

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

To: Appropriations

HOUSE BILL NO. 1400
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR
5 2022.

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

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, 2021, and ending June 30, 2022.....
15 \$ 836,685,748.00.

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, 2021, and ending June 30, 2022
22 \$ 366,702,314.00.

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, 2021, and ending
31 June 30, 2022 \$ 5,301,794,134.00.

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, 2021, and ending
43 June 30, 2022\$ 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	979
55		Part Time	9
56	Time-Limited:	Full Time	23
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 2023 do not
61 exceed Fiscal Year 2022 funds appropriated for that purpose unless
62 programs or positions are added to the agency's Fiscal Year 2022
63 budget by the Mississippi Legislature. Based on data provided by
64 the Legislative Budget Office, the State Personnel Board shall
65 determine and publish the projected annual cost to fully fund all
66 appropriated positions in compliance with the provisions of this
67 act. Absent a special situation or circumstance approved by the
68 State Personnel Board, or unless otherwise authorized by this act,
69 no state agency shall take any action to promote or otherwise



70 award salary increases through reallocation or realignment. If
71 the State Personnel Board determines a special situation or
72 circumstance exists and approves an action, then the agency and
73 the State Personnel Board shall provide a monthly report of each
74 action approved by the State Personnel Board to the chairmen of
75 the Accountability, Efficiency and Transparency Committees of the
76 Senate and House of Representatives and the chairmen of the
77 Appropriations Committees of the Senate and House of
78 Representatives. It shall be the responsibility of the agency
79 head to ensure that no single personnel action increases this
80 projected annual cost and/or the Fiscal Year 2022 appropriations
81 for "Personal Services" when annualized, with the exception of
82 escalated funds and the award of benchmarks. If, at the time the
83 agency takes any action to change "Personal Services," the State
84 Personnel Board determines that the agency has taken an action
85 which would cause the agency to exceed this projected annual cost
86 or the Fiscal Year 2022 "Personal Services" appropriated level,
87 when annualized, then only those actions which reduce the
88 projected annual cost and/or the appropriation requirement will be
89 processed by the State Personnel Board until such time as the
90 requirements of this provision are met.

91 Any transfers or escalations shall be made in accordance with
92 the terms, conditions and procedures established by law or
93 allowable under the terms set forth within this act. The State
94 Personnel Board shall not escalate positions without written



95 approval from the Department of Finance and Administration. The
96 Department of Finance and Administration shall not provide written
97 approval to escalate any funds for salaries and/or positions
98 without proof of availability of new or additional funds above the
99 appropriated level.

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

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

108 Funds have been appropriated herein for the purpose of
109 implementation and funding Project SEC2 of the Colonel Guy Groff
110 State Variable Compensation Plan beginning January 1, 2022, and
111 ending June 30, 2022. It shall be the agency's responsibility to
112 make certain that each person, excluding executive directors,
113 agency heads, and elected judges, shall receive no more than a 3%
114 annual increase in salary which shall not exceed the market rate
115 established by the State Personnel Board pursuant to the Colonel
116 Guy Groff State Variable Compensation Plan for each
117 classification.

118 **SECTION 6.** It is the intention of the Legislature that the
119 Governor's Office - Division of Medicaid shall maintain complete



120 accounting and personnel records related to the expenditure of all
121 funds appropriated under this act and that such records shall be
122 in the same format and level of detail as maintained for Fiscal
123 Year 2021. It is further the intention of the Legislature that
124 the agency's budget request for Fiscal Year 2023 shall be
125 submitted to the Joint Legislative Budget Committee in a format
126 and level of detail comparable to the format and level of detail
127 provided during the Fiscal Year 2022 budget request process with
128 the Children's Health Insurance Program (CHIP) being separated
129 from the Medical Services Program and submitted as a separate
130 program. All Medicaid 1915 (C) Home and Community Based Services
131 Waivers shall be presented as a budget program separate from the
132 Medical Services Program. In addition, the performance measures
133 reported for the Medical Services Program shall include an
134 unduplicated case count of individuals served by eligibility
135 status, and the number and the costs of emergency room visits.

