

By: Representatives Read, Mims, Arnold,  
Bennett, Bounds, Brown, Currie, Gipson,  
Holland, Mettetal, Myers, Turner, Watson

To: Appropriations

HOUSE BILL NO. 1598  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S  
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL  
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE  
4 EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR  
5 2019.

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

7 **SECTION 1.** The following sum, or so much thereof as may be  
8 necessary, is appropriated out of any money in the State General  
9 Fund not otherwise appropriated, to the Governor's  
10 Office - Division of Medicaid for the purpose of providing medical  
11 assistance under the Mississippi Medicaid Law and defraying the  
12 expenses of the administration of such law, as provided in Section  
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year  
14 beginning July 1, 2018, and ending June 30, 2019.....  
15 .....\$ 840,827,509.00.

16 **SECTION 2.** The following sum, or so much thereof as may be  
17 necessary, is appropriated out of any money in the State Treasury  
18 to the credit of the Medical Care Fund created by Section  
19 43-13-143, Mississippi Code of 1972, for the purpose of providing



20 medical assistance under the Mississippi Medicaid Law for the  
21 fiscal year beginning July 1, 2018, and ending June 30, 2019.....  
22 .....\$ 389,186,040.00.

23 **SECTION 3.** The following sum, or so much thereof as may be  
24 necessary, is appropriated out of any money in any special fund in  
25 the State Treasury to the credit of the Governor's  
26 Office - Division of Medicaid which is comprised of special source  
27 funds collected by or otherwise available to the Division, for the  
28 purpose of providing medical assistance under the Mississippi  
29 Medicaid Law and defraying the expenses of the administration of  
30 such law, for the fiscal year beginning July 1, 2018, and ending  
31 June 30, 2019.....\$ 5,043,008,585.00.

32 Prior period recovery of funds may be maintained and expended  
33 by the division when the recovery is received or finalized. Any  
34 recoveries due to audits or third party recoveries may be used to  
35 offset the cost of such audits and third party recoveries and as  
36 such, the division may escalate Contractual Services as needed for  
37 these purposes.

38 **SECTION 4.** The following sum, or so much thereof as may be  
39 necessary, is appropriated out of any money in the State Treasury  
40 to the credit of the Health Care Expendable Fund, for the purpose  
41 of defraying the expenses of the Governor's Office - Division of  
42 Medicaid for the fiscal year beginning July 1, 2018, and ending  
43 June 30, 2019.....\$ 76,196,128.00.



44           **SECTION 5.** Of the funds appropriated under the provisions of  
45 this act, the following positions are authorized:

46       AUTHORIZED POSITIONS:

47	Permanent:	Full Time.....	997
48		Part Time.....	2
49	Time-Limited:	Full Time.....	33
50		Part Time.....	0

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 2020 do not  
54 exceed Fiscal Year 2019 funds appropriated for that purpose,  
55 unless programs or positions are added to the agency's Fiscal Year  
56 2019 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 2019  
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 2019 "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's Publication 15-A relating  
88 to the reporting of income paid to contract employees, as  
89 interpreted by the Office of the State Auditor.

90 **SECTION 6.** It is the intention of the Legislature that the  
91 Governor's Office - Division of Medicaid shall maintain complete  
92 accounting and personnel records related to the expenditure of all  
93 funds appropriated under this act and that such records shall be



94 in the same format and level of detail as maintained for Fiscal  
 95 Year 2018. It is further the intention of the Legislature that  
 96 the agency's budget request for Fiscal Year 2020 shall be  
 97 submitted to the Joint Legislative Budget Committee in a format  
 98 and level of detail comparable to the format and level of detail  
 99 provided during the Fiscal Year 2019 budget request process with  
 100 the Children's Health Insurance Program (CHIP) being separated  
 101 from the Medical Services Program and submitted as a separate  
 102 program. In addition, the performance measures reported for the  
 103 Medical Services Program shall include an unduplicated case count  
 104 of individuals served by eligibility status, and the number and  
 105 the costs of emergency room visits.

