcoholism,  
687 developmental and learning disabilities, narcotic addiction, drug  
688 abuse and drug dependence and other related problems (including  
689 the problems of the aging) by the people of the region, and also  
690 to promote increased understanding of the purposes and methods of  
691 the rehabilitation of persons suffering from such illnesses,  
692 disorders, handicaps or problems as designated and certified by  
693 the Department of Mental Health.



694 (d) To enter into contracts and to make such other  
695 arrangements as may be necessary, from time to time, with the  
696 United States government, the government of the State of  
697 Mississippi and such other agencies or governmental bodies as may  
698 be approved by and acceptable to the regional commission for the  
699 purpose of establishing, funding, constructing, operating and  
700 maintaining facilities and services for the care, treatment and  
701 rehabilitation of persons suffering from mental illness, an  
702 intellectual disability, alcoholism, developmental and learning  
703 disabilities, narcotic addiction, drug abuse, drug dependence and  
704 other illnesses, disorders, handicaps and problems (including the  
705 problems of the aging) as designated and certified by the  
706 Department of Mental Health.

707 (e) To enter into contracts and make such other  
708 arrangements as may be necessary with any and all private  
709 businesses, corporations, partnerships, proprietorships or other  
710 private agencies, whether organized for profit or otherwise, as  
711 may be approved by and acceptable to the regional commission for  
712 the purpose of establishing, funding, constructing, operating and  
713 maintaining facilities and services for the care, treatment and  
714 rehabilitation of persons suffering from mental illness, an  
715 intellectual disability, alcoholism, developmental and learning  
716 disabilities, narcotic addiction, drug abuse, drug dependence and  
717 other illnesses, disorders, handicaps and problems (including the  
718 problems of the aging) relating to minimum services established by  
719 the Department of Mental Health.

720 (f) To promote the general mental health of the people  
721 of the region.

722 (g) To pay the administrative costs of the operation of  
723 the regional commissions, including per diem for the members of  
724 the commission and its employees, attorney's fees, if and when  
725 such are required in the opinion of the commission, and such other  
726 expenses of the commission as may be necessary. The Department of



727 Mental Health standards and audit rules shall determine what  
728 administrative cost figures shall consist of for the purposes of  
729 this paragraph. Each regional commission shall submit a cost  
730 report annually to the Department of Mental Health in accordance  
731 with guidelines promulgated by the department.

732 (h) To employ and compensate any personnel that may be  
733 necessary to effectively carry out the programs and services  
734 established under the provisions of the aforesaid act, provided  
735 such person meets the standards established by the Department of  
736 Mental Health.

737 (i) To acquire whatever hazard, casualty or workers'  
738 compensation insurance that may be necessary for any property,  
739 real or personal, owned, leased or rented by the commissions, or  
740 any employees or personnel hired by the commissions.

741 (j) To acquire professional liability insurance on all  
742 employees as may be deemed necessary and proper by the commission,  
743 and to pay, out of the funds of the commission, all premiums due  
744 and payable on account thereof.

745 (k) To provide and finance within their own facilities,  
746 or through agreements or contracts with other local, state or  
747 federal agencies or institutions, nonprofit corporations, or  
748 political subdivisions or representatives thereof, programs and  
749 services for persons with mental illness, including treatment for  
750 alcoholics, and promulgating and administering of programs to  
751 combat drug abuse and programs for services for persons with an  
752 intellectual disability.

753 (l) To borrow money from private lending institutions  
754 in order to promote any of the foregoing purposes. A commission  
755 may pledge collateral, including real estate, to secure the  
756 repayment of money borrowed under the authority of this paragraph.  
757 Any such borrowing undertaken by a commission shall be on terms  
758 and conditions that are prudent in the sound judgment of the  
759 members of the commission, and the interest on any such loan shall



760 not exceed the amount specified in Section 75-17-105. Any money  
761 borrowed, debts incurred or other obligations undertaken by a  
762 commission, regardless of whether borrowed, incurred or undertaken  
763 before or after the effective date of this act, shall be valid,  
764 binding and enforceable if it or they are borrowed, incurred or  
765 undertaken for any purpose specified in this section and otherwise  
766 conform to the requirements of this paragraph.

