

By: Representatives Frierson, Mims, Arnold, To: Appropriations
Barker, Bennett, Bounds, Brown, Currie,
Gipson, Holland, Mettetal, Myers, Read,
Shows, Turner, Watson, Sykes, Dixon

HOUSE BILL NO. 1651

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 2017.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the State Department of Health for the fiscal year
9 beginning July 1, 2016, and ending June 30, 2017.....
10\$ 36,875,073.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the State Department of Health
14 which is comprised of special source funds collected by or
15 otherwise available to the department, for the purpose of
16 defraying the expenses of the department for the fiscal year
17 beginning July 1, 2016, and ending June 30, 2017.....
18\$ 311,123,769.00.



19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two
21 Dollars (\$526,102.00) shall be derived from the State General Fund
22 and Seven Million One Hundred Fifty-eight Thousand Three Hundred
23 Thirty-seven Dollars (\$7,158,337.00) shall be derived from the
24 Health Care Expendable Fund, created in Section 43-13-407,
25 Mississippi Code of 1972, for the support and maintenance of the
26 State Department of Health. The funds provided in this section
27 shall be allocated as follows:

28 Maternal and Child Health Care
29 Program.....\$ 1,242,943.00
30 Early Intervention Program and/or Child Therapeutic
31 Services.....\$ 221,954.00
32 Health Department Programs.....\$ 3,219,542.00
33 Mississippi Qualified Health
34 Center Grant Program.....\$ 3,000,000.00

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 and Reconstruction
53 Center at Merit Health Central or any affiliates or any other
54 Level 1 Trauma Center, or Tertiary Pediatric Trauma Center that
55 participates in the Mississippi Trauma Care System, as determined
56 by the Mississippi Department of Health.

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

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



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

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

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

82 AUTHORIZED POSITIONS:

83 Permanent:	Full Time.....	1,340
84	Part Time.....	12
85 Time-Limited:	Full Time.....	983
86	Part Time.....	7

87 With the funds herein appropriated, it shall be the agency's
88 responsibility to make certain that funds required to be
89 appropriated for "Personal Services" for Fiscal Year 2018 do not
90 exceed Fiscal Year 2017 funds appropriated for that purpose,
91 unless programs or positions are added to the agency's Fiscal Year
92 2017 budget by the Mississippi Legislature. Based on data
93 provided by the Legislative Budget Office, the State Personnel



94 Board shall determine and publish the projected annual cost to
95 fully fund all appropriated positions in compliance with the
96 provisions of this act. It shall be the responsibility of the
97 agency head to ensure that no single personnel action increases
98 this projected annual cost and/or the Fiscal Year 2017
99 appropriations for "Personal Services" when annualized, with the
100 exception of escalated funds and the award of benchmarks. If, at
101 the time the agency takes any action to change "Personal
102 Services," the State Personnel Board determines that the agency
103 has taken an action which would cause the agency to exceed this
104 projected annual cost or the Fiscal Year 2017 "Personal Services"
105 appropriated level, when annualized, then only those actions which
106 reduce the projected annual cost and/or the appropriation
107 requirement will be processed by the State Personnel Board until
108 such time as the requirements of this provision are met.

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



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

122 None of the funds herein appropriated shall be used in
123 violation of Internal Revenue Service's Publication 15-A relating
124 to the reporting of income paid to contract employees, as
125 interpreted by the Office of the State Auditor.

126 **SECTION 7.** It is the intention of the Legislature that the
127 State Department of Health shall maintain complete accounting and
128 personnel records related to the expenditure of all funds
129 appropriated under this act and that such records shall be in the
130 same format and level of detail as maintained for Fiscal Year
131 2016. It is further the intention of the Legislature that the
132 agency's budget request for Fiscal Year 2018 shall be submitted to
133 the Joint Legislative Budget Committee in a format and level of
134 detail comparable to the format and level of detail provided
135 during the Fiscal Year 2017 budget request process.