106       **SECTION 7.** In compliance with the "Mississippi Performance  
 107 Budget and Strategic Planning Act of 1994," it is the intent of  
 108 the Legislature that the funds provided herein shall be utilized  
 109 in the most efficient and effective manner possible to achieve the  
 110 intended mission of this agency. Based on the funding authorized,  
 111 this agency shall make every effort to attain the targeted  
 112 performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
115 Administrative Services	
116       Admin as a % of Total Budget	5.40
117       Third Party Liability Cost Avoided (\$Thou)	1,133,052
118       % of Clean Claims Processed within 30 days	



119	of receipt	99.00
120	% of Clean Claims Processed within 90 days	
121	of receipt	100.00
122	Applications Processed within Std. of	
123	Promptness (%) - Medicaid	90.00
124	Third Party Funds Recovered (\$)	8,704,229
125	Providers Submitting Electronic Claims	37,500
126	Turnover Rate of Employees (%)	11.00
127	Medical Services	
128	Medicaid Recipients - Enrolled (Persons)	719,632
129	% MSCAN Diabetic members aged 17-75	
130	receiving HBA1c test	88.00
131	% Change in number of recipients enrolled	
132	from last year	1.00
133	% Change in number of providers from last	
134	year	8.00
135	% MSCAN members with persistent asthma are	
136	appropriately prescribed medication	80.00
137	Costs of Emergency Room Visits (\$)	157,553,191
138	Number of Emergency Room Visits	523,132
139	Rate of EPSDT well child screening	75.00
140	% Medicaid beneficiaries assigned to a PCP	100.00
141	% change of Medicaid beneficiaries assigned	
142	to a managed care company	2.00
143	Child Physical Exams (ages 0-20)	297,067



144	Adult Physical Exams (21-older)	2,115
145	Number of Fraud and Abuse Cases	
146	Investigated	210
147	Number of Kidney Dialysis Trips	533,646
148	Number of Medicaid Providers	40,000
149	Medicaid beneficiaries assigned a PCP	490,000
150	Number of Medicaid beneficiaries assigned	
151	to a managed care company	490,000
152	Child's Health Ins Prg (chip)	
153	CHIP Enrollees	48,583
154	Applications Processed within Std. of	
155	Promptness (%) - CHIP	90.00
156	Home & Com Based Waiver Prg	
157	Elderly & Disabled - Persons Served	20,000
158	(E&D) Change in persons on waiting list (%)	-10.00
159	(AL) Change in persons on waiting list (%)	20.00
160	Elderly & Disabled - Funded Slots	17,800
161	Elderly & Disabled - Total Authorized Slots	21,500
162	(IL) Change in persons on waiting list (%)	10.00
163	(TBI) Change in persons on waiting list (%)	75.00
164	Assisted Living - Persons Served	640
165	Assisted Living - Funded Slots	628
166	(IDD) Change in persons on waiting list (%)	10.00
167	Assisted Living - Total Authorized Slots	1,100
168	Independent Living - Persons Served	2,950



169	Independent Living - Funded Slots	2,850
170	Independent Living - Total Authorized Slots	6,500
171	Traumatic Brain Injury - Persons Served	950
172	Traumatic Brain Injury - Funded Slots	950
173	Traumatic Brain Injury - Total Authorized	
174	Slots	3,500
175	Intellectual Disability - Persons Served	2,515
176	Intellectual Disability - Funded Slots	2,515
177	Intellectual Disability - Total Authorized	
178	Slots	2,900

179       A reporting of the degree to which the performance targets  
180 set above have been or are being achieved shall be provided in the  
181 agency's budget request submitted to the Joint Legislative Budget  
182 Committee for Fiscal Year 2020.

183       **SECTION 8.** It is the intention of the Legislature that  
184 whenever two (2) or more bids are received by this agency for the  
185 purchase of commodities or equipment, and whenever all things  
186 stated in such received bids are equal with respect to price,  
187 quality and service, the Mississippi Industries for the Blind  
188 shall be given preference. A similar preference shall be given to  
189 the Mississippi Industries for the Blind whenever purchases are  
190 made without competitive bids.

191       **SECTION 9.** Of the funds appropriated herein, an amount not  
192 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is  
193 provided to implement an Adult Foster Care program for Medicaid





194 recipients as authorized by Section 43-13-117, Mississippi Code of  
195 1972.