767 (m) To acquire, own and dispose of real and personal  
768 property. Any real and personal property paid for with state  
769 and/or county appropriated funds must have the written approval of  
770 the Department of Mental Health and/or the county board of  
771 supervisors, depending on the original source of funding, before  
772 being disposed of under this paragraph.

773 (n) To enter into managed care contracts and make such  
774 other arrangements as may be deemed necessary or appropriate by  
775 the regional commission in order to participate in any managed  
776 care program. Any such contract or arrangement affecting more  
777 than one (1) region must have prior written approval of the  
778 Department of Mental Health before being initiated and annually  
779 thereafter.

780 (o) To provide facilities and services on a discounted  
781 or capitated basis. Any such action when affecting more than one  
782 (1) region must have prior written approval of the Department of  
783 Mental Health before being initiated and annually thereafter.

784 (p) To enter into contracts, agreements or other  
785 arrangements with any person, payor, provider or other entity,  
786 under which the regional commission assumes financial risk for the  
787 provision or delivery of any services, when deemed to be necessary  
788 or appropriate by the regional commission. Any action under this  
789 paragraph affecting more than one (1) region must have prior  
790 written approval of the Department of Mental Health before being  
791 initiated and annually thereafter.





792 (q) To provide direct or indirect funding, grants,  
793 financial support and assistance for any health maintenance  
794 organization, preferred provider organization or other managed  
795 care entity or contractor, where such organization, entity or  
796 contractor is operated on a nonprofit basis. Any action under  
797 this paragraph affecting more than one (1) region must have prior  
798 written approval of the Department of Mental Health before being  
799 initiated and annually thereafter.

800 (r) To form, establish, operate, and/or be a member of  
801 or participant in, either individually or with one or more other  
802 regional commissions, any managed care entity as defined in  
803 Section 83-41-403(c). Any action under this paragraph affecting  
804 more than one (1) region must have prior written approval of the  
805 Department of Mental Health before being initiated and annually  
806 thereafter.

807 (s) To meet at least annually with the board of  
808 supervisors of each county in its region for the purpose of  
809 presenting its total annual budget and total mental  
810 health/intellectual disability services system. The commission  
811 shall submit an annual report on the adult mental health services,  
812 children mental health services and intellectual disability  
813 services required by the State Board of Mental Health.

814 (t) To provide alternative living arrangements for  
815 persons with serious mental illness, including, but not limited  
816 to, group homes for persons with chronic mental illness.

817 (u) To make purchases and enter into contracts for  
818 purchasing in compliance with the public purchasing law, Sections  
819 31-7-12 and 31-7-13, with compliance with the public purchasing  
820 law subject to audit by the State Department of Audit.

821 (v) To insure that all available funds are used for the  
822 benefit of persons with mental illness, persons with an  
823 intellectual disability, substance abusers and persons with  
824 developmental disabilities with maximum efficiency and minimum



825 administrative cost. At any time a regional commission, and/or  
826 other related organization whatever it may be, accumulates surplus  
827 funds in excess of one-half (1/2) of its annual operating budget,  
828 the entity must submit a plan to the Department of Mental Health  
829 stating the capital improvements or other projects that require  
830 such surplus accumulation. If the required plan is not submitted  
831 within forty-five (45) days of the end of the applicable fiscal  
832 year, the Department of Mental Health shall withhold all state  
833 appropriated funds from such regional commission until such time  
834 as the capital improvement plan is submitted. If the submitted  
835 capital improvement plan is not accepted by the department, the  
836 surplus funds shall be expended by the regional commission in the  
837 local mental health region on group homes for persons with mental  
838 illness, persons with an intellectual disability, substance  
839 abusers, children or other mental health/intellectual disability  
840 services approved by the Department of Mental Health.

841 (w) Notwithstanding any other provision of law, to  
842 fingerprint and perform a criminal history record check on every  
843 employee or volunteer. Every employee or volunteer shall provide  
844 a valid current social security number and/or driver's license  
845 number that will be furnished to conduct the criminal history  
846 record check. If no disqualifying record is identified at the  
847 state level, fingerprints shall be forwarded to the Federal Bureau  
848 of Investigation for a national criminal history record check.

