

By: Senator(s) Clarke, Hopson, Hill, Butler, To: Appropriations
Norwood, Wiggins

SENATE BILL NO. 2976
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH AND CERTAIN PROGRAMS OF THE DIVISION
3 OF ALCOHOL AND DRUG ABUSE FOR FISCAL YEAR 2018.

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 support and
8 maintenance of the Department of Mental Health for the fiscal year
9 beginning July 1, 2017, and ending June 30, 2018.....
10\$ 207,763,132.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby authorized for expenditure out of any special
13 source funds which are collected by or otherwise become available
14 for the support and maintenance of the Department of Mental Health
15 for the fiscal year beginning July 1, 2017, and ending
16 June 30, 2018.....\$ 383,962,828.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 2, Eighteen Million Nine Hundred Fifty-one Thousand Eight



19 Hundred Eighty-six Dollars (\$18,951,886.00) shall be derived from
20 the Health Care Expendable Fund created in Section 43-13-407,
21 Mississippi Code of 1972, for the support and maintenance of the
22 Department of Mental Health. The funds provided for in this
23 section shall be allocated as follows:

24	\$ 9,259,790.00	Expenses of the Department of Mental
25		Health.
26	\$ 379,417.00	Alzheimer's disease services development
27		and implementation of Senate Bill No.
28		2100, 1997 Regular Session.
29	\$ 3,896,641.00	Medicaid matching funds.
30	\$ 252,944.00	Psychotropic drugs or Medicaid match.
31	\$ 505,890.00	Alzheimer's Disease Program, prepayment
32		to Medicaid, etc.
33	\$ 2,727,792.00	Holding centers, group homes, substance
34		abuse programs, Children's Programs,
35		Prepayment of Medicaid, etc.
36	\$ 636,374.00	Crisis Centers
37	\$ 1,138,252.00	Physician services at community mental
38		health centers.
39	\$ 50,590.00	Grant for Epilepsy Foundation of
40		Mississippi or Medicaid match.
41	<u>\$ 104,196.00</u>	Specialized Treatment Facility.
42	\$ 18,951,886.00	TOTAL



43 **SECTION 4.** Of the funds appropriated under the provisions of
44 Sections 1 and 2 of this act, the following positions are
45 authorized:

46 AUTHORIZED POSITIONS:

47	Permanent:	Full Time.....	7,362
48		Part Time.....	42
49	Time-Limited:	Full Time.....	646
50		Part Time.....	18

51 With the funds herein appropriated, it shall be the agency's
52 responsibility to make certain that funds required to be
53 appropriated for "Personal Services" for Fiscal Year 2019 do not
54 exceed Fiscal Year 2018 funds appropriated for that purpose,
55 unless programs or positions are added to the agency's Fiscal Year
56 2018 budget by the Mississippi Legislature. Based on data
57 provided by the Legislative Budget Office, the State Personnel
58 Board shall determine and publish the projected annual cost to
59 fully fund all appropriated positions in compliance with the
60 provisions of this act. It shall be the responsibility of the
61 agency head to ensure that no single personnel action increases
62 this projected annual cost and/or the Fiscal Year 2018
63 appropriations for "Personal Services" when annualized, with the
64 exception of escalated funds and the award of benchmarks. If, at
65 the time the agency takes any action to change "Personal
66 Services," the State Personnel Board determines that the agency
67 has taken an action which would cause the agency to exceed this



68 projected annual cost or the Fiscal Year 2018 "Personal Services"
69 appropriated level, when annualized, then only those actions which
70 reduce the projected annual cost and/or the appropriation
71 requirement will be processed by the State Personnel Board until
72 such time as the requirements of this provision are met.

73 Any transfers or escalations shall be made in accordance with
74 the terms, conditions and procedures established by law or
75 allowable under the terms set forth within this act. The State
76 Personnel Board shall not escalate positions without written
77 approval from the Department of Finance and Administration. The
78 Department of Finance and Administration shall not provide written
79 approval to escalate any funds for salaries and/or positions
80 without proof of availability of new or additional funds above the
81 appropriated level.

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

86 None of the funds herein appropriated shall be used in
87 violation of Internal Revenue Service Publication 15-A relating to
88 the reporting of income paid to contract employees, as interpreted
89 by the Office of the State Auditor.

