

By: Representatives Read, Mims, Arnold,
Bounds, Clark, Clarke, Criswell, Currie,
Eubanks, Hines, Hood, Sanford, Watson, Young,
Foster

To: Appropriations

HOUSE BILL NO. 1712
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR
3 2021.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the State Department of Health for the fiscal year
9 beginning July 1, 2020, and ending June 30, 2021.....
10\$ 31,552,980.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the State Department of Health
14 which is comprised of special source funds collected by or
15 otherwise available to the department, for the purpose of
16 defraying the expenses of the department for the fiscal year
17 beginning July 1, 2020, and ending June 30, 2021.....
18\$ 470,597,910.00.



19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two
21 Dollars (\$526,102.00) shall be derived from the State General Fund
22 and Nine Million One Hundred Seventy-eight Thousand Seven Hundred
23 Eighty-three Dollars (\$9,178,783.00) shall be derived from the
24 Health Care Expendable Fund, created in Section 43-13-407,
25 Mississippi Code of 1972, for the support and maintenance of the
26 State Department of Health. The funds provided in this section
27 shall be allocated as follows:

28	Maternal and Child Health Care	
29	Program.....	\$ 1,242,943.00
30	Early Intervention Program and/or Child Therapeutic	
31	Services.....	\$ 188,661.00
32	Health Department Programs.....	\$ 8,273,281.00

33 **SECTION 4.** Of the funds appropriated in this act,
34 Twenty-eight Million Dollars (\$28,000,000.00) is allocated to the
35 Trauma Care System. Of the General Fund court assessments
36 provided in Section 1, Seven Million Twenty-three Thousand One
37 Hundred Ninety-seven Dollars (\$7,023,197.00) shall be allocated
38 for Trauma Care Systems and One Million Eight Hundred Five
39 Thousand Eight Hundred Fifty-nine Dollars (\$1,805,859.00) shall be
40 allocated for Emergency Medical Services. All additional funds
41 are appropriated in Section 2. The State Department of Health may
42 transfer a portion of Trauma Care System funds to the Division of
43 Medicaid for the development and implementation of an enhanced



44 reimbursement fee program related to trauma care and services,
45 used to match federal funds, under a cooperative agreement between
46 the State Department of Health and the Division of Medicaid.

47 It is the intention of the Legislature that none of the funds
48 authorized herein for the Trauma Care System shall be expended to
49 the benefit of any hospital located outside the boundaries of the
50 State of Mississippi, unless otherwise excepted in this paragraph.
51 Funds shall be expended by the Mississippi Department of Health
52 for distribution to the Regional Medical Center or Le Bonheur
53 Children's Hospital at Memphis, located in Memphis, Tennessee, or
54 the University of South Alabama Medical Center located in Mobile,
55 Alabama, or the Joseph M. Still Burn Centers, Inc., located in
56 Augusta, Georgia, or the Joseph M. Still Burn and Reconstruction
57 Center at Merit Health Central or any affiliates or any other
58 Level 1 Trauma Center, or Tertiary Pediatric Trauma Center that
59 participates in the Mississippi Trauma Care System, as determined
60 by the Mississippi Department of Health.

61 **SECTION 5.** Of the funds appropriated in Section 2, Twenty
62 Million Dollars (\$20,000,000.00) shall be derived from the Tobacco
63 Control Program Fund, created in Section 41-113-11, Mississippi
64 Code of 1972, and shall be allocated as follows:

65 University of Mississippi Medical Center Cancer
66 Institute.....\$ 4,250,000.00
67 Department of Education - Mary Kirkpatrick Haskell -
68 Mary Sprayberry Public School



69 Nurse Program.....\$ 3,060,000.00
70 Attorney General's Office - Alcohol and
71 Tobacco Enforcement Unit.....\$ 680,000.00
72 University of Mississippi Medical Center -
73 A Comprehensive Tobacco
74 Center.....\$ 595,000.00
75 Mississippi Health Care Alliance - ST Elevated
76 Myocardial Infarction Program (STEMI).....\$ 382,500.00
77 Mississippi Qualified Health
78 Center Grant Program.....\$ 3,400,000.00
79 Mississippi Health Care Alliance for the
80 Stroke System of Care Plan.....\$ 212,500.00
81 Mississippi Health Department Programs.....\$ 7,420,000.00

82 Of the funds appropriated in this section, the State
83 Department of Health is authorized to expend funds to create and
84 administer the Office of Tobacco Control within the department as
85 outlined and created in Section 41-113-3, Mississippi Code of
86 1972.