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

143		FY2022
144	<u>Performance Measures</u>	<u>Target</u>



145	Administrative Services	
146	Admin as a % of Total Budget	4.23
147	Third Party Liability Cost Avoided (\$Thou)	1,355,362.00
148	% of Clean Claims Processed within 30	
149	days of receipt	99.50
150	% of Clean Claims Processed within 90	
151	days of receipt	100.00
152	Applications Processed within Std. of	
153	Promptness (%) - Medicaid	90.00
154	Third Party Funds Recovered	5,589,080.00
155	Providers Submitting Electronic Claims	31,500
156	Turnover Rate of Employees	15.00
157	Medical Services	
158	Medicaid Recipients - Enrolled (Persons)	682,500
159	% MSCAN Diabetic members aged 17-75	
160	receiving HBA1c test	87.99
161	% Change in number of recipients	
162	enrolled from last year	0.37
163	% Change in number of providers from	
164	last year	-4.71
165	% MSCAN members with persistent asthma	
166	are appropriately prescribed medication	52.00
167	Costs of Emergency Room Visits (\$)	174,421,422.00
168	Number of Emergency Room Visits	626,368
169	Rate of EPSDT well child screening	75.00



170	Child Physical Exams (ages 0-20)	300,352
171	Adult Physical Exams (21-older)	2,919
172	Number of Fraud and Abuse Cases Investigated	250
173	Number of Medicaid Providers	36,893
174	Number of Medicaid beneficiaries	
175	assigned to a managed care company	450,000
176	Children's Health Insur Prg (CHIP)	
177	CHIP Enrollees	48,000
178	Applications Processed within Std. of	
179	Promptness (%) - CHIP	90.00
180	Home & Comm Based Waiver Prg	
181	Elderly & Disabled - Persons Served	19,580
182	Elderly & Disabled - Funded Slots	18,690
183	Elderly & Disabled - Total Authorized Slots	21,900
184	(E&D) Change in persons on waiting list (%)	10.00
185	Assisted Living - Persons Served	690
186	Assisted Living - Funded Slots	659
187	Assisted Living - Total Authorized Slots	1,000
188	(AL) Change in persons on waiting list (%)	10.00
189	Intellectual Disability - Persons Served	3,150
190	Intellectual Disability - Funded Slots	2,641
191	Intellectual Disability - Total	
192	Authorized Slots	3,650
193	(IDD) Change in persons on waiting list (%)	10.00
194	Independent Living - Persons Served	3,135



195	Independent Living - Funded Slots	2,993
196	Independent Living - Total Authorized Slots	5,725
197	(IL) Change in persons on waiting list (%)	10.00
198	Traumatic Brain Injury - Persons Served	1,045
199	Traumatic Brain Injury - Funded Slots	998
200	Traumatic Brain Injury - Total	
201	Authorized Slots	3,600
202	(TBI) Change in persons on waiting list (%)	10.00

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

207 **SECTION 8.** It is the intention of the Legislature that
208 whenever two (2) or more bids are received by this agency for the
209 purchase of commodities or equipment, and whenever all things
210 stated in such received bids are equal with respect to price,
211 quality and service, the Mississippi Industries for the Blind
212 shall be given preference. A similar preference shall be given to
213 the Mississippi Industries for the Blind whenever purchases are
214 made without competitive bids.

215 **SECTION 9.** The Governor's Office - Division of Medicaid
216 shall provide statistical and financial reports on a monthly basis
217 to the Legislative Budget Office and the PEER Committee. These
218 reports shall include, but are not limited to, an accounting of
219 all funds spent in the medical program, the CHIP program, the



220 Dialysis Transportation program, and each of the Home and
221 Community Based Waiver programs, and an accounting of all funds
222 spent in the administrative program, participant statistics and
223 any other information requested by the Legislative Budget Office
224 and the PEER Committee.

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

234 **SECTION 10.** Of the funds appropriated under the provisions
235 of this act in an amount not to exceed, Two Million Seven Hundred
236 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
237 of funding a temporary program to provide nonemergency
238 transportation to locations for necessary dialysis services for
239 end-stage renal disease patients who are sixty-five (65) years of
240 age or older or are disabled as determined under Section
241 1614(a)(3) of the federal Social Security Act, as amended, whose
242 income did not exceed one hundred thirty-five percent (135%) of
243 the nonfarm official poverty level as defined by the Office of
244 Management and Budget and whose eligibility was covered under the



245 former category of eligibility known as Poverty Level Aged and
246 Disabled (PLADS).

247 **SECTION 11.** Of the funds appropriated in Sections 1 and 3,
248 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
249 (\$398,550.00) General Funds and One Million One Hundred One
250 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
251 are provided for five (5) slots in the Assisted Living Waiver
252 program for persons with Traumatic Brain Injury and in need of
253 Cognitive Rehabilitation. The Division shall develop eligibility
254 criteria for these additional slots.