90 **SECTION 5.** In compliance with the "Mississippi Performance
91 Budget and Strategic Planning Act of 1994," it is the intent of
92 the Legislature that the funds provided herein shall be utilized



93 in the most efficient and effective manner possible to achieve the
 94 intended mission of this agency. Based on the funding authorized,
 95 this agency shall make every effort to attain the targeted
 96 performance measures provided below:

97 FY2018
 98 Performance Measures Target

99 Services Management

100 Onsite Reviews Conducted by Division
 101 of Audit (Num of) 65

102 Conduct Subsequent DMH Certification
 103 Reviews for DMH Certified Provider
 104 Agencies Based on Random Sample (Num of) 176

105 Mental Health Services

106 Percentage of Population Lacking Access to
 107 Community Based Mental Health Care (%) 36.00

108 Percentage of DMH Clients Served in the
 109 Community versus in an Institutional
 110 Setting (%) 94.80

111 Alternative Placement/Treatment Options
 112 for Individuals that have had Multiple
 113 Hospitalizations and do not Respond to
 114 Traditional Treatment by Increasing the
 115 Number of Admissions to PACT Teams 175
 116 Number Served by Programs of Assertive
 117 Community Teams (PACT) in MS as an



118	Alternative Treatment Option for	
119	Individuals that have had Multiple	
120	Hospitalizations	310
121	Number of People Employed through	
122	Supported Employment Sites	180
123	Increase Access to Crisis Services by	
124	Tracking the Number of Calls to Mobile	
125	Crisis Response Teams	23,200
126	Number referred from Mobile Crisis	
127	Response Teams to a Community Mental	
128	Health Center and Scheduled an	
129	Appointment	12,200
130	Number of Diverted from a more	
131	Restrictive Environment due to Mobile	
132	Crisis Response Teams	20,625
133	Number of Certified Peer Support	
134	Specialists in the State	170
135	Idd Services	
136	Individuals on Waiting List for Home and	
137	Community Based Services (Num of)	1,225
138	Percentage of DMH Institutionalized Clients	
139	who could be Served in the Community (%)	20.00
140	Percent of DMH Clients Served in the	
141	Community verses in an Institution (%)	77.00
142	Number of People Added from Planning List	



143	to ID/DD Waiver Services	350
144	Children & Youth Services	
145	Percent of Children with Serious Mental	
146	Illness Served by Local Multidisciplinary	
147	Assessment and Planning (MAP) Teams (%)	4.50
148	Number of Children and Youth Served	
149	by MAP Teams	1,272
150	Number of Children and Youth Served by	
151	Wraparound Facilitation	538
152	3% Alcohol Tax-alcohol/drug Prg	
153	Residential Treatment Beds (Beds)	424
154	Number of People Receiving Residential	
155	Substance Use Disorder Treatment	3,059
156	Crisis Stabilization Units	
157	Average Length of Time from Mental Health	
158	Crisis to Receipt of Community Mental	
159	Health Crisis Service (Hours)	
160	Urban	1
161	Rural	2
162	Percentage of People Receiving Mental	
163	Health Crisis Services who were Treated	
164	at Community Mental Health Centers	
165	versus in an Institutional Setting (%)	90.00
166	Diversion Rate of Admissions to State	
167	Hospitals through the Units	90.00



168	Number of Involuntary Admissions	1,500
169	Number of Voluntary Admissions	2,250
170	Mi - Institutional Care	
171	Number of Individuals Served at DMH's	
172	Inpatient Behavioral Health Programs	5,150
173	Mi - Pre/post Inst Care	
174	Maintain Readmission Rates within National	
175	Trends (%)	6.90
176	Mi - Support Services	
177	Support as a Percent of Total Budget (%)	6.17
178	Idd - Institutional Care	
179	Number of Individuals Served at DMH's	
180	Residential IDD Programs	955
181	Number of People Transitioned from Facility	
182	to ICF/IID Community Homes	25
183	Idd - Group Homes	
184	Number of People Served in the 10 Bed	
185	ICF/IID Community Homes	560
186	Percentage of People Served in the	
187	Community vs. in an Institutional Setting	55
188	Idd - Community Programs	
189	Number of People Added from Waiting	
190	List to ID/DD Waiver Services	350
191	Number of People Enrolled in the 1915i	
192	(IDD Community Support Program)	700



193 Idd - Support Services

194 Support as a Percent of Total Budget (%) 3.82

195 A reporting of the degree to which the performance targets
196 set above have been or are being achieved shall be provided in the
197 agency's budget request submitted to the Joint Legislative Budget
198 Committee for Fiscal Year 2019.

199 **SECTION 6.** The Department of Mental Health and its
200 facilities shall have the authority, within funding and spending
201 authority appropriated under the provisions of this act to
202 transfer funds to the Division of Medicaid in payment of Medicaid
203 match and designate that the funds thus transferred shall be
204 applied to Medicaid match obligations arising in the subsequent
205 fiscal year.

