

By: Representatives Frierson, Mims, Currie,
Banks, Barker, Clarke, Dickson, Howell,
Mettetal, Read, Warren, Watson

To: Appropriations

HOUSE BILL NO. 1667
(As Sent to Governor)

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 2014.

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, 2013, and ending June 30, 2014.....
10\$ 35,339,194.00.

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, 2013, and ending June 30, 2014.....
18\$ 352,302,553.00.



19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Sections 1 and 2, Two Hundred Seventy-seven Thousand Three Hundred
21 Sixty-nine Dollars (\$277,369.00) shall be derived from the State
22 General Fund and Seven Million One Hundred Fifty-eight Thousand
23 Three Hundred Thirty-seven Dollars (\$7,158,337.00) 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 and/or
31 Child Therapeutic Services.....\$ 221,954.00
32 Health Department Programs.....\$2,219,542.00
33 Mississippi Qualified Health
34 Center Grant Program.....\$3,751,267.00

35 **SECTION 4.** Of the funds appropriated in Section 2, Forty
36 Million Dollars (\$40,000,000.00) are allocated to the Trauma Care
37 System. The State Department of Health may transfer a portion of
38 Trauma Care System funds to the Division of Medicaid for the
39 development and implementation of an enhanced reimbursement fee
40 program related to trauma care and services, used to match federal
41 funds, under a cooperative agreement between the State Department
42 of Health and the Division of Medicaid.

43 It is the intention of the Legislature that none of the funds



44 authorized herein for the Trauma Care System shall be expended to
45 the benefit of any hospital located outside the boundaries of the
46 State of Mississippi, unless otherwise excepted in this paragraph.
47 Funds shall be expended by the Mississippi Department of Health
48 for distribution to the Regional Medical Center or Le Bonheur
49 Children's Hospital at Memphis, located in Memphis, Tennessee, or
50 the University of South Alabama Medical Center located in Mobile,
51 Alabama, or the Joseph M. Still Burn Centers, Inc., located in
52 Augusta, Georgia, or the Joseph M. Still Burn Center at Crossgates
53 River Oaks Hospital, located in Brandon, Mississippi, or any
54 affiliates or any other Level 1 Trauma Center, or Tertiary
55 Pediatric Trauma Center that participates in the Mississippi
56 Trauma Care System, as determined by the Mississippi Department of
57 Health.

58 **SECTION 5.** Of the funds appropriated in Section 2, Twenty
59 Million Dollars (\$20,000,000.00) shall be derived from the Tobacco
60 Control Program Fund, created in Section 41-113-11, Mississippi
61 Code of 1972, and shall be allocated as follows:

62	University of Mississippi Medical Center Cancer	
63	Institute.....	\$ 5,000,000.00
64	Department of Education - Mary Kirkpatrick	
65	Haskell - Mary Sprayberry Public	
66	School Nurse Program.....	\$ 3,600,000.00
67	Attorney General's Office - Alcohol and	
68	Tobacco Enforcement Unit.....	\$ 800,000.00



69 University of Mississippi Medical Center -
70 A Comprehensive Tobacco
71 Center.....\$ 700,000.00
72 Mississippi Health Care Alliance - ST Elevated
73 Myocardial Infarction Program (STEMI).....\$ 200,000.00
74 Department of Education - SKOOL
75 ADS Program.....\$ 300,000.00
76 Health Department Programs.....\$ 9,400,000.00

77 Of the funds appropriated in this section, the State
78 Department of Health is authorized to expend funds to create and
79 administer the Office of Tobacco Control within the department as
80 outlined and created in Section 41-113-3, Mississippi Code of
81 1972.

82 **SECTION 6.** Of the funds appropriated under the provisions of
83 this act, the following positions are authorized:

84 AUTHORIZED POSITIONS:

85	Permanent:	Full Time.....	1,597
86		Part Time.....	13
87	Time-Limited:	Full Time.....	922
88		Part Time.....	9

89 With the funds herein appropriated, it is the intention of
90 the Legislature that it shall be the agency's responsibility to
91 make certain that funds required to be appropriated for "Personal
92 Services" for Fiscal Year 2015 do not exceed Fiscal Year 2014
93 funds appropriated for that purpose, unless programs or positions