136 **SECTION 8.** In compliance with the "Mississippi Performance
137 Budget and Strategic Planning Act of 1994," it is the intent of
138 the Legislature that the funds provided herein shall be utilized
139 in the most efficient and effective manner possible to achieve the
140 intended mission of this agency. Based on the funding authorized,
141 this agency shall make every effort to attain the targeted
142 performance measures provided below:



143		FY2017
144	<u>Performance Measures</u>	<u>Target</u>
145	Health Services	
146	State Infant Mortality Rate	
147	(per 1,000 Live Births)	9.40
148	Percentage of Women who Received	
149	Prenatal Care in the First Trimester (%)	80.30
150	Percentage of Live Births Delivered	
151	Prior to 37 weeks of Gestation (%)	16.80
152	Teenage Birth Rate Age 15-19 Years	
153	(Live Births per 1,000 Women Age 15-19)	35.10
154	Percentage of Newborns with Positive &	
155	Inconclusive Genetic Screens who	
156	Received Recommended Follow-up (%)	100.00
157	Percentage of Adults who are Obese	
158	(BMI of 30+, regardless of sex) (%)	33.30
159	Health Protection	
160	Percentage of MS Population Receiving	
161	Water from a Public Water Supply which	
162	has had No Water Quality Violations of	
163	the Safe Drinking Water Act in the Past	
164	Year (%)	84.00
165	Percentage of MS Population Receiving	
166	Optimally Flouridated Water (%)	57.00
167	Transfer Time of Level III & IV Trauma	



168	Centers to Appropriate Facilities for	
169	Treatment (Minutes)	130.00
170	Communicable Disease	
171	Primary & Secondary Syphilis Cases	212
172	Primary & Secondary Syphilis Case	
173	Rate (per 100,000)	7.10
174	Number of Tuberculosis (TB) Cases	70
175	TB Case Rate (per 100,000)	2.40
176	Number of HIV Cases	409.00
177	HIV Case Rate (per 100,000)	13.70
178	Children Fully Immunized by 2 Years	
179	of Age (%)	77.00
180	Tobacco Control	
181	Current Smokers among Public Middle	
182	School Students (Prevalence)	3.10
183	Current Smokers among Public High	
184	School Students (Prevalence)	11.40
185	Current Smokers among Adults	
186	18 Years & Older (Prevalence)	21.80
187	Pub Health Emerg Prep/resp	
188	Score on CDC's Technical Review	
189	of MS's Strategic National Stockpile	
190	Plan (Out of Possible 100)	99
191	Time Required for Command Staff to	
192	Report to Emergency Operations Center	



193	in Response to a Natural or Man-made	
194	Disaster (Minutes)	59.00
195	Admin & Support Services	
196	Percentage of MS Population Living	
197	in an Area Designated as a Health	
198	Professional Shortage Area (%)	
199	Primary Care	83.00
200	Dental	83.00
201	Mental Health	78.00

202 A reporting of the degree to which the performance targets
 203 set above have been or are being achieved shall be provided in the
 204 agency's budget request submitted to the Joint Legislative Budget
 205 Committee for Fiscal Year 2018.

206 **SECTION 9.** It is the intention of the Legislature that with
 207 the funds provided herein, the State Department of Health may
 208 provide and administer without charge, Hepatitis B vaccinations to
 209 Emergency Medical Services (EMS) personnel who are in need of such
 210 vaccinations through job related exposure.

211 **SECTION 10.** In addition to all other sums heretofore
 212 appropriated, the following sum, or so much thereof as may be
 213 necessary, is appropriated out of any money in the State Treasury
 214 to the credit of the Local Governments and Rural Water Systems
 215 Emergency Loan Fund, and the Local Governments and Rural Water
 216 System Improvements Revolving Loan Fund as authorized in Chapter
 217 521, Laws of 1995, to the State Department of Health for the



218 purpose of defraying the expenses of the Local Governments and
219 Rural Water Systems Improvements Board, for the fiscal year
220 beginning July 1, 2016, and ending June 30, 2017.....
221\$ 50,800,000.00.

222 **SECTION 11.** Of the funds appropriated in Section 2, One
223 Million Dollars (\$1,000,000.00) shall come from the Department of
224 Human Services, Child Care Development Fund or other appropriate
225 special funds for the purpose of child care licensure. These
226 funds are to be transferred to the State Department of Health no
227 later than July 31, 2016. The State Department of Health shall
228 make a complete accounting of the uses of these funds to the
229 Department of Human Services.

230 **SECTION 12.** It is the intention of the Legislature that the
231 State Department of Health shall expend not more than Fifty
232 Thousand Dollars (\$50,000.00) of the funds appropriated herein for
233 providing the oil known as "Lorenzo's Oil" for the treatment of
234 the genetic disorder adrenoleukodystrophy (ALD), to children and
235 Mississippi residents over the age of twenty-one (21) who have the
236 genetic disorder adrenoleukodystrophy and for whom Medicaid does
237 not reimburse the cost of providing the oil. The department may
238 also provide needed pathology and biannual MRI exams.

