

By: Senator(s) Clarke, Hopson, Hill, Butler, To: Appropriations
Norwood, Wiggins, Jackson (11th), Jordan

SENATE BILL NO. 3027
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEAR 2020.

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, 2019, and ending June 30, 2020.....
9\$ 213,668,778.00.

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, 2019, and ending
15 June 30, 2020.....\$ 386,255,457.00.

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



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

45 AUTHORIZED POSITIONS:

46	Permanent:	Full Time.....	7,112
47		Part Time.....	40
48	Time-Limited:	Full Time.....	600
49		Part Time.....	18

50 With the funds herein appropriated, it shall be the agency's
51 responsibility to make certain that funds required to be
52 appropriated for "Personal Services" for Fiscal Year 2021 do not
53 exceed Fiscal Year 2020 funds appropriated for that purpose,
54 unless programs or positions are added to the agency's Fiscal Year
55 2020 budget by the Mississippi Legislature. Based on data
56 provided by the Legislative Budget Office, the State Personnel
57 Board shall determine and publish the projected annual cost to
58 fully fund all appropriated positions in compliance with the
59 provisions of this act. It shall be the responsibility of the
60 agency head to ensure that no single personnel action increases
61 this projected annual cost and/or the Fiscal Year 2020
62 appropriations for "Personal Services" when annualized, with the
63 exception of escalated funds and the award of benchmarks. If, at
64 the time the agency takes any action to change "Personal
65 Services," the State Personnel Board determines that the agency
66 has taken an action which would cause the agency to exceed this



67 projected annual cost or the Fiscal Year 2020 "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 Funds are provided herein for all full-time employees to
73 receive up to a Three Percent (3%) pay increase to the realignment
74 component of the Variable Compensation Plan, excluding head of
75 agencies, board members and commission members.

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

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

89 None of the funds herein appropriated shall be used in
90 violation of Internal Revenue Service's Publication 15-A relating



91 to the reporting of income paid to contract employees, as
92 interpreted by the Office of the State Auditor.

93 **SECTION 5.** In compliance with the "Mississippi Performance
94 Budget and Strategic Planning Act of 1994," it is the intent of
95 the Legislature that the funds provided herein shall be utilized
96 in the most efficient and effective manner possible to achieve the
97 intended mission of this agency. Based on the funding authorized,
98 this agency shall make every effort to attain the targeted
99 performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
102 Services Management	
103 Number of on-site reviews conducted by	
104 the Division of Audit	73.00
105 Number of on-site reviews conducted for	
106 DMH certified provider agencies	210.00
107 Mental Health Services	
108 Percentage of population lacking access	
109 to community-based mental health care	35.00
110 Percentage of DMH clients served in the	
111 community versus in an institutional	
112 setting	96.00
113 Increase by at least 25% the utilization	
114 of alternative placement/treatment	
115 options for individuals who have had	



116	multiple hospitalizations and do not	
117	respond to traditional treatment	25.00
118	Number served by PACT Teams	450.00
119	Number of individuals employed through	
120	supported employment	350.00
121	Increase access to crisis services by	
122	tracking the number of calls to Mobile	
123	Crisis Response Teams	28,000.00
124	Number referred from Mobile Crisis	
125	Response Teams to a Community Mental	
126	Health Center and scheduled an	
127	appointment	9,700.00
128	Number diverted from a more restrictive	
129	environment due to Mobile Crisis	
130	Response Teams	22,000.00
131	Increase the number of Certified Peer	
132	Support Specialists in the State	325.00
133	Idd Services	
134	Number of individuals on planning list	
135	for home and community-based services	2,358.00
136	Percentage of DMH institutionalized	
137	clients who could be served in the	
138	community	79.00
139	Percentage of DMH clients served in the	
140	community versus in an institutional	



141	setting	81.70
142	Number of people added from planning	
143	list to ID/DD Waiver services	100.00
144	Children & Youth Services	
145	Percentage of children with serious	
146	mental illness served by local	
147	Multidisciplinary Assessment and	
148	Planning (MAP) teams	3.50
149	Number served by MAP teams	915.00
150	Number of children and youth that are	
151	served by Wraparound Facilitation	1,464.00
152	3% Alcohol Tax-alcohol/Drug Prg	
153	Number of residential beds made	
154	available statewide due to the Three	
155	Percent Tax supplements	248.00
156	Number receiving residential substance	
157	use disorder treatment	430.00
158	Crisis Stabilization Units	
159	Average length of time from mental	
160	health crisis to receipt of community	
161	mental health crisis service	1.50
162	Percentage of people receiving mental	
163	health crisis services who were treated	
164	at community mental health centers vs.	
165	institutions	92.50



166	Diversion rate of admissions to state	
167	hospitals (% of people)	92.50
168	Number of involuntary admissions	1,175.00
169	Number of voluntary admissions	1,475.00
170	Mi - Institutional Care	
171	Number served adult acute psychiatric	2,160.00
172	Maintain readmission rates within	
173	national trends (%)	5.40
174	Mi - Pre/post Inst Care (Comm Svs)	
175	Total individuals Served	235.00
176	Mi - Support Services	
177	Support as an overall percent of total	
178	budget	6.00
179	Idd - Institutional Care	
180	Number of people served in residential	
181	IID programs.	889.00
182	Number of people transitioned from	
183	facility to ICF/IID community home	37.00
184	Idd - Group Homes	
185	Number of people served in the 10-bed	
186	ICF/IID community homes	596.00
187	Percentage of people served in the	
188	community versus in an institutional	
189	setting	83.70
190	Idd - Community Programs	



191 Number of people added from planning
192 list to ID/DD Waiver Services 100.00
193 Number of people enrolled in the 1915i 1,150.00
194 Idd - Support Services
195 Support as a percentage of total budget 3.60
196 A reporting of the degree to which the performance targets
197 set above have been or are being achieved shall be provided in the
198 agency's budget request submitted to the Joint Legislative Budget
199 Committee for Fiscal Year 2021.