94 are added to the agency's Fiscal Year 2014 budget by the
95 Mississippi Legislature. Based on data provided by the
96 Legislative Budget Office, the State Personnel Board shall
97 determine and publish the projected annual cost to fully fund all
98 appropriated positions in compliance with the provisions of this
99 act. It shall be the responsibility of the agency head to ensure
100 that no single personnel action increases this projected annual
101 cost and/or the Fiscal Year 2014 appropriations for "Personal
102 Services" when annualized, with the exception of escalated funds.
103 If, at the time the agency takes any action to change "Personal
104 Services," the State Personnel Board determines that the agency
105 has taken an action which would cause the agency to exceed this
106 projected annual cost or the Fiscal Year 2014 "Personal Services"
107 appropriated level, when annualized, then only those actions which
108 reduce the projected annual cost and/or the appropriation
109 requirement will be processed by the State Personnel Board until
110 such time as the requirements of this provision are met.

111 Unless otherwise authorized in this act, no state agency
112 shall take any action to promote or otherwise award salary
113 increases through reallocation, reclassification, realignment,
114 educational benchmark, career ladder, equity salary adjustment, or
115 any other means to increase salaries of employees or positions
116 unless specifically exempted by the following conditions: the
117 award of teacher salary increments; the advancement of a
118 trainee/cadet to the next level of a bona fide career ladder; the



119 award of an educational benchmark for the attainment of a
120 Certified Public Accountant License or higher level professional
121 certification; the immediate replacement of a departing employee
122 with an employee from within state service at a salary level of
123 the departing employee or the FY2014 promotional formula,
124 whichever is less; the emergency appointment of nurses,
125 pharmacists or other health care and child protection
126 professionals at a salary to be determined by the State Personnel
127 Board or any other requested action of the agency that has been
128 specifically authorized by the Legislature.

129 Any transfers or escalations shall be made in accordance with
130 the terms, conditions and procedures established by law or
131 allowable under the terms set forth within this act. The State
132 Personnel Board shall not escalate positions without written
133 approval from the Department of Finance and Administration. The
134 Department of Finance and Administration shall not provide written
135 approval to escalate any funds for salaries and/or positions
136 without proof of availability of new or additional funds above the
137 appropriated level.

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

142 **SECTION 7.** 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 2013. It is further the intention of the Legislature that the
148 agency's budget request for Fiscal Year 2015 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 2014 budget request process.

152 **SECTION 8.** 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:

	FY2014
<u>Performance Measures</u>	<u>Target</u>
161 Health Services	
162 Women who Received Prenatal Care	
163 in First Trimester (%)	82.50
164 Live Births Delivered Prior to 37 Weeks of	
165 Gestation (%)	16
166 Newborns with Positive/Inconclusive	
167 Genetic Screens who Received	
168 Follow-up (%)	100.00



169	MS Population Receiving Fluoridated	
170	Water (%)	60.00
171	Health Protection	
172	Food Facilities Inspected at the Frequency	
173	Required by FDA Food Code Risk	
174	Assessment Category (%)	96.00
175	Public Water Systems Surveyed/Inspected (%)	100.00
176	ICF/MR Surveys Conducted in Accordance	
177	with Medicaid/CMS Requirements (%)	100.00
178	Certified Nursing Home Surveys conducted	
179	within 15.99 Month of Last Survey (%)	100.00
180	Transfer Time of Level IV Trauma	
181	Centers to Appropriate Facilities	
182	for Treatment (Minutes)	130.00
183	Communicable Disease	
184	Primary & Secondary Syphilis Cases	191
185	Case Rate (per 100,000)	6.40
186	Number of Tuberculosis Cases	84
187	Case Rate (per 100,000)	2.80
188	Children Fully Immunized by 2 Years	
189	of Age (%)	81.00
190	Tobacco Control	
191	Current Smokers among Public Middle	
192	School Students (Prevalence)	5.70
193	Current Smokers among Public High	



194	School Students (Prevalence)	19.00
195	Current Smokers among Adults 18 Years	
196	& Older (Prevalence)	25.50
197	Pub Health Emerg Prep/response	
198	Score on CDC's Technical Review of MS	
199	Strategic National Stockpile Plan	
200	(Out of Possible 100)	99
201	Admin & Support Services	
202	Average Processing Time for Vital Records	
203	Requests (Days)	1.50
204	Indigent and Uninsured Patients Served	
205	through MS Qualified Health Center Grant	
206	Program (Number of)	70,000
207	Syphilis Serology Tests Performed within	
208	5 Working Days of Sample Receipt (%)	90.00
209	Bacteriological Tests on Drinking Water	
210	Performed within 30 Hours of Sample	
211	Receipt (%)	90.00

212 A reporting of the degree to which the performance targets
213 set above have been or are being achieved shall be provided in the
214 agency's budget request submitted to the Joint Legislative Budget
215 Committee for Fiscal Year 2015.