849 (x) In general to take any action which will promote,  
850 either directly or indirectly, any and all of the foregoing  
851 purposes.

852 (2) The types of services established by the State  
853 Department of Mental Health that must be provided by the regional  
854 mental health/intellectual disability centers for certification by  
855 the department, and the minimum levels and standards for those  
856 services established by the department, shall be provided by the  
857 regional mental health/intellectual disability centers to children



858 when such services are appropriate for children, in the  
859 determination of the department.

860 **SECTION 6.** Section 41-21-87, Mississippi Code of 1972, is  
861 amended as follows:

862 41-21-87. (1) The director of either the treatment facility  
863 where the patient is committed or the treatment facility where the  
864 patient resides while awaiting admission to any other treatment  
865 facility may discharge any civilly committed patient upon filing  
866 his certificate of discharge with the clerk of the committing  
867 court, certifying that the patient, in his judgment, no longer  
868 poses a substantial threat of physical harm to himself or others.

869 (2) A director of a treatment facility specified in  
870 subsection (1) above may return any patient to the custody of the  
871 committing court upon providing seven (7) days' notice and upon  
872 filing his certificate of same as follows:

873 (a) When, in the judgment of the director, the patient  
874 may be treated in a less restrictive environment; however,  
875 treatment in such less restrictive environment shall be  
876 implemented within seven (7) days after notification of the court;  
877 or

878 (b) When, in the judgment of the director, adequate  
879 facilities or treatment are not available at the treatment  
880 facility.

881 (3) Except as provided in Section 41-21-88, no committing  
882 court shall enjoin or restrain any director of a treatment  
883 facility specified in subsection (1) above from discharging a  
884 patient under this section whose treating professionals have  
885 determined that the patient meets one (1) of the criteria for  
886 discharge as outlined in subsection (1) or (2) of this section.  
887 The director of the treatment facility where the patient is  
888 committed may transfer any civilly committed patient from one (1)  
889 facility operated directly by the Department of Mental Health to  
890 another as necessary for the welfare of that or other patients.



891 Upon receiving the director's certificate of transfer, the court  
892 shall enter an order accordingly.

893 (4) Within twenty-four (24) hours prior to the release or  
894 discharge of any civilly committed patient, other than a temporary  
895 pass due to sickness or death in the patient's family, the  
896 director shall give or cause to be given notice of such release or  
897 discharge to one (1) member of the patient's immediate family,  
898 provided the member of the patient's immediate family has signed  
899 the consent to release form provided under subsection (5) and has  
900 furnished in writing a current address and telephone number, if  
901 applicable, to the director for such purpose. The notice of  
902 release shall also be provided to any victim of such person and/or  
903 to any person to whom a restraining order has been entered to  
904 protect from such person. The notice to the family member shall  
905 include the psychiatric diagnosis of any chronic mental disorder  
906 incurred by the civilly committed patient and any medications  
907 provided or prescribed to the patient for such conditions.

908 (5) All providers of service in a treatment facility,  
909 whether in a community mental health/intellectual disability  
910 center, region or state psychiatric hospital, are authorized and  
911 directed to request a consent to release information from all  
912 patients which will allow that entity to involve the family in the  
913 patient's treatment. Such release form shall be developed by the  
914 Department of Mental Health and provided to all treatment  
915 facilities, community mental health/intellectual disability  
916 centers and state facilities. All such facilities shall request  
917 such a release of information upon the date of admission of the  
918 patient to the facility or at least by the time the patient is  
919 discharged.

920 (6) Each month the Department of Mental Health-operated  
921 facilities shall provide the directors of community mental health  
922 centers the names of all individuals who were discharged to their  
923 catchment area with referral for community-based services. The



924 department shall require community mental health care providers to  
925 report monthly the date that service(s) were initiated and type of  
926 service(s) initiated.

927         **SECTION 7.** This act shall take effect and be in force from  
928 and after July 1, 2011.