255 **SECTION 12.** It is the intention of the Legislature that the
256 funds appropriated in this act to the Governor's Office - Division
257 of Medicaid for the Mississippi Coordinated Access Network
258 (MS-CAN) program be used in the most efficient and effective
259 manner possible to achieve the intended mission of the division.
260 The division and the coordinated care organizations with which the
261 division has contracted to conduct the MS-CAN program shall
262 establish baselines for the health-related outcome measurement for
263 each of the following health focus areas for presentation at the
264 Joint Legislative Budget Committee hearings for Fiscal Year 2022,
265 which will be used as the baseline levels for establishing targets
266 for improvements in quality of care performance measures for the
267 MS-CAN program in Fiscal Year 2022 and later fiscal years:

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



269 b. Medication Management for People with Asthma (MMA) or
270 successive measure.

271 c. Annual Monitoring for Patients on Persistent Medications
272 (MPM) or successive measure.

273 d. Adult BMI Assessment (ABA) and Weight Assessment and
274 Counseling for Nutrition and Physical Activity for
275 Children/Adolescents (WCC) or successive measure.

276 In addition, for comparison purposes, these same baselines
277 for the health-related outcome measurements shall be established
278 for similar Medicaid recipients who are not enrolled in the MS-CAN
279 program.

280 **SECTION 13.** Of the funds appropriated in Sections 1 and 4,
281 One Million Dollars (\$1,000,000.00) shall be allocated to the
282 Delta Health Alliance for the Mississippi Delta Medicaid
283 Population Health Demonstration Project. Funds shall be
284 transferred no later than July 31, 2021. A progress report on the
285 Mississippi Delta Medicaid Population Health Demonstration Project
286 shall be provided by Delta Health Alliance to the Chairmen of the
287 Senate and House Public Health Committees, Senate and House
288 Medicaid Committees and the Senate and House Appropriations
289 Committees on or before December 31, 2021.

290 As a precondition to receiving such funds, the Delta Health
291 Alliance shall:

292 (i) Establish a separate account into which funds
293 provided by this section shall be deposited and accounted;



294 (ii) Establish performance measures that measure
295 the ends to be achieved by each program activity implemented by
296 the Alliance;

297 (iii) Cooperate with any firm or entity charged
298 with the responsibility of auditing or evaluating the funds or
299 program activities funded by this act;

300 (iv) Submit to the division on an annual basis
301 reports that provide the following:

302 (a) Number of person served by the Alliance;

303 (b) Amount of funds expended by the Alliance on
304 approved activities;

305 (c) Names of staff employed by the Alliance by position
306 title and annual salary; and

307 (d) Names of contractors used by the Alliance to
308 provide services, including the amounts paid and a description of
309 services rendered.

310 By December 1, 2023, and every three (3) years thereafter,
311 the PEER Committee shall conduct an evaluation of the services
312 provided by the Delta Health Alliance over the same period. In
313 conducting evaluations required by this section, the PEER
314 Committee shall have access to any and all records of the
315 Alliance.

316 **SECTION 14.** It is the intention of the Legislature that the
317 Governor's Office - Division of Medicaid and the Department of
318 Human Services shall continue to work together to implement HB



319 1090 of the 2017 Regular Session, known as the "Medicaid and Human
320 Services Transparency and Fraud Prevention Act".

321 **SECTION 15.** The Governor's Office - Division of Medicaid is
322 authorized to expend funds appropriated herein as necessary to
323 provide currently existing home and community based services
324 through any CMS approved state plan or home and community based
325 services waiver to individuals who qualify for those services to
326 avoid institutionalization or to transition an individual from an
327 institution to any home and community based setting. Provision of
328 such services shall not count against any limit imposed under this
329 act. It is the intention of the Legislature that the cost of
330 providing home and community based services shall not exceed the
331 cost of nursing facility services, as determined by the Division.

332 **SECTION 16.** Of the funds appropriated in Section 1, an
333 additional Eight Hundred Five Thousand Six Hundred Thirty Dollars
334 (\$805,630.00) over the Division of Medicaid's FY 2021
335 appropriation is provided to fund additional slots in the Assisted
336 Living Home and Community Based Waiver program and an additional
337 One Million One Hundred Ninety-two Thousand Seven Hundred Seventy
338 Dollars (\$1,192,770.00) over the Division of Medicaid's FY 2021
339 appropriation is provided to fund additional slots in the Elderly
340 and Disabled Home and Community Based Waiver program.

341 **SECTION 17.** The money herein appropriated shall be paid by
342 the State Treasurer out of any money in the State Treasury to the
343 credit of the proper fund or funds as set forth in this act, upon



344 warrants issued by the State Fiscal Officer; and the State Fiscal
345 Officer shall issue his warrants upon requisitions signed by the
346 proper person, officer or officers, in the manner provided by law.

347 **SECTION 18.** This act shall take effect and be in force from
348 and after July 1, 2021.