216 **SECTION 9.** It is the intent of the Legislature that the
217 Mississippi Department of Health shall have authority to escalate
218 the various budgets in both funds and positions, with the approval



219 of the State Fiscal Officer, from any special funds collected or
220 available, in the current fiscal year or any prior fiscal year,
221 not to exceed Five Million Dollars (\$5,000,000.00), to the agency
222 for expenditure. Upon such approval, the Mississippi Department
223 of Health may expend such funds in the manner authorized by law.

224 The Executive Director of the Mississippi Department of
225 Health shall submit to the Department of Finance and
226 Administration a certified statement providing a detailed
227 explanation for any escalation, including a justification for the
228 establishment of any new positions or reclassification of existing
229 positions and the existence of any required matching funds for
230 those positions, and an assessment of the impact on the agency's
231 General Fund Budget for the three (3) fiscal years following the
232 fiscal year in which the escalation is requested.

233 **SECTION 10.** It is the intention of the Legislature that with
234 the funds provided herein, the State Department of Health may
235 provide and administer without charge, Hepatitis B vaccinations to
236 Emergency Medical Services (EMS) personnel who are in need of such
237 vaccinations through job related exposure.

238 **SECTION 11.** In addition to all other sums heretofore
239 appropriated, the following sum, or so much thereof as may be
240 necessary, is hereby appropriated out of any money in the State
241 Treasury to the credit of the Local Governments and Rural Water
242 Systems Emergency Loan Fund, and the Local Governments and Rural
243 Water System Improvements Revolving Loan Fund as authorized in



244 Chapter 521, Laws of 1995, to the State Department of Health for
245 the purpose of defraying the expenses of the Local Governments and
246 Rural Water Systems Improvements Board, for the fiscal year
247 beginning July 1, 2013, and ending June 30, 2014.....
248\$ 48,000,000.00.

249 **SECTION 12.** Of the funds appropriated in Section 2, One
250 Million Dollars (\$1,000,000.00) shall come from the Department of
251 Human Services, Child Care Development Fund or other appropriate
252 special funds for the purpose of child care licensure. These
253 funds are to be transferred to the State Department of Health no
254 later than July 31, 2013. The State Department of Health shall
255 make a complete accounting of the uses of these funds to the
256 Department of Human Services.

257 **SECTION 13.** It is the intention of the Legislature that the
258 State Department of Health shall expend not more than Fifty
259 Thousand Dollars (\$50,000.00) of the funds appropriated herein for
260 providing the oil known as "Lorenzo's Oil" for the treatment of
261 the genetic disorder adrenoleukodystrophy (ALD), to children and
262 Mississippi residents over the age of twenty-one (21) who have the
263 genetic disorder adrenoleukodystrophy and for whom Medicaid does
264 not reimburse the cost of providing the oil. The department may
265 also provide needed pathology and biannual MRI exams.

266 **SECTION 14.** Of the funds appropriated in Section 1, Seven
267 Hundred Thousand Dollars (\$700,000.00) are provided for the



268 purpose of purchasing AIDS drugs and other necessary AIDS related
269 medical services.

270 **SECTION 15.** Of the funds appropriated herein, Twenty-five
271 Thousand Dollars (\$25,000.00) shall be provided to the Southern
272 AIDS Commission, Inc., for the purpose of providing technical
273 assistance, and providing for the expansion of education on causes
274 and prevention of HIV/AIDS, and providing delivery services to
275 persons infected with HIV. The Southern AIDS Commission, Inc.,
276 shall report by February 1, 2014, to the Board of Health and the
277 Chairmen of the House and Senate Public Health Committees the
278 status of the project and all services provided.

