

By: Representatives Read, Mims, Arnold,
Bennett, Bounds, Brown, Clark, Hines,
Holland, Mettetal, Myers, Turner, Watson,
Faulkner

To: Appropriations

HOUSE BILL NO. 1650
(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 2020.

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, 2019, and ending June 30, 2020.....
15\$ 868,013,306.00.

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, 2019, and ending June 30, 2020.....
22\$ 390,386,040.00.

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, 2019, and ending
31 June 30, 2020.....\$ 5,069,062,534.00.

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, 2019, and ending
43 June 30, 2020.....\$ 63,230,003.00.

44 The above funds shall be allocated as follows:



45 CHIP Program at up to 209% level of poverty..\$ 9,000,000.00.

46 Medical Program Matching Funds.....\$ 54,230,003.00.

47 It is the intention of the Legislature that funds may be
48 shifted among the above allocated line items where needed at the
49 discretion of the Executive Director of Governor's Office -
50 Division of Medicaid.

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

53 AUTHORIZED POSITIONS:

54	Permanent:	Full Time.....	997
55		Part Time.....	2
56	Time-Limited:	Full Time.....	33
57		Part Time.....	0

58 With the funds herein appropriated, it shall be the agency's
59 responsibility to make certain that funds required to be
60 appropriated for "Personal Services" for Fiscal Year 2021 do not
61 exceed Fiscal Year 2020 funds appropriated for that purpose,
62 unless programs or positions are added to the agency's Fiscal Year
63 2020 budget by the Mississippi Legislature. Based on data
64 provided by the Legislative Budget Office, the State Personnel
65 Board shall determine and publish the projected annual cost to
66 fully fund all appropriated positions in compliance with the
67 provisions of this act. It shall be the responsibility of the
68 agency head to ensure that no single personnel action increases
69 this projected annual cost and/or the Fiscal Year 2020



70 appropriations for "Personal Services" when annualized, with the
71 exception of escalated funds and the award of benchmarks. If, at
72 the time the agency takes any action to change "Personal
73 Services," the State Personnel Board determines that the agency
74 has taken an action which would cause the agency to exceed this
75 projected annual cost or the Fiscal Year 2020 "Personal Services"
76 appropriated level, when annualized, then only those actions which
77 reduce the projected annual cost and/or the appropriation
78 requirement will be processed by the State Personnel Board until
79 such time as the requirements of this provision are met.

80 Funds are provided herein for all full-time employees to
81 receive up to a Three Percent (3%) pay increase to the realignment
82 component of the Variable Compensation Plan, excluding head of
83 agencies, board members and commission members.

84 Any transfers or escalations shall be made in accordance with
85 the terms, conditions and procedures established by law or
86 allowable under the terms set forth within this act. The State
87 Personnel Board shall not escalate positions without written
88 approval from the Department of Finance and Administration. The
89 Department of Finance and Administration shall not provide written
90 approval to escalate any funds for salaries and/or positions
91 without proof of availability of new or additional funds above the
92 appropriated level.

93 No general funds authorized to be expended herein shall be
94 used to replace federal funds and/or other special funds which are



95 being used for salaries authorized under the provisions of this
96 act and which are withdrawn and no longer available.

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

101 **SECTION 6.** It is the intention of the Legislature that the
102 Governor's Office - Division of Medicaid shall maintain complete
103 accounting and personnel records related to the expenditure of all
104 funds appropriated under this act and that such records shall be
105 in the same format and level of detail as maintained for Fiscal
106 Year 2019. It is further the intention of the Legislature that
107 the agency's budget request for Fiscal Year 2021 shall be
108 submitted to the Joint Legislative Budget Committee in a format
109 and level of detail comparable to the format and level of detail
110 provided during the Fiscal Year 2020 budget request process with
111 the Children's Health Insurance Program (CHIP) being separated
112 from the Medical Services Program and submitted as a separate
113 program. All Medicaid 1915 (C) Home and Community Based Services
114 Waivers shall be presented as a budget program separate from the
115 Medical Services Program. In addition, the performance measures
116 reported for the Medical Services Program shall include an
117 unduplicated case count of individuals served by eligibility
118 status, and the number and the costs of emergency room visits.