87 **SECTION 6.** Of the funds appropriated in Section 1, Five
88 Hundred Fifty-eight Thousand Seven Hundred Ninety-five Dollars
89 (\$558,795.00) shall be allocated as follows:

90 Mississippi Health Care Alliance - ST
91 Elevated Myocardial Infarction
92 Program (STEMI).....\$ 139,700.00.
93 Mississippi Health Care Alliance for



94 the Stroke System of Care Plan.....\$ 139,700.00.
 95 Mississippi Qualified Health Center
 96 Grant Program.....\$ 55,880.00.
 97 Mississippi Health Department Programs.....\$ 223,515.00

98 **SECTION 7.** Of the funds appropriated under the provisions of
 99 this act, the following positions are authorized:

100 AUTHORIZED POSITIONS:

101	Permanent:	Full Time.....	1,072
102		Part Time.....	4
103	Time-Limited:	Full Time.....	991
104		Part Time.....	4

105 With the funds herein appropriated, it shall be the agency's
 106 responsibility to make certain that funds required to be
 107 appropriated for "Personal Services" for Fiscal Year 2022 do not
 108 exceed Fiscal Year 2021 funds appropriated for that purpose unless
 109 programs or positions are added to the agency's Fiscal Year 2021
 110 budget by the Mississippi Legislature. Based on data provided by
 111 the Legislative Budget Office, the State Personnel Board shall
 112 determine and publish the projected annual cost to fully fund all
 113 appropriated positions in compliance with the provisions of this
 114 act. Absent a special situation or circumstance approved by the
 115 State Personnel Board, or unless otherwise authorized by this act,
 116 no state agency shall take any action to promote or otherwise
 117 award salary increases through reallocation, reclassification, or
 118 realignment. If the State Personnel Board determines a special



119 situation or circumstance exists and approves an action, then the
120 agency and the State Personnel Board shall provide a monthly
121 report of each action approved by the State Personnel Board to the
122 chairmen of the Accountability, Efficiency and Transparency
123 Committees of the Senate and House of Representatives and the
124 chairmen of the Appropriations Committees of the Senate and House
125 of Representatives. It shall be the responsibility of the agency
126 head to ensure that no single personnel action increases this
127 projected annual cost and/or the Fiscal Year 2021 appropriations
128 for "Personal Services" when annualized, with the exception of
129 escalated funds and the award of benchmarks. If, at the time the
130 agency takes any action to change "Personal Services," the State
131 Personnel Board determines that the agency has taken an action
132 which would cause the agency to exceed this projected annual cost
133 or the Fiscal Year 2021 "Personal Services" appropriated level,
134 when annualized, then only those actions which reduce the
135 projected annual cost and/or the appropriation requirement will be
136 processed by the State Personnel Board until such time as the
137 requirements of this provision are met.

138 Any transfers or escalations shall be made in accordance with
139 the terms, conditions and procedures established by law or
140 allowable under the terms set forth within this act. The State
141 Personnel Board shall not escalate positions without written
142 approval from the Department of Finance and Administration. The
143 Department of Finance and Administration shall not provide written



144 approval to escalate any funds for salaries and/or positions
145 without proof of availability of new or additional funds above the
146 appropriated level.

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

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

155 **SECTION 8.** It is the intention of the Legislature that the
156 State Department of Health shall maintain complete accounting and
157 personnel records related to the expenditure of all funds
158 appropriated under this act and that such records shall be in the
159 same format and level of detail as maintained for Fiscal Year
160 2020. It is further the intention of the Legislature that the
161 agency's budget request for Fiscal Year 2022 shall be submitted to
162 the Joint Legislative Budget Committee in a format and level of
163 detail comparable to the format and level of detail provided
164 during the Fiscal Year 2021 budget request process.

165 **SECTION 9.** In compliance with the "Mississippi Performance
166 Budget and Strategic Planning Act of 1994," it is the intent of
167 the Legislature that the funds provided herein shall be utilized
168 in the most efficient and effective manner possible to achieve the



169 intended mission of this agency. Based on the funding authorized,
170 this agency shall make every effort to attain the targeted
171 performance measures provided below:

	FY2021
<u>Performance Measures</u>	<u>Target</u>
174 Health Services	
175 State infant mortality rate (per 1,000	
176 live births)	8.20
177 Percentage of women who received	
178 prenatal care in first trimester	73.40
179 Percentage of live births delivered	
180 prior to 37 weeks of gestation	11.70
181 Teenage birth rate age 15-19 years (live	
182 births per 1,000 women age 15-19)	24.90
183 Percentage of newborns with positive and	
184 inconclusive genetic screens who	
185 received recommended follow-up	100.00
186 Percentage of adults who are obese (Body	
187 Mass Index of 30 or more, regardless of	
188 sex)	39.90
189 Health Protection	
190 Percentage of Mississippi population	
191 receiving water from a public water	
192 supply	92.00
193 Percentage of Mississippi population	