206 **SECTION 7.** Any person within the Department of Mental Health
207 who must work on a statutory holiday or any holiday proclaimed by
208 the Governor may, at the discretion of the Director of the
209 Institution and the Executive Director of the Department of Mental
210 Health and within available personnel funds, be paid "call-back
211 pay" in lieu of "compensatory time credit."

212 **SECTION 8.** Of the funds appropriated to the "Service Budget"
213 funds are included for the support of community mental health
214 services for Fiscal Year 2018.

215 Provided, however, that none of the funds appropriated for
216 the support of community mental health services shall be made
217 available to any Regional Mental Health/Intellectual Disability



218 Center which does not receive from each of its participating
219 counties a dollar amount equivalent to what the proceeds of a
220 three-fourths (3/4) mill tax on all taxable property in the county
221 in Fiscal Year 1982 would have been or the amount of funds
222 contributed to the center by the county in Fiscal Year 1984,
223 whichever shall be greater. By means of performance contracts,
224 the Department of Mental Health shall disburse the funds
225 appropriated in this section for services for the mentally ill,
226 intellectually disabled and alcohol/drug abusers. The State Board
227 of Mental Health and the Department of Mental Health shall be
228 responsible for selecting the types of services which shall be
229 provided with the funds appropriated in this section, for
230 developing and monitoring performance contracts and for holding
231 contractors accountable for utilization of funds.

232 **SECTION 9.** Ellisville State School is authorized to draw up
233 to Four Hundred Fifty Thousand Dollars (\$450,000.00) from interest
234 earned on funds invested in Ellisville State School Client's Trust
235 Fund for the purpose of supplementing the cost related to
236 supplies, property, and equipment in direct care.

237 **SECTION 10.** The Department of Mental Health and its
238 facilities shall have the express legal authority, within funding
239 and spending authority appropriated under the provisions of this
240 act to purchase land for use by residential facilities operated by
241 the department, either directly or by means of transferring funds
242 to the Bureau of Building, Grounds and Real Property Management,



243 and to transfer such funds to the Bureau of Building, Grounds, and
244 Real Property Management for the purposes of constructing and
245 equipping group homes for persons with mental illness,
246 intellectual disability, and/or substance abuse; constructing and
247 equipping such other buildings as may be required for treatment of
248 persons with mental illness, intellectual disability, and/or
249 substance abuse; repair and renovate existing buildings; and to
250 construct, repair and/or renovate employee housing. Any
251 intermediate care facilities for individuals with intellectual
252 disabilities (ICF/IID) constructed with funds authorized in this
253 section shall be authorized to participate in Medicaid funding
254 available for such services.

255 **SECTION 11.** It is the intention of the Legislature that the
256 Department of Mental Health shall maintain complete accounting and
257 personnel records related to the expenditure of all funds
258 appropriated under this act and that such records shall be in the
259 same format and level of detail as maintained for Fiscal Year
260 2017. It is further the intention of the Legislature that the
261 agency's budget request for Fiscal Year 2019 shall be submitted to
262 the Joint Legislative Budget Committee in a format and level of
263 detail comparable to the format and level of detail provided
264 during the Fiscal Year 2018 budget request process.

265 **SECTION 12.** It is the intention of the Legislature that none
266 of the funds provided herein shall be used to pay certain
267 utilities for state-furnished housing for any employees. Such



268 utilities shall include electricity, natural gas, butane, propane,
269 cable and phone services. Where actual cost cannot be determined,
270 the agency shall be required to provide meters to be in compliance
271 with legislative intent. Such state-furnished housing shall
272 include single-family and multifamily residences but shall not
273 include any dormitory residences. Allowances for such utilities
274 shall be prohibited.

275 **SECTION 13.** It is the intention of the Legislature that the
276 Executive Director of the Department of Mental Health shall have
277 authority to transfer cash from one special fund treasury fund to
278 another special fund treasury fund under the control of the
279 Department of Mental Health. The purpose of this authority is to
280 more efficiently use available cash reserves. It is further the
281 intention of the Legislature that the Executive Director of the
282 Department of Mental Health shall submit written justification for
283 the transfer to the Legislative Budget Office and the Department
284 of Finance and Administration. None of the funds transferred with
285 this section may be transferred to the Central Office for Personal
286 Services.