239 **SECTION 13.** Of the funds appropriated in Section 1, Seven
240 Hundred Thousand Dollars (\$700,000.00) are provided for the
241 purpose of purchasing AIDS drugs and other necessary AIDS related
242 medical services.



243 **SECTION 14.** Of the funds appropriated herein, Twenty-five
244 Thousand Dollars (\$25,000.00) shall be provided to the Southern
245 AIDS Commission, Inc., for the purpose of providing technical
246 assistance, and providing for the expansion of education on causes
247 and prevention of HIV/AIDS, and providing delivery services to
248 persons infected with HIV. The Southern AIDS Commission, Inc.,
249 shall report by February 1, 2017, to the Board of Health and the
250 Chairmen of the House and Senate Public Health Committees the
251 status of the project and all services provided.

252 **SECTION 15.** Of the funds appropriated herein, Twenty-five
253 Thousand Dollars (\$25,000.00) shall be provided to the North
254 Mississippi Health Care Foundation Restricted Fund, for the
255 purpose of providing technical assistance, providing for the
256 expansion of education on causes and prevention of HIV/AIDS, and
257 providing delivery services to persons infected with HIV. The
258 North Mississippi Health Care Foundation shall report by February
259 1, 2017, to the Board of Health and the Chairmen of the House and
260 Senate Public Health Committees the status of the project and all
261 services provided.

262 **SECTION 16.** Of the funds appropriated herein, Ten Thousand
263 Dollars (\$10,000.00) shall be provided to the AIDS Services
264 Coalition, Inc., for the purpose of providing housing assistance,
265 outreach, prevention services and supportive services to persons
266 infected with HIV. The AIDS Service Coalition, Inc. shall report
267 by February 1, 2017, to the Board of Health and the Chairmen of



the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 17. Of the funds appropriated herein, the amounts of One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to the T.K. Martin Center at Mississippi State University and One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to the Regional Rehabilitation Center in Tupelo for the Early Intervention Program and/or Child Therapeutic Services.

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

SECTION 19. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Mississippi Burn Care Fund which is comprised of special source funds collected by or otherwise available to the department, for the purpose of funding reimbursement for uncompensated medical care to Mississippi burn victims through the trauma care system at in-state burn facilities including the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or for uncompensated aero medical transportation to out-of-state qualified United States Burn Care facilities, and such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel,



293 lodgings, meals and other reasonable travel-related expenses
294 incurred by burn victims, family members and/or caregivers, for
295 the fiscal year beginning July 1, 2016, and ending June 30, 2017..
296\$3,000,000.00.

297 Of the funds herein appropriated, the Mississippi Department of
298 Health is authorized to provide up to One Million Dollars
299 (\$1,000,000.00) to the Mississippi Burn Foundation for the purpose
300 of providing funds for a Burn Survivor Family Retreat to be
301 located in Jackson, Mississippi.

302 **SECTION 20.** Of the funds appropriated in Section 19, the
303 Mississippi Department of Health may provide upon mutual agreement
304 Twenty-five Thousand Dollars (\$25,000.00) for the Mississippi
305 Firefighters Memorial Burn Association. These funds are to be
306 used for monetary support of Mississippi burn victims for travel
307 and other expenses to the Joseph M. Still Burn Center in Georgia,
308 or the Joseph M. Still Burn and Reconstruction Center at Merit
309 Health Central.

310 **SECTION 21.** It is the intention of the Legislature that
311 whenever two (2) or more bids are received by this agency for the
312 purchase of commodities or equipment, and whenever all things
313 stated in such received bids are equal with respect to price,
314 quality and service, the Mississippi Industries for the Blind
315 shall be given preference. A similar preference shall be given to
316 the Mississippi Industries for the Blind whenever purchases are
317 made without competitive bids.



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

321 **SECTION 23.** It is the intention of the Legislature that the
322 Mississippi State Department of Health shall provide the Joint
323 Legislative Budget Committee a report of all grants received by
324 September 15, 2016. This notification will consist of the name of
325 the grant and agency or nonprofit making the award, the award
326 amount, and a short list of goals to be achieved.

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

330 **SECTION 25.** Of the funds appropriated in Section 2, Seven
331 Hundred Thousand Dollars (\$700,000.00) shall come from the
332 Department of Education for the purpose of maintenance of effort
333 for the Early Intervention Program. These funds are to be
334 transferred to the State Department of Health no later than
335 December 31, 2016. The State Department of Health shall make a
336 complete accounting of the uses of these funds to the Department
337 of Education.