196         **SECTION 10.** The division shall provide statistical and  
197 financial reports on a monthly basis to the Legislative Budget  
198 Office and the PEER Committee. These reports shall include, but  
199 are not limited to, an accounting of all funds spent and  
200 participant statistics medical program, the CHIP program, the  
201 Dialysis Transportation program, and each of the Home and  
202 Community Based Waiver programs, and an accounting of all funds  
203 spent in the administrative program and any other information  
204 requested by the Legislative Budget Office and the PEER Committee.  
205 The Division of Medicaid shall implement the improvements to this  
206 report as outlined in Finding Number 25 of the February 21, 2017,  
207 Navigant report, titled Mississippi Operational and Performance  
208 Assessment of the Governor's Office, Division of Medicaid (DOM).

209         The Division of Medicaid shall perform its cash flow  
210 projections on a predetermined monthly schedule and make this and  
211 any other information requested available, upon request, to the  
212 Chair of the Senate Public Health and Welfare Committee, the House  
213 Public Health and Human Services Committee, the House Medicaid  
214 Committee, the House and Senate Appropriations Committees, the  
215 Legislative Budget Office and the PEER Committee. A summary of  
216 this cash flow projection shall also be presented in the report  
217 referenced in the above paragraph.



218           **SECTION 11.** Of the funds appropriated in this act, the  
219 Division of Medicaid shall pay the maximum per diem rate allowed  
220 by federal law or regulation to providers of adult day services  
221 for each day of service provided to an eligible beneficiary. In  
222 order to receive this per diem rate of reimbursement, providers of  
223 adult day services shall participate in the Elderly and Disabled  
224 Waiver Program for Home and Community Based Services.

225           **SECTION 12.** In the division's Fiscal Year 2020 budget  
226 submission, all Medicaid 1915 (C) Home and Community Based Waivers  
227 shall be presented as a budget program separate from the Medical  
228 Services Program.

229           **SECTION 13.** Of the funds appropriated under the provisions  
230 of this act in an amount not to exceed, Two Million Seven Hundred  
231 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose  
232 of funding a temporary program to provide nonemergency  
233 transportation to locations for necessary dialysis services for  
234 end-stage renal disease patients who are sixty-five (65) years of  
235 age or older or are disabled as determined under Section  
236 1614(a)(3) of the federal Social Security Act, as amended, whose  
237 income did not exceed one hundred thirty-five percent (135%) of  
238 the nonfarm official poverty level as defined by the Office of  
239 Management and Budget and whose eligibility was covered under the  
240 former category of eligibility known as Poverty Level Aged and  
241 Disabled (PLADS).



242           **SECTION 14.** Of the funds appropriated in Sections 1 and 3,  
243 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars  
244 (\$398,550.00) General Funds and One Million One Hundred One  
245 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds  
246 are provided for five (5) slots in the Assisted Living Waiver  
247 program for persons with Traumatic Brain Injury and in need of  
248 Cognitive Rehabilitation. The Division shall develop eligibility  
249 criteria for these additional slots.

250           **SECTION 15.** It is the intention of the Legislature that the  
251 funds appropriated in this act to the Governor's Office - Division  
252 of Medicaid for the Mississippi Coordinated Access Network  
253 (MS-CAN) program be used in the most efficient and effective  
254 manner possible to achieve the intended mission of the division.  
255 The division and the coordinated care organizations with which the  
256 division has contracted to conduct the MS-CAN program shall  
257 establish baselines for the health-related outcome measurement for  
258 each of the following health focus areas for presentation at the  
259 Joint Legislative Budget Committee hearings for Fiscal Year 2019,  
260 which will be used as the baseline levels for establishing targets  
261 for improvements in quality of care performance measures for the  
262 MS-CAN program in Fiscal Year 2019 and later fiscal years:

263 <u>Health Focus Area</u>	<u>Measurement</u>
264 Blood sugar well controlled in	Percentage of members with
265 people with diabetes	HbA1c results less than or
266	equal to 8.0%