279 **SECTION 16.** Of the funds appropriated herein, Twenty-five
280 Thousand Dollars (\$25,000.00) shall be provided to the North
281 Mississippi Health Care Foundation Restricted Fund, for the
282 purpose of providing technical assistance, providing for the
283 expansion of education on causes and prevention of HIV/AIDS, and
284 providing delivery services to persons infected with HIV. The
285 North Mississippi Health Care Foundation shall report by February
286 1, 2014, to the Board of Health and the Chairmen of the House and
287 Senate Public Health Committees the status of the project and all
288 services provided.

289 **SECTION 17.** Of the funds appropriated herein, the amounts of
290 One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars
291 (\$110,977.00) shall be allocated to the T.K. Martin Center at
292 Mississippi State University and One Hundred Ten Thousand Nine



293 Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to
294 the Regional Rehabilitation Center in Tupelo for the Early
295 Intervention Program and/or Child Therapeutic Services.

296 **SECTION 18.** Of the funds appropriated herein, Two Hundred
297 Thousand Dollars (\$200,000.00) is provided for the Breast and
298 Cervical Cancer Program.

299 **SECTION 19.** In addition to all other funds heretofore
300 appropriated, the following sum, or so much thereof as may be
301 necessary, is hereby appropriated out of any money in the State
302 Treasury to the credit of the Mississippi Burn Care Fund which is
303 comprised of special source funds collected by or otherwise
304 available to the department, for the purpose of funding
305 reimbursement for uncompensated medical care to Mississippi burn
306 victims through the trauma care system at in-state burn facilities
307 including the Joseph M. Still Burn Center at Crossgates River Oaks
308 Hospital in Brandon, Mississippi, or for uncompensated aero
309 medical transportation to out-of-state qualified United States
310 Burn Care facilities, and such other provisions necessary to
311 provide burn care for Mississippi residents, including
312 reimbursement for travel, lodgings, meals and other reasonable
313 travel-related expenses incurred by burn victims, family members
314 and/or caregivers, for the fiscal year beginning July 1, 2013, and
315 ending June 30, 2014.....\$3,000,000.00.

316 **SECTION 20.** Of the funds appropriated in Section 19, the
317 Mississippi Department of Health may provide upon mutual agreement



318 Twenty-five Thousand Dollars (\$25,000.00) for the Mississippi
319 Firefighters Memorial Burn Association. These funds are to be
320 used for monetary support of Mississippi burn victims for travel
321 and other expenses to the Joseph M. Still Burn Center in Georgia,
322 or the Joseph M. Still Burn Center at Crossgates River Oaks
323 Hospital in Brandon, Mississippi.

324 **SECTION 21.** It is the intention of the Legislature that
325 whenever two (2) or more bids are received by this agency for the
326 purchase of commodities or equipment, and whenever all things
327 stated in such received bids are equal with respect to price,
328 quality and service, the Mississippi Industries for the Blind
329 shall be given preference. A similar preference shall be given to
330 the Mississippi Industries for the Blind whenever purchases are
331 made without competitive bids.

332 **SECTION 22.** It is the intention of the Legislature that the
333 Mississippi Department of Health shall implement same day service
334 to receive birth and death certificates.

335 **SECTION 23.** It is the intention of the Legislature that the
336 Mississippi State Department of Health shall provide the Joint
337 Legislative Budget Committee a report of all grants received by
338 September 15, 2013. This notification will consist of the name of
339 the grant and agency or nonprofit making the award, the award
340 amount, and a short list of goals to be achieved.



341 **SECTION 24.** It is the intention of the Legislature that the
342 Mississippi State Department of Health shall be the fiscal agent
343 in all allowable grants awarded.

344 **SECTION 25.** Of the funds deposited into the Tobacco Control
345 Fund, created in Section 41-113-11, Mississippi Code of 1972, the
346 Mississippi State Department of Health shall have the authority to
347 escalate and expend at the State Health Officer's discretion any
348 funds that carry forward. These escalations shall be treated
349 separately and differently from any and all other escalations
350 authorized herein.

351 **SECTION 26.** There shall be created a fund in the State
352 Treasury for any funds collected by the department for the support
353 of the Alexander Milne Home for Women. Any funds deposited into
354 the fund for the Alexander Milne Home for Women shall not be used
355 for any other purpose other than the support of the Milne Home.
356 The department may bill the Milne Home for said support.