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

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

213 **SECTION 8.** Of the funds appropriated to the "Service
214 Budget," funds are included for the support of community mental
215 health services for Fiscal Year 2020.



216 Provided, however, that none of the funds appropriated for
217 the support of community mental health services shall be made
218 available to any Regional Mental Health/Intellectual Disability
219 Center which does not receive from each of its participating
220 counties a dollar amount equivalent to what the proceeds of a
221 three-fourths (3/4) mill tax on all taxable property in the county
222 in Fiscal Year 1982 would have been or the amount of funds
223 contributed to the center by the county in Fiscal Year 1984,
224 whichever shall be greater. By means of performance contracts,
225 the Department of Mental Health shall disburse the funds
226 appropriated in this section for services for the mentally ill,
227 intellectually disabled and alcohol/drug abusers. The State Board
228 of Mental Health and the Department of Mental Health shall be
229 responsible for selecting the types of services which shall be
230 provided with the funds appropriated in this section, for
231 developing and monitoring performance contracts and for holding
232 contractors accountable for utilization of funds.

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

238 **SECTION 10.** The Department of Mental Health and its
239 facilities shall have the express legal authority, within funding
240 and spending authority appropriated under the provisions of this



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

256 **SECTION 11.** It is the intention of the Legislature that the
257 Department of Mental Health shall maintain complete accounting and
258 personnel records related to the expenditure of all funds
259 appropriated under this act and that such records shall be in the
260 same format and level of detail as maintained for Fiscal Year
261 2019. It is further the intention of the Legislature that the
262 agency's budget request for Fiscal Year 2021 shall be submitted to
263 the Joint Legislative Budget Committee in a format and level of
264 detail comparable to the format and level of detail provided
265 during the Fiscal Year 2020 budget request process.



266 **SECTION 12.** It is the intention of the Legislature that none
267 of the funds provided herein shall be used to pay certain
268 utilities for state-furnished housing for any employees. Such
269 utilities shall include electricity, natural gas, butane, propane,
270 cable and phone services. Where actual cost cannot be determined,
271 the agency shall be required to provide meters to be in compliance
272 with legislative intent. Such state-furnished housing shall
273 include single-family and multifamily residences but shall not
274 include any dormitory residences. Allowances for such utilities
275 shall be prohibited.

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

288 **SECTION 14.** Of the funds appropriated under the provisions
289 of this act, Sixteen Million One Hundred Thousand Dollars
290 (\$16,100,000.00) is provided to the Department of Mental Health to



291 expand those community-based services that will improve the State
292 of Mississippi's compliance with the Olmstead decision of the
293 United States Supreme Court. Further, it is the intention of the
294 Legislature that the Department of Mental Health shall have the
295 authority to transfer such sums from this source as are necessary
296 to implement or improve those community services that are more
297 appropriately addressed by the Mississippi Department of Education
298 and/or the Mississippi Department of Rehabilitation Services to
299 those agencies for that purpose. Further, it is the intention of
300 the Legislature that any sums received from this source that are
301 not expended during the fiscal year ending June 30, 2020, by the
302 Mississippi Department of Mental Health shall be reappropriated
303 for the same purpose during the fiscal year ending June 30, 2021.
304 Further, it is the intention of the Legislature that the
305 Department of Mental Health shall account for the expenditure of
306 these funds in sufficient detail to clearly show the purposes for
307 which such funds were expended. The Executive Director of the
308 Department of Mental Health shall report any such reappropriation
309 to the Legislative Budget Office no later than fifteen (15) days
310 after the effective date of the reappropriation.

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



316 Of the funds appropriated in this act, the Department of
317 Mental Health, with approval by the board, may contract with a
318 community health center to allow Region 14 to be served at the
319 Crisis Stabilization Unit at Gulfport.

320 The Department of Mental Health, with approval by the board,
321 may also contract with suitable entities for the purpose of
322 operating the crisis intervention centers in Batesville,
323 Brookhaven, Cleveland, Corinth, Laurel and Newton. The department
324 shall provide quarterly progress reports on the operation of the
325 crisis intervention centers to the Chairmen of the Senate and
326 House Public Health and Appropriations Committees.

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

335 **SECTION 17.** The Department of Finance and Administration
336 (DFA) shall transfer funds back to the Department of Mental
337 Health, upon the request of the Department of Mental Health, where
338 the funds received by DFA from the Department of Mental Health
339 were special funds (neither general funds or bond funds) and where
340 those funds are not required for the payment of costs already



341 incurred on a building or repair project. For the purposes of
342 this section, the term "special funds" includes any state source
343 special funds including, but not limited to, funds from the Health
344 Care Expendable Fund. The duty of DFA to transfer funds back to
345 the Department of Mental Health under this section applies to any
346 funds described in this section that were transferred to DFA,
347 regardless of the year that the transfer was made by the
348 Department of Mental Health.

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

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

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

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



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

370 **SECTION 23.** The money herein appropriated shall be paid by
371 the State Treasurer out of any money in the State Treasury to the
372 credit of the proper fund or funds as set forth in this act, upon
373 warrants issued by the State Fiscal Officer; and the State Fiscal
374 Officer shall issue his warrants upon requisitions signed by the
375 proper person, officer or officers in the manner provided by law.

376 **SECTION 24.** This act shall take effect and be in force from
377 and after July 1, 2019.