267	Asthma-related emergency room	Percentage reduction in
268	(ER) visits	asthma-related ER visits
269	Congestive heart failure (CHF)	Percentage decrease in
270		CHF-Related hospital
271		readmissions
272	Obesity	Percentage of persons age
273		eighteen and older classified
274		as having a documented Body
275		Mass Index (BMI) of 30.0 or
276		more regardless of sex

277        In addition, for comparison purposes, these same baselines  
278 for the health-related outcome measurements shall be established  
279 for similar Medicaid recipients who are not enrolled in the MS-CAN  
280 program. It is the further intention of the Legislature that, for  
281 the Fiscal Year 2019, the Division of Medicaid shall not restrict  
282 HIV antiretroviral medications.

283        **SECTION 16.** Of the funds appropriated herein, an amount not  
284 to exceed Three Hundred Thousand Dollars (\$300,000.00) is provided  
285 for payments to certain eligible obstetricians and gynecologists  
286 for the provision of certain primary care services, as defined by  
287 the division, at up to one hundred percent (100%) of the Medicare  
288 Physician fee schedule.

289        **SECTION 17.** Of the funds appropriated herein, Five Hundred  
290 Thousand Dollars (\$500,000.00) shall be allocated to the Delta



291 Health Alliance for a Patient Centered Medical Model Home in  
292 Leland, Mississippi.

293         **SECTION 18.** No funds appropriated by this act may be  
294 expended until the Division of Medicaid provides for the  
295 reimbursement of long acting reversible contraceptives (LARCs)  
296 insertion at the time of delivery, outside of the current Medicaid  
297 All Patient Refined-Diagnosis Related Group Version (APR-DRG)  
298 payment methodology, to Medicaid Enrolled hospital providers, and  
299 the Division of Medicaid considers the coverage of LARC insertion  
300 at the time of delivery to be an add-on benefit, paid according to  
301 a payment schedule developed by the Division, that is not included  
302 in the APR-DRG reimbursement process.

303         **SECTION 19.** (1) Of the funds appropriated in Sections 1 and  
304 4, an amount not to exceed Three Million Nine Hundred Forty-five  
305 Thousand Eight Hundred Eighty-nine Dollars (\$3,945,889.00) shall  
306 be provided for the Mississippi Delta Medicaid Population Health  
307 Demonstration Project, of which funds (a) Two Million Eight  
308 Hundred Seventy-nine Thousand Fifty-one Dollars (\$2,879,051.00)  
309 shall be used for the continuation of the existing program and  
310 shall be transferred no later than July 31, 2018, and (b) One  
311 Million Sixty-six Thousand Eight Hundred Thirty-eight Dollars  
312 (\$1,066,838.00) shall be used as state funds for the purposes of  
313 drawing federal matching funds for expansion of the program.

314         (2) As conditions of receiving the funds appropriated in  
315 Sections 1 and 4, (a) the Division of Medicaid shall attempt to



316 procure federal matching funds for all state support funds  
317 appropriated to the Mississippi Delta Medicaid Population Health  
318 Demonstration Project, without delaying any payments authorized by  
319 this section that are due on or before July 31, 2018, and (b) a  
320 progress report on the Mississippi Delta Medicaid Population  
321 Health Demonstration Project shall be provided to the Chairmen of  
322 the Senate and House Public Health Committees, Senate and House  
323 Medicaid Committees and the Senate and House Appropriations  
324 Committees on or before December 31, 2018.

325       **SECTION 20.** It is the intention of the Legislature that the  
326 Governor's Office, Division of Medicaid and the Department of  
327 Human Services shall work together to implement HB 1090 of the  
328 2017 Regular Session, known as the "Medicaid and Human Services  
329 Transparency and Fraud Prevention Act".

330       **SECTION 21.** The money herein appropriated shall be paid by  
331 the State Treasurer out of any money in the State Treasury to the  
332 credit of the proper fund or funds as set forth in this act, upon  
333 warrants issued by the State Fiscal Officer; and the State Fiscal  
334 Officer shall issue his warrants upon requisitions signed by the  
335 proper person, officer or officers, in the manner provided by law.

336       **SECTION 22.** This act shall take effect and be in force from  
337 and after July 1, 2018.