194	receiving optimally fluoridated water	59.00
195	Transfer time of Level III and IV trauma	
196	centers to appropriate facilities for	
197	treatment (minutes)	130
198	Communicable Disease	
199	Primary and Secondary Syphilis: Case	
200	rate per 100,000	16.20
201	Tuberculosis: Number of cases	60
202	Tuberculosis: Case rate per 100,000	2.01
203	HIV Disease: Number of cases	475
204	HIV Disease: Case rate per 100,000	15.90
205	Rate of two year old children fully	
206	immunized (National Immunization Survey:	
207	4:3:1:3:3:1:4 series - 19 to 35 months)	76.00
208	Tobacco Control	
209	Percentage of current smokers among	
210	public middle school students	2.20
211	Percentage of current smokers among	
212	public high school students	6.30
213	Percentage of current smokers among	
214	adults 18 years and older	21.40
215	Public Health Emerg Prep/resp	
216	Time required for command staff to	
217	report to Emergency Operations Center in	
218	response to a national or man-made	



219	disaster (minutes)	20
220	Admin & Support Services	
221	Percentage of Mississippi population	
222	living in an area designated as a Health	
223	Professional Shortage Area: Mental	
224	Health	79.00
225	Percentage of Mississippi population	
226	living in an area designated as a Health	
227	Professional Shortage Area: Dental	55.00
228	Percentage of Mississippi population	
229	living in an area designated as a Health	
230	Professional Shortage Area: Primary	
231	Care	59.00

232 A reporting of the degree to which the performance targets
233 set above have been or are being achieved shall be provided in the
234 agency's budget request submitted to the Joint Legislative Budget
235 Committee for Fiscal Year 2022.

236 **SECTION 10.** It is the intention of the Legislature that with
237 the funds provided herein, the State Department of Health may
238 provide and administer without charge, Hepatitis B vaccinations to
239 Emergency Medical Services (EMS) personnel who are in need of such
240 vaccinations through job related exposure.

241 **SECTION 11.** In addition to all other sums heretofore
242 appropriated, the following sum, or so much thereof as may be
243 necessary, is appropriated out of any money in the State Treasury



244 to the credit of the Local Governments and Rural Water Systems
245 Emergency Loan Fund, and the Local Governments and Rural Water
246 System Improvements Revolving Loan Fund as authorized in Chapter
247 521, Laws of 1995, to the State Department of Health for the
248 purpose of defraying the expenses of the Local Governments and
249 Rural Water Systems Improvements Board, for the fiscal year
250 beginning July 1, 2020, and ending June 30, 2021.....
251\$ 35,016,019.00.

252 **SECTION 12.** Of the funds appropriated in Section 2, One
253 Million Dollars (\$1,000,000.00) shall come from the Department of
254 Human Services, Child Care Development Fund or other appropriate
255 special funds for the purpose of child care licensure. These
256 funds are to be transferred to the State Department of Health no
257 later than July 31, 2020. The State Department of Health shall
258 make a complete accounting of the uses of these funds to the
259 Department of Human Services.

260 **SECTION 13.** It is the intention of the Legislature that the
261 State Department of Health shall expend not more than Fifty
262 Thousand Dollars (\$50,000.00) of the funds appropriated herein for
263 providing the oil known as "Lorenzo's Oil" for the treatment of
264 the genetic disorder adrenoleukodystrophy (ALD), to children and
265 Mississippi residents over the age of twenty-one (21) who have the
266 genetic disorder adrenoleukodystrophy and for whom Medicaid does
267 not reimburse the cost of providing the oil. The department may
268 also provide needed pathology and biannual MRI exams.



269 **SECTION 14.** Of the funds appropriated in Section 1, Seven
270 Hundred Thousand Dollars (\$700,000.00) are provided for the
271 purpose of purchasing AIDS drugs and other necessary AIDS related
272 medical services.

273 **SECTION 15.** Of the funds appropriated herein, Twenty-one
274 Thousand Two Hundred Fifty Dollars (\$21,250.00) shall be provided
275 to the Southern AIDS Commission, Inc., for the purpose of
276 providing technical assistance, and providing for the expansion of
277 education on causes and prevention of HIV/AIDS, and providing
278 delivery services to persons infected with HIV. The Southern AIDS
279 Commission, Inc., shall report by February 1, 2021, to the Board
280 of Health and the Chairmen of the House and Senate Public Health
281 Committees the status of the project and all services provided.