287 **SECTION 14.** Of the funds appropriated under the provisions
288 of this act, Sixteen Million One Hundred Thousand Dollars
289 (\$16,100,000.00) is provided to the Department of Mental Health to
290 expand those community-based services that will improve the State
291 of Mississippi's compliance with the Olmstead decision of the
292 United States Supreme Court. Further, it is the intention of the



293 Legislature that the Department of Mental Health shall have the
294 authority to transfer such sums from this source as are necessary
295 to implement or improve those community services that are more
296 appropriately addressed by the Mississippi Department of Education
297 and/or the Mississippi Department of Rehabilitation Services to
298 those agencies for that purpose. Further, it is the intention of
299 the Legislature that any sums received from this source that are
300 not expended during the fiscal year ending June 30, 2018, by the
301 Mississippi Department of Mental Health shall be reappropriated
302 for the same purpose during the fiscal year ending June 30, 2019.
303 Further, it is the intention of the Legislature that the
304 Department of Mental Health shall account for the expenditure of
305 these funds in sufficient detail to clearly show the purposes for
306 which such funds were expended.

307 **SECTION 15.** Of the funds appropriated in this act, the
308 Department of Mental Health, with approval by the board, may
309 contract with a Community Mental Health Center, or suitable
310 entities, for the purpose of operating the Crisis Intervention
311 Center at Grenada.

312 The Department of Mental Health, with approval by the board,
313 may also contract with suitable entities for the purpose of
314 operating the crisis intervention centers in Batesville,
315 Brookhaven, Cleveland, Corinth, Laurel and Newton. The department
316 shall provide quarterly progress reports on the operation of the



317 crisis intervention centers to the Chairmen of the Senate and
318 House Public Health and Appropriations Committees.

319 **SECTION 16.** It is the intention of the Legislature that
320 whenever two (2) or more bids are received by this agency for the
321 purchase of commodities or equipment, and whenever all things
322 stated in such received bids are equal with respect to price,
323 quality and service, the Mississippi Industries for the Blind
324 shall be given preference. A similar preference shall be given to
325 the Mississippi Industries for the Blind whenever purchases are
326 made without competitive bids.

327 **SECTION 17.** The Department of Finance and Administration
328 (DFA) shall transfer funds back to the Department of Mental
329 Health, upon the request of the Department of Mental Health, where
330 the funds received by DFA from the Department of Mental Health
331 were special funds (neither general funds or bond funds) and where
332 those funds are not required for the payment of costs already
333 incurred on a building or repair project. For the purposes of
334 this section, the term "special funds" includes any state source
335 special funds including, but not limited to, funds from the Health
336 Care Expendable Fund. The duty of DFA to transfer funds back to
337 the Department of Mental Health under this section applies to any
338 funds described in this section that were transferred to DFA,
339 regardless of the year that the transfer was made by the
340 Department of Mental Health.



341 **SECTION 18.** It is the intention of the Legislature that the
342 Department of Mental Health may provide, upon the availability of
343 funds, Five Hundred Thousand Dollars (\$500,000.00) to the Hope
344 Village for Children Program.

345 **SECTION 19.** None of the funds provided in Section 1, 2, or 3
346 of this act shall be used to pay Medicaid match for the fourteen
347 (14) Community Mental Health Centers.

348 **SECTION 20.** Of the funds appropriated under the provisions
349 of this act, an amount not to exceed Two Hundred Fifty Thousand
350 Dollars (\$250,000.00) is provided for community-based mental
351 health services for juveniles in detention.

352 **SECTION 21.** Of the funds appropriated in Section 1, it is
353 the intention of the Legislature that Three Million Nine Hundred
354 Ten Thousand Seven Hundred Two Dollars (\$3,910,702.00) shall be
355 allocated to the Crisis Intervention Mental Health Fund supported
356 by General Fund court assessments.

357 **SECTION 22.** Of the funds appropriated in this act, the
358 Department of Mental Health shall fund 2,515 Home and
359 Community-Based Waiver slots at cost not to exceed Twenty Eight
360 Million Five Hundred Thousand Dollars (\$28,500,000.00).

361 **SECTION 23.** Of the funds appropriated in this act, the
362 Department of Mental Health shall fund four (4) Programs of
363 Assertive Community Treatment (PACT) Teams and provide supportive
364 employment for individuals with intellectual and developmental
365 disabilities.



366 **SECTION 24.** The money herein appropriated shall be paid by
367 the State Treasurer out of any money in the State Treasury to the
368 credit of the proper fund or funds as set forth in this act, upon
369 warrants issued by the State Fiscal Officer; and the State Fiscal
370 Officer shall issue his warrants upon requisitions signed by the
371 proper person, officer or officers in the manner provided by law.

372 **SECTION 25.** This act shall take effect and be in force from
373 and after July 1, 2017.