357 **SECTION 27.** Of the funds deposited into the Health Care
358 Expendable Fund, created in Section 43-13-407, Mississippi Code of
359 1972, for the support and maintenance of the State Department of
360 Health, the State Department of Health shall have the authority to
361 escalate and expend at the State Health Officer's discretion any
362 funds that carry forward. These escalations shall be treated
363 separately and differently from any and all other escalations
364 authorized herein.



365 **SECTION 28.** Of the funds appropriated in Section 2, Seven
366 Hundred Thousand Dollars (\$700,000.00) shall come from the
367 Department of Education for the purpose of maintenance of effort
368 for the Early Intervention Program. These funds are to be
369 transferred to the State Department of Health no later than
370 December 31, 2013. The State Department of Health shall make a
371 complete accounting of the uses of these funds to the Department
372 of Education.

373 **SECTION 29.** In addition to all other funds herein
374 appropriated, the following sum, or so much thereof as may be
375 necessary, is hereby appropriated out of any money in the State
376 General Fund not otherwise appropriated, for the purpose of
377 defraying the expenses of the Mississippi Health Information
378 Network for the fiscal year beginning July 1, 2013, and ending
379 June 30, 2014.....\$ 700,000.00.

380 In addition to all other funds herein appropriated, the
381 following sum, or so much thereof as may be necessary, is hereby
382 appropriated out of any money in any special fund in the State
383 Treasury to the credit of the Mississippi Health Information
384 Network, for the purpose of defraying the expenses for the fiscal
385 year beginning July 1, 2013, and ending June 30, 2014.....
386\$ 5,676,879.00.

387 Of the funds appropriated under the provisions of this
388 Section, the following positions are authorized:

389 AUTHORIZED POSITIONS:



390	Permanent:	Full Time.....	0
391		Part Time.....	0
392	Time-Limited:	Full Time.....	3
393		Part Time.....	0

394 The Mississippi Health Information Network is hereby
395 authorized to escalate federal funds and other special funds in
396 accordance with the rules and regulations of the Department of
397 Finance and Administration, in order to provide services
398 prescribed by Section 41-119-1 through 41-119-21, Mississippi Code
399 of 1972.

400 **SECTION 30.** The Mississippi Department of Health is
401 authorized to obtain a line of credit through the State Treasurer
402 from the Working Cash-Stabilization Fund or any other special
403 source funds maintained in the State Treasury in an amount not
404 exceeding Five Million Dollars (\$5,000,000.00) to fund shortfalls
405 which, from time to time, may occur due to insufficient working
406 cash spent in anticipation of receiving federal reimbursement.
407 The length of indebtedness under this provision shall not carry
408 past the end of the quarter following the loan origination. Loan
409 proceeds shall be received by the State Treasurer and shall be
410 placed in a Mississippi Department of Health designated special
411 fund account. The division may pledge as security for such
412 interim financing future funds that will be received by the
413 division. Any such loans shall be repaid from the first available



414 funds received by the department in the manner of and subject to
415 the same terms provided in this section.

416 **SECTION 31.** Of the funds appropriated under this act,
417 Forty-eight Thousand Seven Hundred Seven Dollars and Fifty-five
418 Cents (\$48,707.55) may be used to defray costs for prior fiscal
419 year 2010 and fiscal year 2011, as related to the purchase and
420 installation of a generator at Hudspeth Regional Center.

421 **SECTION 32.** It is the intention of the Legislature that the
422 State Department of Health shall have the authority to receive,
423 escalate and spend any funds that may be received from the
424 Division of Medicaid, to provide for the Perinatal High Risk
425 Management/Infant Services System (PHRM/ISS) program.

426 **SECTION 33.** It is the intention of the Legislature that the
427 funds herein appropriated shall be expended in compliance with
428 Section 27-104-25, Mississippi Code of 1972, that no state agency
429 shall incur obligations or indebtedness in excess of their
430 appropriation and that the responsible officers, either personally
431 or upon their official bonds, shall be held responsible for
432 actions contrary to this provision.

433 **SECTION 34.** The money herein appropriated shall be paid by
434 the State Treasurer out of any money in the State Treasury to the
435 credit of the proper fund or funds as set forth in this act, upon
436 warrants issued by the State Fiscal Officer; and the State Fiscal
437 Officer shall issue his warrants upon requisitions signed by the
438 proper person, officer or officers, in the manner provided by law.



439 **SECTION 35.** This act shall take effect and be in force from
440 and after July 1, 2013.

