

By: Representatives Read, Oliver, Cockerham, To: Appropriations
Hale, Haney, Huddleston, Jackson, Ladner,
Young

HOUSE BILL NO. 1369
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 STATE BOARD OF MEDICAL LICENSURE FOR THE FISCAL YEAR 2022.

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 special fund in
7 the State Treasury to the credit of the State Board of Medical
8 Licensure, for the purpose of defraying the expenses of the board
9 for the fiscal year beginning July 1, 2021, and ending
10 June 30, 2022 \$ 3,604,261.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time	28
15		Part Time	0
16	Time-Limited:	Full Time	0
17		Part Time	0



18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2023 do not
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless
22 programs or positions are added to the agency's Fiscal Year 2022
23 budget by the Mississippi Legislature. Based on data provided by
24 the Legislative Budget Office, the State Personnel Board shall
25 determine and publish the projected annual cost to fully fund all
26 appropriated positions in compliance with the provisions of this
27 act. Absent a special situation or circumstance approved by the
28 State Personnel Board, or unless otherwise authorized by this act,
29 no state agency shall take any action to promote or otherwise
30 award salary increases through reallocation or realignment. If
31 the State Personnel Board determines a special situation or
32 circumstance exists and approves an action, then the agency and
33 the State Personnel Board shall provide a monthly report of each
34 action approved by the State Personnel Board to the chairmen of
35 the Accountability, Efficiency and Transparency Committees of the
36 Senate and House of Representatives and the chairmen of the
37 Appropriations Committees of the Senate and House of
38 Representatives. It shall be the responsibility of the agency
39 head to ensure that no single personnel action increases this
40 projected annual cost and/or the Fiscal Year 2022 appropriations
41 for "Personal Services" when annualized, with the exception of
42 escalated funds and the award of benchmarks. If, at the time the



43 agency takes any action to change "Personal Services," the State
44 Personnel Board determines that the agency has taken an action
45 which would cause the agency to exceed this projected annual cost
46 or the Fiscal Year 2022 "Personal Services" appropriated level,
47 when annualized, then only those actions which reduce the
48 projected annual cost and/or the appropriation requirement will be
49 processed by the State Personnel Board until such time as the
50 requirements of this provision are met.

51 Any transfers or escalations shall be made in accordance with
52 the terms, conditions and procedures established by law or
53 allowable under the terms set forth within this act. The State
54 Personnel Board shall not escalate positions without written
55 approval from the Department of Finance and Administration. The
56 Department of Finance and Administration shall not provide written
57 approval to escalate any funds for salaries and/or positions
58 without proof of availability of new or additional funds above the
59 appropriated level.

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

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



68 **SECTION 3.** In compliance with the "Mississippi Performance
69 Budget and Strategic Planning Act of 1994," it is the intent of
70 the Legislature that the funds provided herein shall be utilized
71 in the most efficient and effective manner possible to achieve the
72 intended mission of this agency. Based on the funding authorized,
73 this agency shall make every effort to attain the targeted
74 performance measures provided below:

75		FY2022
76	<u>Performance Measures</u>	<u>Target</u>
77	Licensure	
78	Licensees Who Renew Online (%)	100.00
79	Individual License Renewals Issued	
80	Within Seven (7) Business Days (%)	100.00
81	Investigative	
82	Recidivism Rate for Those Receiving	
83	Disciplinary Actions (%)	4.00
84	Documented Complaints Received (Number of)	300
85	Documented Complaints Resolved Within	
86	Seven (7) Business Days (%)	15.00

87 A reporting of the degree to which the performance targets
88 set above have been or are being achieved shall be provided in the
89 agency's budget request submitted to the Joint Legislative Budget
90 Committee for Fiscal Year 2023.

91 **SECTION 4.** It is the intention of the Legislature that the
92 State Board of Medical Licensure shall maintain complete



93 accounting and personnel records related to the expenditure of all
94 funds appropriated under this act and that such records shall be
95 in the same format and level of detail as maintained for Fiscal
96 Year 2021. It is further the intention of the Legislature that
97 the agency's budget request for Fiscal Year 2023 shall be
98 submitted to the Joint Legislative Budget Committee in a format
99 and level of detail comparable to the format and level of detail
100 provided during the Fiscal Year 2022 budget request process.

101 **SECTION 5.** It is the intention of the Legislature that
102 whenever two (2) or more bids are received by this agency for the
103 purchase of commodities or equipment, and whenever all things
104 stated in such received bids are equal with respect to price,
105 quality and service, the Mississippi Industries for the Blind
106 shall be given preference. A similar preference shall be given to
107 the Mississippi Industries for the Blind whenever purchases are
108 made without competitive bids.

109 **SECTION 6.** It is the intention of the Legislature that the
110 funds herein appropriated shall be expended in compliance with
111 Section 27-104-25, Mississippi Code of 1972, that no state agency
112 shall incur obligations or indebtedness in excess of their
113 appropriation and that the responsible officers, either personally
114 or upon their official bonds, shall be held responsible for
115 actions contrary to this provision.

116 **SECTION 7.** Of the funds provided under the provisions of
117 this act, an amount not to exceed Five Hundred Thousand Dollars



(\$500,000.00) is provided for the Mississippi Physician Health Program.

SECTION 8. Of the funds provided under the provisions of this act, an amount not to exceed One Hundred Thirty Thousand Dollars (\$130,000.00) may be allocated to the Mississippi Board of Pharmacy to defray the expense of the Mississippi Prescription Monitoring Program.

SECTION 9. It is further the intention of the Legislature that, for Fiscal Year 2022, the board shall be allowed to recover all costs from a holder of a license who has been found by the board in violation of statute after notice and a hearing as provided by law. The expenses must be direct costs associated with the investigation and conduct of a proceeding for licensure revocation, suspension or restriction.

SECTION 10. 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 Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 11. This act shall take effect and be in force from and after July 1, 2021.