119 **SECTION 7.** In compliance with the "Mississippi Performance
 120 Budget and Strategic Planning Act of 1994," it is the intent of
 121 the Legislature that the funds provided herein shall be utilized
 122 in the most efficient and effective manner possible to achieve the
 123 intended mission of this agency. Based on the funding authorized,
 124 this agency shall make every effort to attain the targeted
 125 performance measures provided below:

126	FY2020
127 <u>Performance Measures</u>	<u>Target</u>
128 Administrative Services	
129 Admin as a % of Total Budget	4.58
130 Third Party Liability Cost Avoided (\$Thou)	939,662.00
131 % of Clean Claims Processed within 30	
132 days of receipt	99.00
133 % of Clean Claims Processed within 90	
134 days of receipt	99.99
135 Applications Processed within Std. of	
136 Promptness (%) - Medicaid	90.00
137 Third Party Funds Recovered	4,029,249.00
138 Providers Submitting Electronic Claims	37,500
139 Turnover Rate of Employees	15.00
140 Medical Services	
141 Medicaid Recipients - Enrolled (Persons)	694,786
142 % MSCAN Diabetic members aged 17-75	
143 receiving HBA1c test	91.63



144	% Change in number of recipients	
145	enrolled from last year	1.00
146	% Change in number of providers from	
147	last year	-12.00
148	% MSCAN members with persistent asthma	
149	are appropriately prescribed medication	82.00
150	Costs of Emergency Room Visits (\$)	162,360,473.00
151	Number of Emergency Room Visits	556,818
152	Rate of EPSDT well child screening	75.00
153	% Medicaid beneficiaries assigned to a PCP	100.00
154	% change of Medicaid beneficiaries	
155	assigned to a managed care company	-2.00
156	Child Physical Exams (ages 0-20)	297,379
157	Adult Physical Exams (21-older)	2,628
158	Number of Fraud and Abuse Cases Investigated	200
159	Number of Kidney Dialysis Trips	571,036
160	Number of Medicaid Providers	35,000
161	Medicaid beneficiaries assigned a PCP	420,000
162	Number of Medicaid beneficiaries	
163	assigned to a managed care company	420,000
164	Children's Health Insur Prg (CHIP)	
165	CHIP Enrollees	47,051
166	Applications Processed within Std. of	
167	Promptness (%) - CHIP	90.00
168	Home & Comm Based Waiver Prg	



169	Elderly & Disabled - Persons Served	19,580
170	Elderly & Disabled - Funded Slots	18,690
171	Elderly & Disabled - Total Authorized Slots	21,600
172	(E&D) Change in persons on waiting list%	10.00
173	Assisted Living - Persons Served	690
174	Assisted Living - Funded Slots	659
175	Assisted Living - Total Authorized Slots	950
176	(AL) Change in persons on waiting list%	10.00
177	Intellectual Disability - Persons Served	3,150
178	Intellectual Disability - Funded Slots	2,641
179	Intellectual Disability - Total	
180	Authorized Slots	3,400
181	(IDD) Change in persons on waiting list%	10.00
182	Independent Living - Persons Served	3,135
183	Independent Living - Funded Slots	2,993
184	Independent Living - Total Authorized Slots	5,650
185	(IL) Change in persons on waiting list%	10.00
186	Traumatic Brain Injury - Persons Served	1,045
187	Traumatic Brain Injury - Funded Slots	998
188	Traumatic Brain Injury - Total	
189	Authorized Slots	3,600
190	(TBI) Change in persons on waiting list%	50.00
191	A reporting of the degree to which the performance targets	
192	set above have been or are being achieved shall be provided in the	



193 agency's budget request submitted to the Joint Legislative Budget
194 Committee for Fiscal Year 2021.

195 **SECTION 8.** It is the intention of the Legislature that
196 whenever two (2) or more bids are received by this agency for the
197 purchase of commodities or equipment, and whenever all things
198 stated in such received bids are equal with respect to price,
199 quality and service, the Mississippi Industries for the Blind
200 shall be given preference. A similar preference shall be given to
201 the Mississippi Industries for the Blind whenever purchases are
202 made without competitive bids.

203 **SECTION 9.** The Governor's Office - Division of Medicaid
204 shall provide statistical and financial reports on a monthly basis
205 to the Legislative Budget Office and the PEER Committee. These
206 reports shall include, but are not limited to, an accounting of
207 all funds spent in the medical program, the CHIP program, the
208 Dialysis Transportation program, and each of the Home and
209 Community Based Waiver programs, and an accounting of all funds
210 spent in the administrative program, participant statistics and
211 any other information requested by the Legislative Budget Office
212 and the PEER Committee.