338 **SECTION 26.** In addition to all other funds appropriated
339 herein, the following sum, or so much thereof as may be necessary,
340 is appropriated out of any money in the State General Fund not
341 otherwise appropriated, for the purpose of defraying the expenses



342 of the Mississippi Health Information Network for the fiscal year
343 beginning July 1, 2016, and ending June 30, 2017.....
344\$700,000.00.

345 **SECTION 27.** In addition to all other funds herein
346 appropriated, the following sum, or so much thereof as may be
347 necessary, is appropriated out of any money in any special fund in
348 the State Treasury to the credit of the Mississippi Health
349 Information Network, for the purpose of defraying the expenses for
350 the fiscal year beginning July 1, 2016, and ending June 30, 2017..
351\$ 5,211,445.00.

352 Of the funds appropriated under the provisions of this
353 section, the following positions are authorized:

354 AUTHORIZED POSITIONS:

355	Permanent:	Full Time.....	0
356		Part Time.....	0
357	Time-Limited:	Full Time.....	3
358		Part Time.....	0

359 The Mississippi Health Information Network is authorized to
360 escalate federal funds and other special funds in accordance with
361 the rules and regulations of the Department of Finance and
362 Administration, in order to provide services prescribed by
363 Sections 41-119-1 through 41-119-21, Mississippi Code of 1972.

364 **SECTION 28.** The Mississippi Department of Health is
365 authorized to obtain a line of credit through the State Treasurer
366 from the Working Cash-Stabilization Fund or any other special



source funds maintained in the State Treasury in an amount not exceeding Ten Million Dollars (\$10,000,000.00) to fund shortfalls which, from time to time, may occur due to insufficient working cash spent in anticipation of receiving federal reimbursement. The length of indebtedness under this provision shall not carry past the end of the quarter following the loan origination. Loan proceeds shall be received by the State Treasurer and shall be placed in a Mississippi Department of Health designated special fund account. The division may pledge as security for such interim financing future funds that will be received by the division. Any such loans shall be repaid from the first available funds received by the department in the manner of and subject to the same terms provided in this section.

SECTION 29. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 30. With the funds appropriated herein, it is the intention of the Legislature that the Mississippi Department of Health is authorized to set the compensation of all nurse PINs based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.



392 **SECTION 31.** It is the intention of the Legislature that the
393 State Health Officer shall have the authority to transfer cash
394 from one special fund treasury fund to another special fund
395 treasury fund under the control of the Department of Health. It
396 is further the intention of the Legislature that the State Health
397 Officer shall submit written justification for the transfer to the
398 Legislative Budget Office and the Department of Finance and
399 Administration on or before the fifteenth of the month prior to
400 the effective date of the transfer.

401 **SECTION 32.** Of the funds appropriated in Section 1, Two
402 Hundred Fifty Thousand Dollars (\$250,000.00) is provided for the
403 Mississippi Health Care Alliance for the Stroke System of Care
404 Plan, and Two Hundred Fifty Thousand Dollars (\$250,000.00) is
405 provided for the Mississippi Health Care Alliance ST Elevated
406 Myocardial Infarction Program (STEMI) Heart program.

407 **SECTION 33.** The amount of funds appropriated from the State
408 General Fund in this bill are conditioned upon the availability
409 for appropriation of the full amount of the state general funds
410 that were projected in the general fund revenue estimate for
411 fiscal year 2017 that was determined under the provision of
412 Section 27-103-125.

413 If the amount of general funds projected to be available for
414 appropriation for fiscal year 2017 would be reduced by the
415 enactment into law of any revenue bills, as defined in Joint Rule
416 40, that have been passed by the House of Representatives by March



417 17, 2016, then the amount of funds appropriated from the State
418 General Fund in this bill shall be reduced by the same percentage
419 reduction in the amount of general funds that would be available
420 for appropriation for fiscal year 2017, and the reduced amount
421 shall be engrossed into this bill before it is transmitted to
422 Senate.

423 The determination of whether the House has passed any such
424 revenue bills by March 17, 2016, and the amount and percentage of
425 the resulting reduction in the amount of general funds projected
426 to be available for appropriation for fiscal year 2017, shall be
427 determined by the Legislative Budget Office and certified in
428 writing to the Chairman of the House Appropriations Committee by
429 the Director of the Legislative Budget Office.

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

436 **SECTION 35.** This act shall take effect and be in force from
437 and after July 1, 2016; and shall stand repealed from and after
438 June 30, 2016.

