

## Senate Amendments to House Bill No. 1650

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 .....\$     859,283,104.00.

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 .....\$     389,186,040.00.

**SECTION 3.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the Governor's Office - Division of Medicaid which is comprised of special source funds collected by or otherwise available to the Division, for the purpose of providing medical assistance under the Mississippi Medicaid Law and defraying the expenses of the administration of such law, for the fiscal year beginning July 1, 2019, and ending June 30, 2020.....\$ 5,058,095,085.00.

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

**SECTION 4.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Health Care Expendable Fund, for the purpose of defraying the expenses of the Governor's Office - Division of Medicaid for the fiscal year beginning July 1, 2019, and ending June 30, 2020.....\$ 67,296,091.00.

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

**AUTHORIZED POSITIONS:**

Permanent:	Full Time.....	997
	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 2021 do not  
54 exceed Fiscal Year 2020 funds appropriated for that purpose,  
55 unless programs or positions are added to the agency's Fiscal Year  
56 2020 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 2020  
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 2020 "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 2019. It is further the intention of the Legislature that  
96 the agency's budget request for Fiscal Year 2021 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 2020 budget request process with  
100 the Children's Health Insurance Program (CHIP) being separated

from the Medical Services Program and submitted as a separate program. In addition, the performance measures reported for the Medical Services Program shall include an unduplicated case count of individuals served by eligibility status, and the number and the costs of emergency room visits.

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

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a % of Total Budget	4.58
Third Party Liability Cost Avoided (\$Thou)	939,662.00
% of Clean Claims Processed within 30 days of receipt	99.00
% of Clean Claims Processed within 90 days of receipt	99.99
Applications Processed within Std. of Promptness (%) - Medicaid	90.00
Third Party Funds Recovered	4,029,249.00
Providers Submitting Electronic Claims	37,500
Turnover Rate of Employees	15.00

127	Medical Services	
128	Medicaid Recipients - Enrolled (Persons)	694,786
129	% MSCAN Diabetic members aged 17-75	
130	receiving HBA1c test	91.63
131	% Change in number of recipients	
132	enrolled from last year	1.00
133	% Change in number of providers from	
134	last year	-12.00
135	% MSCAN members with persistent asthma	
136	are appropriately prescribed medication	82.00
137	Costs of Emergency Room Visits (\$)	162,360,473.00
138	Number of Emergency Room Visits	556,818
139	Rate of EPSDT well child screening	75.00
140	% Medicaid beneficiaries assigned to a PCP	100.00
141	% change of Medicaid beneficiaries	
142	assigned to a managed care company	-2.00
143	Child Physical Exams (ages 0-20)	297,379
144	Adult Physical Exams (21-older)	2,628
145	Number of Fraud and Abuse Cases Investigated	200
146	Number of Kidney Dialysis Trips	571,036
147	Number of Medicaid Providers	35,000
148	Medicaid beneficiaries assigned a PCP	420,000
149	Number of Medicaid beneficiaries	
150	assigned to a managed care company	420,000
151	Children's Health Insur Prg (chip)	
152	CHIP Enrollees	47,051

153	Applications Processed within Std. of	
154	Promptness (%) - CHIP	90.00
155	Home & Comm Based Waiver Prg	
156	Elderly & Disabled - Persons Served	19,580
157	Elderly & Disabled - Funded Slots	17,800
158	Elderly & Disabled - Total Authorized Slots	21,600
159	(E&D) Change in persons on waiting list%	10.00
160	Assisted Living - Persons Served	690
161	Assisted Living - Funded Slots	628
162	Assisted Living - Total Authorized Slots	950
163	(AL) Change in persons on waiting list%	10.00
164	Intellectual Disability - Persons Served	3,150
165	Intellectual Disability - Funded Slots	3,150
166	Intellectual Disability - Total	
167	Authorized Slots	3,150
168	(IDD) Change in persons on waiting list%	10.00
169	Independent Living - Persons Served	3,135
170	Independent Living - Funded Slots	2,850
171	Independent Living - Total Authorized Slots	5,650
172	(IL) Change in persons on waiting list%	10.00
173	Traumatic Brain Injury - Persons Served	1,045
174	Traumatic Brain Injury - Funded Slots	950
175	Traumatic Brain Injury - Total	
176	Authorized Slots	3,600
177	(TBI) Change in persons on waiting list%	50.00

178 A reporting of the degree to which the performance targets  
179 set above have been or are being achieved shall be provided in the  
180 agency's budget request submitted to the Joint Legislative Budget  
181 Committee for Fiscal Year 2021.

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

190 **SECTION 9.** Of the funds appropriated herein, an amount not  
191 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is  
192 provided to implement an Adult Foster Care program for Medicaid  
193 recipients as authorized by Section 43-13-117, Mississippi Code of  
194 1972.