213 The Governor's Office - Division of Medicaid shall perform
214 its cash flow projections on a predetermined monthly schedule and
215 make this and any other information requested available, upon
216 request, to the Chair of the Senate Public Health and Welfare
217 Committee, the House Public Health and Human Services Committee,



218 the House and Senate Medicaid Committees, the House and Senate
219 Appropriations Committees, the Legislative Budget Office and the
220 PEER Committee. A summary of this cash flow projection shall also
221 be presented in the report referenced in the above paragraph.

222 **SECTION 10.** Of the funds appropriated in this act, the
223 Division of Medicaid shall pay the maximum rate allowed by federal
224 law or regulation to providers of adult day services for each day
225 of service provided to an eligible beneficiary. In order to
226 receive this per diem rate of reimbursement, providers of adult
227 day services shall participate in the Elderly and Disabled Waiver
228 Program for Home and Community Based Services.

229 **SECTION 11.** 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 12.** 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 13.** 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 2020,
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 2020 and later fiscal years:

- 263 a. Comprehensive Diabetes Care (CDC) or successive measure.
264 b. Medication Management for People with Asthma (MMA) or
265 successive measure.



266 c. Annual Monitoring for Patients on Persistent Medications
267 (MPM) or successive measure.

268 d. Adult BMI Assessment (ABA) and Weight Assessment and
269 Counseling for Nutrition and Physical Activity for
270 Children/Adolescents (WCC) or successive measure.

271 In addition, for comparison purposes, these same baselines
272 for the health-related outcome measurements shall be established
273 for similar Medicaid recipients who are not enrolled in the MS-CAN
274 program.

275 **SECTION 14.** It is the further intention of the Legislature
276 that, for the Fiscal Year 2020, the Division of Medicaid shall not
277 restrict HIV antiretroviral medications.

278 **SECTION 15.** Of the funds appropriated in Sections 1 and 4,
279 Four Million One Hundred Sixty-one Thousand Ninety-five Dollars
280 (\$4,161,095.00) shall be allocated to the Delta Health Alliance
281 for the Mississippi Delta Medicaid Population Health Demonstration
282 Project. Funds shall be transferred no later than July 31, 2019.
283 A progress report on the Mississippi Delta Medicaid Population
284 Health Demonstration Project shall be provided by Delta Health
285 Alliance to the Chairmen of the Senate and House Public Health
286 Committees, Senate and House Medicaid Committees and the Senate
287 and House Appropriations Committees on or before December 31,
288 2019.

289 **SECTION 16.** It is the intention of the Legislature that the
290 Governor's Office - Division of Medicaid and the Department of



291 Human Services shall continue to work together to implement HB
292 1090 of the 2017 Regular Session, known as the "Medicaid and Human
293 Services Transparency and Fraud Prevention Act".

294 **SECTION 17.** The Governor's Office - Division of Medicaid is
295 authorized to expend funds appropriated herein as necessary to
296 provide currently existing home and community based services
297 through any CMS approved state plan or home and community based
298 services waiver to individuals who qualify for those services to
299 avoid institutionalization or to transition an individual from an
300 institution to any home and community based setting. Provision of
301 such services shall not count against any limit imposed under this
302 act. It is the intention of the Legislature that the cost of
303 providing home and community based services shall not exceed the
304 cost of nursing facility services, as determined by the Division.

305 **SECTION 18.** It is the intent of the Legislature that the
306 Governor's Office - Division of Medicaid shall develop a payment
307 methodology or methodologies to reimburse rural hospitals that
308 have fifty (50) or fewer licensed beds under a cost-based
309 methodology pursuant to the provisions of Section
310 43-13-117(A)(2)(c) of the Mississippi Code or another methodology
311 which results in increased payments for outpatient services for
312 such hospitals. Such payment methodology or methodologies shall
313 be submitted to the House and Senate Appropriations Chairmen no
314 later than December 31, 2019.



315 **SECTION 19.** It is the intention of the Legislature, the
316 Governor's Office - Division of Medicaid shall use a provider
317 owned company which is domiciled in the State of Mississippi with
318 experience in credentialing Mississippi providers.

319 **SECTION 20.** The money herein appropriated shall be paid by
320 the State Treasurer out of any money in the State Treasury to the
321 credit of the proper fund or funds as set forth in this act, upon
322 warrants issued by the State Fiscal Officer; and the State Fiscal
323 Officer shall issue his warrants upon requisitions signed by the
324 proper person, officer or officers, in the manner provided by law.

325 **SECTION 21.** This act shall take effect and be in force from
326 and after July 1, 2019.