282 **SECTION 16.** Of the funds appropriated herein, Twenty-one
283 Thousand Two Hundred Fifty Dollars (\$21,250.00) shall be provided
284 to the North Mississippi Health Care Foundation Restricted Fund,
285 for the purpose of providing technical assistance, providing for
286 the expansion of education on causes and prevention of HIV/AIDS,
287 and providing delivery services to persons infected with HIV. The
288 North Mississippi Health Care Foundation shall report by February
289 1, 2021, to the Board of Health and the Chairmen of the House and
290 Senate Public Health Committees the status of the project and all
291 services provided.

292 **SECTION 17.** Of the funds appropriated herein, Eight Thousand
293 Five Hundred Dollars (\$8,500.00) shall be provided to the AIDS



294 Services Coalition, Inc., for the purpose of providing housing
295 assistance, outreach, prevention services and supportive services
296 to persons infected with HIV. The AIDS Service Coalition, Inc.,
297 shall report by February 1, 2021, to the Board of Health and the
298 Chairmen of the House and Senate Public Health Committees the
299 status of the project and all services provided.

300 **SECTION 18.** Of the funds appropriated herein, the amounts of
301 Ninety-four Thousand Three Hundred Thirty Dollars (\$94,330.00)
302 shall be allocated to the T.K. Martin Center at Mississippi State
303 University and Ninety-four Thousand Three Hundred Thirty Dollars
304 (\$94,330.00) shall be allocated to the Regional Rehabilitation
305 Center in Tupelo for the Early Intervention Program and/or Child
306 Therapeutic Services.

307 **SECTION 19.** Of the funds appropriated herein, Two Hundred
308 Thousand Dollars (\$200,000.00) is provided for the Breast and
309 Cervical Cancer Program.

310 **SECTION 20.** In addition to all other funds heretofore
311 appropriated, the following sum, or so much thereof as may be
312 necessary, is appropriated out of any money in the State Treasury
313 to the credit of the Mississippi Burn Care Fund which is comprised
314 of special source funds collected by or otherwise available to the
315 department, for the purpose of funding reimbursement for
316 uncompensated medical care to Mississippi burn victims through the
317 trauma care system at in-state burn facilities including the
318 Joseph M. Still Burn and Reconstruction Center at Merit Health



319 Central or for uncompensated aero medical transportation to
320 out-of-state qualified United States Burn Care facilities, and
321 such other provisions necessary to provide burn care for
322 Mississippi residents, including reimbursement for travel,
323 lodgings, meals and other reasonable travel-related expenses
324 incurred by burn victims, family members and/or caregivers, for
325 the fiscal year beginning July 1, 2020, and ending June 30, 2021..
326\$ 1,000,000.00.

327 **SECTION 21.** Of the funds appropriated in Section 20, the
328 Mississippi Department of Health may provide upon mutual agreement
329 Twenty-five Thousand Dollars (\$25,000.00) for the Mississippi
330 Firefighters Memorial Burn Association. These funds are to be
331 used for monetary support of Mississippi burn victims for travel
332 and other expenses to the Joseph M. Still Burn Center in Georgia,
333 or the Joseph M. Still Burn and Reconstruction Center at Merit
334 Health Central.

335 **SECTION 22.** It is the intention of the Legislature that
336 whenever two (2) or more bids are received by this agency for the
337 purchase of commodities or equipment, and whenever all things
338 stated in such received bids are equal with respect to price,
339 quality and service, the Mississippi Industries for the Blind
340 shall be given preference. A similar preference shall be given to
341 the Mississippi Industries for the Blind whenever purchases are
342 made without competitive bids.



343 **SECTION 23.** It is the intention of the Legislature that the
344 Mississippi Department of Health shall implement same day service
345 to receive birth and death certificates.

346 **SECTION 24.** It is the intention of the Legislature that the
347 Mississippi State Department of Health shall provide the Joint
348 Legislative Budget Committee a report of all grants received by
349 September 15, 2020. This notification will consist of the name of
350 the grant and agency or nonprofit making the award, the award
351 amount, and a short list of goals to be achieved.

352 **SECTION 25.** It is the intention of the Legislature that the
353 Mississippi State Department of Health shall be the fiscal agent
354 in all allowable grants awarded.

355 **SECTION 26.** Of the funds appropriated in Section 2, Seven
356 Hundred Thousand Dollars (\$700,000.00) shall come from the
357 Department of Education for the purpose of maintenance of effort
358 for the Early Intervention Program. These funds are to be
359 transferred to the State Department of Health no later than
360 December 31, 2020. The State Department of Health shall make a
361 complete accounting of the uses of these funds to the Department
362 of Education.

