

By: Senator(s) Burton

To: Public Health and
Welfare

SENATE BILL NO. 2829
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-19-33, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE SERVICES THAT ARE AUTHORIZED TO BE PROVIDED BY
3 REGIONAL MENTAL ILLNESS AND INTELLECTUAL DISABILITY COMMISSIONS TO
4 INCLUDE THE CREATION AND OPERATION OF PRIMARY CARE HEALTH CLINICS;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-19-33, Mississippi Code of 1972, is
8 amended as follows:

9 41-19-33. (1) Each region so designated or established
10 under Section 41-19-31 shall establish a regional commission to be
11 composed of members appointed by the boards of supervisors of the
12 various counties in the region. It shall be the duty of such
13 regional commission to administer mental health/intellectual
14 disability programs certified and required by the State Board of
15 Mental Health and as specified in Section 41-4-1(2). In addition,
16 once designated and established as provided hereinabove, a
17 regional commission shall have the following authority and shall
18 pursue and promote the following general purposes:



19 (a) To establish, own, lease, acquire, construct,
20 build, operate and maintain mental illness, mental health,
21 intellectual disability, alcoholism and general rehabilitative
22 facilities and services designed to serve the needs of the people
23 of the region so designated; provided that the services supplied
24 by the regional commissions shall include those services
25 determined by the Department of Mental Health to be necessary and
26 may include, in addition to the above, services for persons with
27 developmental and learning disabilities; for persons suffering
28 from narcotic addiction and problems of drug abuse and drug
29 dependence; and for the aging as designated and certified by the
30 Department of Mental Health. Such regional mental health and
31 intellectual disability commissions and other community service
32 providers shall, on or before July 1 of each year, submit an
33 annual operational plan to the Department of Mental Health for
34 approval or disapproval based on the minimum standards and minimum
35 required services established by the department for certification
36 and itemize the services as specified in Section 41-4-1(2). As
37 part of the annual operation plan required by Section 41-4-7(h)
38 submitted by any regional community mental health center or by any
39 other reasonable certification deemed acceptable by the
40 department, the community mental health center shall state those
41 services specified in Section 41-4-1(2) that it will provide and
42 also those services that it will not provide. If the department
43 finds deficiencies in the plan of any regional commission or



44 community service provider based on the minimum standards and
45 minimum required services established for certification, the
46 department shall give the regional commission or community service
47 provider a six-month probationary period to bring its standards
48 and services up to the established minimum standards and minimum
49 required services. After the six-month probationary period, if
50 the department determines that the regional commission or
51 community service provider still does not meet the minimum
52 standards and minimum required services established for
53 certification, the department may remove the certification of the
54 commission or provider and from and after July 1, 2011, the
55 commission or provider shall be ineligible for state funds from
56 Medicaid reimbursement or other funding sources for those
57 services. After the six-month probationary period, the Department
58 of Mental Health may identify an appropriate community service
59 provider to provide any core services in that county that are not
60 provided by a community mental health center. However, the
61 department shall not offer reimbursement or other accommodations
62 to a community service provider of core services that were not
63 offered to the decertified community mental health center for the
64 same or similar services.

65 (b) To provide facilities and services for the
66 prevention of mental illness, mental disorders, developmental and
67 learning disabilities, alcoholism, narcotic addiction, drug abuse,
68 drug dependence and other related handicaps or problems (including



69 the problems of the aging) among the people of the region so
70 designated, and for the rehabilitation of persons suffering from
71 such illnesses, disorders, handicaps or problems as designated and
72 certified by the Department of Mental Health.

73 (c) To promote increased understanding of the problems
74 of mental illness, intellectual disabilities, alcoholism,
75 developmental and learning disabilities, narcotic addiction, drug
76 abuse and drug dependence and other related problems (including
77 the problems of the aging) by the people of the region, and also
78 to promote increased understanding of the purposes and methods of
79 the rehabilitation of persons suffering from such illnesses,
80 disorders, handicaps or problems as designated and certified by
81 the Department of Mental Health.

82 (d) To enter into contracts and to make such other
83 arrangements as may be necessary, from time to time, with the
84 United States government, the government of the State of
85 Mississippi and such other agencies or governmental bodies as may
86 be approved by and acceptable to the regional commission for the
87 purpose of establishing, funding, constructing, operating and
88 maintaining facilities and services for the care, treatment and
89 rehabilitation of persons suffering from mental illness, an
90 intellectual disability, alcoholism, developmental and learning
91 disabilities, narcotic addiction, drug abuse, drug dependence and
92 other illnesses, disorders, handicaps and problems (including the



93 problems of the aging) as designated and certified by the
94 Department of Mental Health.

