

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

SENATE BILL NO. 2966
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEAR 2019.

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

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the Department of Mental Health for the fiscal year
8 beginning July 1, 2018, and ending June 30, 2019.....
9\$ 208,001,565.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby authorized for expenditure out of any special
12 source funds which are collected by or otherwise become available
13 for the support and maintenance of the Department of Mental Health
14 for the fiscal year beginning July 1, 2018, and ending
15 June 30, 2019.....\$ 377,985,021.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of
17 Section 2, Eighteen Million Nine Hundred Fifty-one Thousand Eight
18 Hundred Eighty-six Dollars (\$18,951,886.00) shall be derived from



19 the Health Care Expendable Fund created in Section 43-13-407,
20 Mississippi Code of 1972, for the support and maintenance of the
21 Department of Mental Health. The funds provided for in this
22 section shall be allocated as follows:

23	\$ 9,259,790.00	Expenses of the Department of Mental
24		Health.
25	\$ 379,417.00	Alzheimer's disease services development
26		and implementation of Senate Bill No.
27		2100, 1997 Regular Session.
28	\$ 3,896,641.00	Medicaid matching funds.
29	\$ 252,944.00	Psychotropic drugs or Medicaid match.
30	\$ 505,890.00	Alzheimer's Disease Program, prepayment
31		to Medicaid, etc.
32	\$ 2,727,792.00	Holding centers, group homes, substance
33		abuse programs, Children's Programs,
34		Prepayment of Medicaid, etc.
35	\$ 636,374.00	Crisis Centers
36	\$ 1,138,252.00	Physician services at community mental
37		health centers.
38	\$ 50,590.00	Grant for Epilepsy Foundation of
39		Mississippi or Medicaid match.
40	<u>\$ 104,196.00</u>	Specialized Treatment Facility.
41	\$ 18,951,886.00	TOTAL



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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	7,112
	Part Time.....	40
Time-Limited:	Full Time.....	600
	Part Time.....	18

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this



67 projected annual cost or the Fiscal Year 2019 "Personal Services"
68 appropriated level, when annualized, then only those actions which
69 reduce the projected annual cost and/or the appropriation
70 requirement will be processed by the State Personnel Board until
71 such time as the requirements of this provision are met.

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

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

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

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



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

96 FY2019

97 Performance Measures Target

98 Services Management

99 Onsite Reviews Conducted by Division

100 of Audit (Num of} 225

101 Conduct Subsequent DMH Certification

102 Reviews for DMH Certified Provider

103 Agencies Based on Random Sample (Num of) 200

104 Mental Health Services

105 Percentage of Population Lacking Access to

106 Community Based Mental Health Care (%) 37.00

107 Percentage of DMH Clients Served in the

108 Community versus in an Institutional

109 Setting (%) 96.00

110 Increase Alt. Treatment/Placement Options

111 for Individuals that have had Multiple

112 Hospitalizations and do not Respond to

113 Traditional Treatment (%) 25.00

114 Number Served by Programs of Assertive

115 Community Teams (PACT) in MS as an

116 Alternative Treatment Option for



117	Individuals that have had Multiple	
118	Hospitalizations	600
119	Number of People Employed through	
120	Supported Employment Sites	266
121	Increase Access to Crisis Services by	
122	Tracking the Number of Calls to Mobile	
123	Crisis Response Teams	25,000
124	Number referred from Mobile Crisis	
125	Response Teams to a Community Mental	
126	Health Center and Scheduled an	
127	Appointment	10,000
128	Number of Diverted from a more	
129	Restrictive Environment due to Mobile	
130	Crisis Response Teams	19,500
131	Number of Certified Peer Support	
132	Specialists in the State	170
133	Idd Services	
134	Individuals on Waiting List for Home and	
135	Community Based Services (Num of)	1,375
136	Percentage of DMH Institutionalized Clients	
137	who could be Served in the Community (%)	77.00
138	Percent of DMH Clients Served in the	
139	Community verses in an Institution (%)	73.00
140	Number of People Added from Planning List	
141	to ID/DD Waiver Services	131



142	Children & Youth Services	
143	Percent of Children with Serious Mental	
144	Illness Served by Local Multidisciplinary	
145	Assessment and Planning (MAP) Teams (%)	4.00
146	Number of Children and Youth Served	
147	by MAP Teams	1,300
148	Number of Children and Youth Served by	
149	Wraparound Facilitation	2,300
150	3% Alcohol Tax-alcohol/drug Prg	
151	Residential Treatment Beds (Beds)	424
152	Number of People Receiving Residential	
153	Substance Use Disorder Treatment	4,500
154	Crisis Stabilization Units	
155	Average Length of Time from Mental Health	
156	Crisis to Receipt of Community Mental	
157	Health Crisis Service (Hours)	
158	Urban	1
159	Rural	2
160	Percentage of People Receiving Mental	
161	Health Crisis Services who were Treated	
162	at Community Mental Health Centers	
163	versus in an Institutional Setting (%)	91.00
164	Diversion Rate of Admissions to State	
165	Hospitals through the Units	89.90
166	Number of Involuntary Admissions	2,020



167	Number of Voluntary Admissions	2,020
168	Mi - Institutional Care	
169	Number of Individuals Served at DMH's	
170	Inpatient Behavioral Health Programs	4,900
171	Maintain Readmission Rates within National	
172	Trends (%)	6.80
173	Mi - Pre/post Inst Care	
174	Number Served CMRC Community Living	95
175	Mi - Support Services	
176	Support as a Percent of Total Budget (%)	5.70
177	Idd - Institutional Care	
178	Number of Individuals Served at DMH's	
179	Residential IDD Programs	942
180	Number of People Transitioned from Facility	
181	to ICF/IID Community Homes	8
182	Idd - Group Homes	
183	Number of People Served in the 10 Bed	
184	ICF/IID Community Homes	585
185	Percentage of People Served in the	
186	Community vs. in an Institutional Setting	73
187	Idd - Community Programs	
188	Number of People Added from Waiting	
189	List to ID/DD Waiver Services	52
190	Number of People Enrolled in the 1915i	
191	(IDD Community Support Program)	800



Idd - Support Services

Support as a % of total budget 3.66

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

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

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

SECTION 8. Of the funds appropriated to the "Service Budget" funds are included for the support of community mental health services for Fiscal Year 2019.

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



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

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

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



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

SECTION 11. It is the intention of the Legislature that the Department of Mental Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2018. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2020 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2019 budget request process.

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



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

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

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



Legislature that the Department of Mental Health shall have the authority to transfer such sums from this source as are necessary to implement or improve those community services that are more appropriately addressed by the Mississippi Department of Education and/or the Mississippi Department of Rehabilitation Services to those agencies for that purpose. Further, it is the intention of the Legislature that any sums received from this source that are not expended during the fiscal year ending June 30, 2019, by the Mississippi Department of Mental Health shall be reappropriated for the same purpose during the fiscal year ending June 30, 2020. Further, it is the intention of the Legislature that the Department of Mental Health shall account for the expenditure of these funds in sufficient detail to clearly show the purposes for which such funds were expended.

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

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



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

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

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



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

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

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

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

SECTION 22. Of the funds appropriated in this act, the Department of Mental Health shall fund four (4) Programs of Assertive Community Treatment (PACT) Teams and provide supportive employment for individuals with intellectual and developmental disabilities.

SECTION 23. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal



365 Officer shall issue his warrants upon requisitions signed by the
366 proper person, officer or officers in the manner provided by law.

367 **SECTION 24.** This act shall take effect and be in force from
368 and after July 1, 2018.