195 **SECTION 10.** The division shall provide statistical and  
196 financial reports on a monthly basis to the Legislative Budget  
197 Office and the PEER Committee. These reports shall include, but  
198 are not limited to, an accounting of all funds spent and  
199 participant statistics medical program, the CHIP program, the  
200 Dialysis Transportation program, and each of the Home and  
201 Community Based Waiver programs, and an accounting of all funds  
202 spent in the administrative program and any other information  
203 requested by the Legislative Budget Office and the PEER Committee.



The Division of Medicaid shall implement the improvements to this report as outlined in Finding Number 25 of the February 21, 2017, Navigant report, titled Mississippi Operational and Performance Assessment of the Governor's Office, Division of Medicaid (DOM).

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

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

**SECTION 12.** In the division's Fiscal Year 2021 budget submission, all Medicaid 1915 (C) Home and Community Based Waivers shall be presented as a budget program separate from the Medical Services Program.

**SECTION 13.** Of the funds appropriated under the provisions of this act in an amount not to exceed, Two Million Seven Hundred

Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose of funding a temporary program to provide nonemergency transportation to locations for necessary dialysis services for end-stage renal disease patients who are sixty-five (65) years of age or older or are disabled as determined under Section 1614(a)(3) of the federal Social Security Act, as amended, whose income did not exceed one hundred thirty-five percent (135%) of the nonfarm official poverty level as defined by the Office of Management and Budget and whose eligibility was covered under the former category of eligibility known as Poverty Level Aged and Disabled (PLADS).

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

**SECTION 15.** It is the intention of the Legislature that the funds appropriated in this act to the Governor's Office - Division of Medicaid for the Mississippi Coordinated Access Network (MS-CAN) program be used in the most efficient and effective manner possible to achieve the intended mission of the division. The division and the coordinated care organizations with which the division has contracted to conduct the MS-CAN program shall

establish baselines for the health-related outcome measurement for each of the following health focus areas for presentation at the Joint Legislative Budget Committee hearings for Fiscal Year 2020, which will be used as the baseline levels for establishing targets for improvements in quality of care performance measures for the MS-CAN program in Fiscal Year 2020 and later fiscal years:

<u>Health Focus Area</u>	<u>Measurement</u>
Blood sugar well controlled in people with diabetes	Percentage of members with HbA1c results less than or equal to 8.0%
Asthma-related emergency room (ER) visits	Percentage reduction in asthma-related ER visits
Congestive heart failure (CHF)	Percentage decrease in CHF-Related hospital readmissions
Obesity	Percentage of persons age eighteen and older classified as having a documented Body Mass Index (BMI) of 30.0 or more regardless of sex

In addition, for comparison purposes, these same baselines for the health-related outcome measurements shall be established for similar Medicaid recipients who are not enrolled in the MS-CAN program. It is the further intention of the Legislature that, for the Fiscal Year 2020, the Division of Medicaid shall not restrict HIV antiretroviral medications.

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

**SECTION 17.** Of the funds appropriated herein, Five Hundred Thousand Dollars (\$500,000.00) shall be allocated to the Delta Health Alliance for a Patient Centered Medical Model Home in Leland, Mississippi.

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

**SECTION 19.** (1) Of the funds appropriated in Sections 1 and 4, an amount not to exceed Three Million Nine Hundred Forty-five Thousand Eight Hundred Eighty-nine Dollars (\$3,945,889.00) shall be provided for the Mississippi Delta Medicaid Population Health Demonstration Project, of which funds (a) Two Million Eight Hundred Seventy-nine Thousand Fifty-one Dollars (\$2,879,051.00)

shall be used for the continuation of the existing program and shall be transferred no later than July 31, 2019, and (b) One Million Sixty-six Thousand Eight Hundred Thirty-eight Dollars (\$1,066,838.00) shall be used as state funds for the purposes of drawing federal matching funds for expansion of the program.

(2) As conditions of receiving the funds appropriated in Sections 1 and 4, (a) the Division of Medicaid shall attempt to procure federal matching funds for all state support funds appropriated to the Mississippi Delta Medicaid Population Health Demonstration Project, without delaying any payments authorized by this section that are due on or before July 31, 2019, and (b) a progress report on the Mississippi Delta Medicaid Population Health Demonstration Project shall be provided to the Chairmen of the Senate and House Public Health Committees, Senate and House Medicaid Committees and the Senate and House Appropriations Committees on or before December 31, 2019.

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

**SECTION 21.** 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

333 Officer shall issue his warrants upon requisitions signed by the  
334 proper person, officer or officers, in the manner provided by law.  
335       **SECTION 22.** This act shall take effect and be in force from  
336 and after July 1, 2019.

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Liz Welch  
Secretary of the Senate