95 (e) To enter into contracts and make such other
96 arrangements as may be necessary with any and all private
97 businesses, corporations, partnerships, proprietorships or other
98 private agencies, whether organized for profit or otherwise, as
99 may be approved by and acceptable to the regional commission for
100 the purpose of establishing, funding, constructing, operating and
101 maintaining facilities and services for the care, treatment and
102 rehabilitation of persons suffering from mental illness, an
103 intellectual disability, alcoholism, developmental and learning
104 disabilities, narcotic addiction, drug abuse, drug dependence and
105 other illnesses, disorders, handicaps and problems (including the
106 problems of the aging) relating to minimum services established by
107 the Department of Mental Health.

108 (f) To promote the general mental health of the people
109 of the region.

110 (g) To pay the administrative costs of the operation of
111 the regional commissions, including per diem for the members of
112 the commission and its employees, attorney's fees, if and when
113 such are required in the opinion of the commission, and such other
114 expenses of the commission as may be necessary. The Department of
115 Mental Health standards and audit rules shall determine what
116 administrative cost figures shall consist of for the purposes of
117 this paragraph. Each regional commission shall submit a cost



118 report annually to the Department of Mental Health in accordance
119 with guidelines promulgated by the department.

120 (h) To employ and compensate any personnel that may be
121 necessary to effectively carry out the programs and services
122 established under the provisions of the aforesaid act, provided
123 such person meets the standards established by the Department of
124 Mental Health.

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

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

133 (k) To provide and finance within their own facilities,
134 or through agreements or contracts with other local, state or
135 federal agencies or institutions, nonprofit corporations, or
136 political subdivisions or representatives thereof, programs and
137 services for persons with mental illness, including treatment for
138 alcoholics, and promulgating and administering of programs to
139 combat drug abuse and programs for services for persons with an
140 intellectual disability.

141 (l) To borrow money from private lending institutions
142 in order to promote any of the foregoing purposes. A commission



143 may pledge collateral, including real estate, to secure the
144 repayment of money borrowed under the authority of this paragraph.
145 Any such borrowing undertaken by a commission shall be on terms
146 and conditions that are prudent in the sound judgment of the
147 members of the commission, and the interest on any such loan shall
148 not exceed the amount specified in Section 75-17-105. Any money
149 borrowed, debts incurred or other obligations undertaken by a
150 commission, regardless of whether borrowed, incurred or undertaken
151 before or after the effective date of this act, shall be valid,
152 binding and enforceable if it or they are borrowed, incurred or
153 undertaken for any purpose specified in this section and otherwise
154 conform to the requirements of this paragraph.

155 (m) To acquire, own and dispose of real and personal
156 property. Any real and personal property paid for with state
157 and/or county appropriated funds must have the written approval of
158 the Department of Mental Health and/or the county board of
159 supervisors, depending on the original source of funding, before
160 being disposed of under this paragraph.

161 (n) To enter into managed care contracts and make such
162 other arrangements as may be deemed necessary or appropriate by
163 the regional commission in order to participate in any managed
164 care program. Any such contract or arrangement affecting more
165 than one (1) region must have prior written approval of the
166 Department of Mental Health before being initiated and annually
167 thereafter.



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

172 (p) To enter into contracts, agreements or other
173 arrangements with any person, payor, provider or other entity,
174 under which the regional commission assumes financial risk for the
175 provision or delivery of any services, when deemed to be necessary
176 or appropriate by the regional commission. Any action under this
177 paragraph affecting more than one (1) region must have prior
178 written approval of the Department of Mental Health before being
179 initiated and annually thereafter.

180 (q) To provide direct or indirect funding, grants,
181 financial support and assistance for any health maintenance
182 organization, preferred provider organization or other managed
183 care entity or contractor, where such organization, entity or
184 contractor is operated on a nonprofit basis. Any action under
185 this paragraph affecting more than one (1) region must have prior
186 written approval of the Department of Mental Health before being
187 initiated and annually thereafter.

188 (r) To form, establish, operate, and/or be a member of
189 or participant in, either individually or with one or more other
190 regional commissions, any managed care entity as defined in
191 Section 83-41-403(c). Any action under this paragraph affecting
192 more than one (1) region must have prior written approval of the



193 Department of Mental Health before being initiated and annually
194 thereafter.

195 (s) To meet at least annually with the board of
196 supervisors of each county in its region for the purpose of
197 presenting its total annual budget and total mental
198 health/intellectual disability services system. The commission
199 shall submit an annual report on the adult mental health services,
200 children mental health services and intellectual disability
201 services required by the State Board of Mental Health.

