

Senate Amendments to House Bill No. 1713

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, 2020, and ending June 30, 2021.....
15\$ 834,503,685.00.

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, 2020, and ending June 30, 2021.....
22\$ 383,053,961.00.

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, 2020, and ending
31 June 30, 2021.....\$ 4,991,217,815.00.

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, 2020, and ending
43 June 30, 2021.....\$ 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.....	978
55		Part Time.....	2
56	Time-Limited:	Full Time.....	32
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 2022 do not
61 exceed Fiscal Year 2021 funds appropriated for that purpose,
62 unless programs or positions are added to the agency's Fiscal Year
63 2021 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 2021
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 2021 "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 Any transfers or escalations shall be made in accordance with
81 the terms, conditions and procedures established by law or
82 allowable under the terms set forth within this act. The State
83 Personnel Board shall not escalate positions without written
84 approval from the Department of Finance and Administration. The
85 Department of Finance and Administration shall not provide written
86 approval to escalate any funds for salaries and/or positions
87 without proof of availability of new or additional funds above the
88 appropriated level.

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92 act and which are withdrawn and no longer available.

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

97 **SECTION 6.** It is the intention of the Legislature that the
98 Governor's Office - Division of Medicaid shall maintain complete
99 accounting and personnel records related to the expenditure of all
100 funds appropriated under this act and that such records shall be

101 in the same format and level of detail as maintained for Fiscal
 102 Year 2020. It is further the intention of the Legislature that
 103 the agency's budget request for Fiscal Year 2022 shall be
 104 submitted to the Joint Legislative Budget Committee in a format
 105 and level of detail comparable to the format and level of detail
 106 provided during the Fiscal Year 2021 budget request process with
 107 the Children's Health Insurance Program (CHIP) being separated
 108 from the Medical Services Program and submitted as a separate
 109 program. All Medicaid 1915 (C) Home and Community Based Services
 110 Waivers shall be presented as a budget program separate from the
 111 Medical Services Program. In addition, the performance measures
 112 reported for the Medical Services Program shall include an
 113 unduplicated case count of individuals served by eligibility
 114 status, and the number and the costs of emergency room visits.

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

	FY2021
<u>Performance Measures</u>	<u>Target</u>
124 Administrative Services	
125 Admin as a % of Total Budget	3.00
126 Third Party Liability Cost Avoided (\$Thou)	1,270,371.00

127	% of Clean Claims Processed within 30	
128	days of receipt	99.50
129	% of Clean Claims Processed within 90	
130	days of receipt	100.00
131	Applications Processed within Std of	
132	Promptness (%) - Medicaid	90.00
133	Third Party Funds Recovered	4,903,690.00
134	Providers Submitting Electronic Claims	30,000
135	Turnover Rate of Employees	15.00
136	Medical Services	
137	Medicaid Recipients - Enrolled (Persons)	679,979
138	% MSCAN Diabetic members aged 17-75	
139	receiving HBA1c test	87.99
140	% Change in number of recipients	
141	enrolled from last year	1.00
142	% Change in number of providers from	
143	last year	17.21
144	% MSCAN members with persistent asthma	
145	are appropriately prescribed medication	51.37
146	Costs of Emergency Room Visits (\$)	172,694,478.00
147	Number of Emergency Room Visits	620,167
148	Rate of EPSDT well child screening	75.00
149	% Medicaid beneficiaries assigned to a PCP	100.00
150	% change of Medicaid beneficiaries	
151	assigned to a managed care company	-2.00
152	Child Physical Exams (ages 0-20)	297,379

153	Adult Physical Exams (21-older)	2,891
154	Number of Fraud and Abuse Cases Investigated	250
155	Number of Kidney Dialysis Trips	533,646
156	Number of Medicaid Providers	38,715
157	Medicaid beneficiaries assigned a PCP	420,000
158	Number of Medicaid beneficiaries	
159	assigned to a managed care company	420,000
160	Children's Health Insur Prg (CHIP)	
161	CHIP Enrollees	46,541
162	Applications Processed within Std of	
163	Promptness (%) - CHIP	90.00
164	Home & Comm Based Waiver Prg	
165	Elderly & Disabled - Persons Served	19,625
166	Elderly & Disabled - Funded Slots	19,625
167	Elderly & Disabled - Total Authorized Slots	21,900
168	(E&D) Change in persons on waiting list (%)	30.00
169	Assisted Living - Persons Served	692
170	Assisted Living - Funded Slots	692
171	Assisted Living - Total Authorized Slots	1,000
172	(AL) Change in persons on waiting list (%)	15.00
173	Intellectual Disability - Persons Served	3,650
174	Intellectual Disability - Funded Slots	3,650
175	Intellectual Disability - Total	
176	Authorized Slots	3,650
177	(IDD) Change in persons on waiting list (%)	10.00
178	Independent Living - Persons Served	3,143