363 **SECTION 27.** The Mississippi Department of Health is
364 authorized to obtain a line of credit through the State Treasurer
365 from the Working Cash-Stabilization Fund or any other special
366 source funds maintained in the State Treasury in an amount not
367 exceeding Ten Million Dollars (\$10,000,000.00) to fund shortfalls



368 which, from time to time, may occur due to insufficient working
369 cash spent in anticipation of receiving federal reimbursement.
370 The length of indebtedness under this provision shall not carry
371 past the end of the quarter following the loan origination. Loan
372 proceeds shall be received by the State Treasurer and shall be
373 placed in a Mississippi Department of Health designated special
374 fund account. The division may pledge as security for such
375 interim financing future funds that will be received by the
376 division. Any such loans shall be repaid from the first available
377 funds received by the department in the manner of and subject to
378 the same terms provided in this section.

379 **SECTION 28.** It is the intention of the Legislature that the
380 funds herein appropriated shall be expended in compliance with
381 Section 27-104-25, Mississippi Code of 1972, that no state agency
382 shall incur obligations or indebtedness in excess of their
383 appropriation and that the responsible officers, either personally
384 or upon their official bonds, shall be held responsible for
385 actions contrary to this provision.

386 **SECTION 29.** With the funds appropriated herein, it is the
387 intention of the Legislature that the Mississippi Department of
388 Health is authorized to set the compensation of all nurse PINs,
389 Epidemiologists and Disease Intervention Specialist Series based
390 on the education and experience of the incumbent not to exceed the
391 end salary as established by the State Personnel Board.



392 **SECTION 30.** It is the intent of the Legislature that the
393 Chairman of the Board of Health may appoint an official
394 replacement or representative with voting privileges to the
395 Advisory Board of the Office of Mississippi Physician Workforce.

396 **SECTION 31.** It is the intention of the Legislature that the
397 State Health Officer shall have the authority to transfer cash
398 from one special fund treasury fund to another special fund
399 treasury fund under the control of the Department of Health. It
400 is further the intention of the Legislature that the State Health
401 Officer shall submit written justification for the transfer to the
402 Legislative Budget Office and the Department of Finance and
403 Administration on or before the fifteenth of the month prior to
404 the effective date of the transfer.

405 **SECTION 32.** Of the funds appropriated in Section 1, it is
406 the intention of the Legislature that Eight Hundred Fifty-nine
407 Thousand Nine Hundred Three Dollars (\$859,903.00) shall be
408 allocated to the Domestic Violence program that is supported from
409 General Fund court assessments.

410 **SECTION 33.** It is the intent of the Legislature that the
411 Mississippi State Department of Health shall have authority to
412 escalate the various budgets in both funds and positions, with the
413 approval of the State Fiscal Officer, from any special funds
414 collected or available for HIV medical or support services,
415 clinical quality management, and administrative expenses not to
416 exceed Five Million Dollars (\$5,000,00.00), to the agency for



417 expenditure. Upon such approval, the Mississippi State Department
418 of Health may expend such funds in the manner authorized by law.

419 The Executive Director of the Mississippi State Department of
420 Health shall submit to the Department of Finance and
421 Administration a certified statement providing a detailed
422 explanation for any escalation, including a justification for the
423 establishment of any new positions or reclassification of existing
424 positions.

425 **SECTION 34.** It is the intention of the Legislature that the
426 Department of Health is hereby authorized to pay invoices to the
427 University of Mississippi Medical Center for prior year services
428 in an amount not to exceed Thirty-five Thousand Dollars
429 (\$35,000.00).

430 **SECTION 35.** Of the funds appropriated in Section 2, One
431 Million Two Hundred Thousand Dollars (\$1,200,000.00) may be used
432 to purchase accumulated compensatory time incurred before December
433 30, 2020, by employees whose activities are deemed essential to
434 agency operations for responding to COVID-19.

435 **SECTION 36.** With the funds appropriated herein, it is the
436 intention of the Legislature that the Mississippi State Department
437 of Health is authorized to set the compensation of PIN 622 based
438 on the education and experience of the incumbent not to exceed the
439 end salary as established by the State Personnel Board.

440 **SECTION 37.** The money herein appropriated shall be paid by
441 the State Treasurer out of any money in the State Treasury to the



442 credit of the proper fund or funds as set forth in this act, upon
443 warrants issued by the State Fiscal Officer; and the State Fiscal
444 Officer shall issue his warrants upon requisitions signed by the
445 proper person, officer or officers, in the manner provided by law.

446 **SECTION 38.** This act shall take effect and be in force from
447 and after July 1, 2020.