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

205 (u) To make purchases and enter into contracts for
206 purchasing in compliance with the public purchasing law, Sections
207 31-7-12 and 31-7-13, with compliance with the public purchasing
208 law subject to audit by the State Department of Audit.

209 (v) To insure that all available funds are used for the
210 benefit of persons with mental illness, persons with an
211 intellectual disability, substance abusers and persons with
212 developmental disabilities with maximum efficiency and minimum
213 administrative cost. At any time a regional commission, and/or
214 other related organization whatever it may be, accumulates surplus
215 funds in excess of one-half (1/2) of its annual operating budget,
216 the entity must submit a plan to the Department of Mental Health
217 stating the capital improvements or other projects that require



218 such surplus accumulation. If the required plan is not submitted
219 within forty-five (45) days of the end of the applicable fiscal
220 year, the Department of Mental Health shall withhold all state
221 appropriated funds from such regional commission until such time
222 as the capital improvement plan is submitted. If the submitted
223 capital improvement plan is not accepted by the department, the
224 surplus funds shall be expended by the regional commission in the
225 local mental health region on group homes for persons with mental
226 illness, persons with an intellectual disability, substance
227 abusers, children or other mental health/intellectual disability
228 services approved by the Department of Mental Health.

229 (w) Notwithstanding any other provision of law, to
230 fingerprint and perform a criminal history record check on every
231 employee or volunteer. Every employee or volunteer shall provide
232 a valid current social security number and/or driver's license
233 number that will be furnished to conduct the criminal history
234 record check. If no disqualifying record is identified at the
235 state level, fingerprints shall be forwarded to the Federal Bureau
236 of Investigation for a national criminal history record check.

237 (x) Notwithstanding any other provisions of law, each
238 regional commission shall have the authority to create and operate
239 a primary care health clinic to treat (i) its patients; and (ii)
240 its patients' family members related within the third degree; and
241 (iii) its patients' household members or caregivers, subject to
242 the following requirements:



243 (i) The regional commission may employ and
244 compensate any personnel necessary and must satisfy applicable
245 state and federal laws and regulations regarding the
246 administration and operation of a primary care health clinic.

247 (ii) A Mississippi licensed physician must be
248 employed or under agreement with the regional commission to
249 provide medical direction and/or to carry out the physician
250 responsibilities as described under applicable state and/or
251 federal law and regulations.

252 (iii) The physician providing medical direction
253 for the primary care clinic shall not be certified solely in
254 psychiatry.

255 (iv) A sliding fee scale may be used by the
256 regional commission when no other payer source is identified.

257 (v) The regional commission must ensure services
258 will be available and accessible promptly and in a manner that
259 preserves human dignity and assures continuity of care.

260 (vi) The regional commission must provide a
261 semiannual report to the Chairmen of the Public Health Committees
262 in both the House of Representatives and Senate. At a minimum,
263 for each reporting period, these reports shall describe the number
264 of patients provided primary care services, the types of services
265 provided, and the payer source for the patients. Except for
266 patient information and any other information that may be exempt
267 from disclosure under the Health Information Portability and



268 Accountability Act (HIPAA) and the Mississippi Public Records Act,
269 the reports shall be considered public records.

270 (vii) The regional commission must employ or
271 contract with a core clinical staff that is multidisciplinary and
272 culturally and linguistically competent.

273 (viii) The regional commission must ensure that
274 its physician as described in subparagraph (ii) of this paragraph
275 (x) has admitting privileges at one or more local hospitals or has
276 an agreement with a physician who has admitting privileges at one
277 or more local hospitals to ensure continuity of care.

278 (ix) The regional commission must provide an
279 independent financial audit report to the State Department of
280 Mental Health and, except for patient information and any other
281 information that may be exempt from disclosure under HIPAA and the
282 Mississippi Public Records Act, the audit report shall be
283 considered a public record.

284 For the purposes of this paragraph (x), the term "caregiver"
285 means an individual who has the principal and primary
286 responsibility for caring for a child or dependent adult,
287 especially in the home setting.

288 (* * *y) In general to take any action which will
289 promote, either directly or indirectly, any and all of the
290 foregoing purposes.

291 (2) The types of services established by the State
292 Department of Mental Health that must be provided by the regional



293 mental health/intellectual disability centers for certification by
294 the department, and the minimum levels and standards for those
295 services established by the department, shall be provided by the
296 regional mental health/intellectual disability centers to children
297 when such services are appropriate for children, in the
298 determination of the department.

299 **SECTION 2.** This act shall take effect and be in force from
300 and after July 1, 2014.