179	Independent Living - Funded Slots	3,143
180	Independent Living - Total Authorized Slots	2,725
181	(IL) Change in persons on waiting list (%)	10.00
182	Traumatic Brain Injury - Persons Served	1,048
183	Traumatic Brain Injury - Funded Slots	1,048
184	Traumatic Brain Injury - Total	
185	Authorized Slots	1,500
186	(TBI) Change in persons on waiting list (%)	10.00

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

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

199 **SECTION 9.** The Governor's Office - Division of Medicaid
200 shall provide statistical and financial reports on a monthly basis
201 to the Legislative Budget Office and the PEER Committee. These
202 reports shall include, but are not limited to, an accounting of
203 all funds spent in the medical program, the CHIP program, the
204 Dialysis Transportation program, and each of the Home and

205 Community Based Waiver programs, and an accounting of all funds
206 spent in the administrative program, participant statistics and
207 any other information requested by the Legislative Budget Office
208 and the PEER Committee.

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

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

225 **SECTION 11.** Of the funds appropriated under the provisions
226 of this act in an amount not to exceed, Two Million Seven Hundred
227 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
228 of funding a temporary program to provide nonemergency
229 transportation to locations for necessary dialysis services for
230 end-stage renal disease patients who are sixty-five (65) years of

231 age or older or are disabled as determined under Section
232 1614(a)(3) of the federal Social Security Act, as amended, whose
233 income did not exceed one hundred thirty-five percent (135%) of
234 the nonfarm official poverty level as defined by the Office of
235 Management and Budget and whose eligibility was covered under the
236 former category of eligibility known as Poverty Level Aged and
237 Disabled (PLADS).

238 **SECTION 12.** Of the funds appropriated in Sections 1 and 3,
239 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
240 (\$398,550.00) General Funds and One Million One Hundred One
241 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
242 are provided for five (5) slots in the Assisted Living Waiver
243 program for persons with Traumatic Brain Injury and in need of
244 Cognitive Rehabilitation. The Division shall develop eligibility
245 criteria for these additional slots.

246 **SECTION 13.** It is the intention of the Legislature that the
247 funds appropriated in this act to the Governor's Office - Division
248 of Medicaid for the Mississippi Coordinated Access Network
249 (MS-CAN) program be used in the most efficient and effective
250 manner possible to achieve the intended mission of the division.
251 The division and the coordinated care organizations with which the
252 division has contracted to conduct the MS-CAN program shall
253 establish baselines for the health-related outcome measurement for
254 each of the following health focus areas for presentation at the
255 Joint Legislative Budget Committee hearings for Fiscal Year 2021,
256 which will be used as the baseline levels for establishing targets

257 for improvements in quality of care performance measures for the
258 MS-CAN program in Fiscal Year 2021 and later fiscal years:

259 a. Comprehensive Diabetes Care (CDC) or successive measure.

260 b. Medication Management for People with Asthma (MMA) or
261 successive measure.

262 c. Annual Monitoring for Patients on Persistent Medications
263 (MPM) or successive measure.

264 d. Adult BMI Assessment (ABA) and Weight Assessment and
265 Counseling for Nutrition and Physical Activity for
266 Children/Adolescents (WCC) or successive measure.

267 In addition, for comparison purposes, these same baselines
268 for the health-related outcome measurements shall be established
269 for similar Medicaid recipients who are not enrolled in the MS-CAN
270 program.

271 **SECTION 14.** It is the further intention of the Legislature
272 that, for the Fiscal Year 2021, the Division of Medicaid shall not
273 restrict HIV antiretroviral medications.

274 **SECTION 15.** Of the funds appropriated in Sections 1 and 4,
275 Four Million One Hundred Sixty-one Thousand Ninety-five Dollars
276 (\$4,161,095.00) shall be allocated to the Delta Health Alliance
277 for the Mississippi Delta Medicaid Population Health Demonstration
278 Project. Funds shall be transferred no later than July 31, 2020.
279 A progress report on the Mississippi Delta Medicaid Population
280 Health Demonstration Project shall be provided by Delta Health
281 Alliance to the Chairmen of the Senate and House Public Health
282 Committees, Senate and House Medicaid Committees and the Senate

283 and House Appropriations Committees on or before December 31,
284 2020.

285 **SECTION 16.** It is the intention of the Legislature that the
286 Governor's Office - Division of Medicaid and the Department of
287 Human Services shall continue to work together to implement HB
288 1090 of the 2017 Regular Session, known as the "Medicaid and Human
289 Services Transparency and Fraud Prevention Act".

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

301 **SECTION 18.** It is the intent of the Legislature that the
302 Governor's Office - Division of Medicaid shall develop a payment
303 methodology or methodologies to reimburse rural hospitals that
304 have fifty (50) or fewer licensed beds under a cost-based
305 methodology pursuant to the provisions of Section
306 43-13-117(A)(2)(c) of the Mississippi Code or another methodology
307 which results in increased payments for outpatient services for
308 such hospitals. Such payment methodology or methodologies shall

309 be submitted to the House and Senate Appropriations Chairmen no
310 later than December 31, 2020.

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

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

321 **SECTION 21.** This act shall take effect and be in force from
322 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1713A.J

Eugene S. Clarke
Secretary of the Senate