

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

To: Appropriations

HOUSE BILL NO. 1401
(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 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 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, 2021, and ending June 30, 2022.....
10 \$ 33,274,222.00.

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, 2021, and ending June 30, 2022.....
18 \$ 518,585,463.00.



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 Health Department Programs\$ 8,461,942.00

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



43 used to match federal funds, under a cooperative agreement between
44 the State Department of Health and the Division of Medicaid.

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

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

63 University of Mississippi Medical Center Cancer
64 Institute\$ 4,250,000.00
65 Department of Education - Mary Kirkpatrick Haskell -
66 Mary Sprayberry Public School
67 Nurse Program\$ 3,060,000.00



68 Attorney General's Office - Alcohol and
69 Tobacco Enforcement Unit\$ 680,000.00
70 University of Mississippi Medical Center -
71 A Comprehensive Tobacco (ACT)
72 Center\$ 595,000.00
73 Mississippi Health Care Alliance - ST Elevated
74 Myocardial Infarction Program (STEMI)\$ 382,500.00
75 Mississippi Qualified Health
76 Center Grant Program\$ 3,400,000.00
77 Mississippi Health Care Alliance for the
78 Stroke System of Care Plan\$ 212,500.00
79 Mississippi Health Department Programs\$ 7,420,000.00
80 Of the funds appropriated in this section, the State
81 Department of Health is authorized to expend funds to create and
82 administer the Office of Tobacco Control within the department as
83 outlined and created in Section 41-113-3, Mississippi Code of
84 1972.

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

88 Mississippi Health Care Alliance - ST
89 Elevated Myocardial Infarction
90 Program (STEMI)\$ 139,700.00.
91 Mississippi Health Care Alliance for
92 the Stroke System of Care Plan\$ 139,700.00.



93 Mississippi Qualified Health Center
 94 Grant Program\$ 55,880.00.
 95 Mississippi Health Department Programs\$ 223,515.00.

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

98 AUTHORIZED POSITIONS:

99	Permanent:	Full Time	1,010
100		Part Time	4
101	Time-Limited:	Full Time	1,391
102		Part Time	4

103 With the funds herein appropriated, it shall be the agency's
 104 responsibility to make certain that funds required to be
 105 appropriated for "Personal Services" for Fiscal Year 2023 do not
 106 exceed Fiscal Year 2022 funds appropriated for that purpose unless
 107 programs or positions are added to the agency's Fiscal Year 2022
 108 budget by the Mississippi Legislature. Based on data provided by
 109 the Legislative Budget Office, the State Personnel Board shall
 110 determine and publish the projected annual cost to fully fund all
 111 appropriated positions in compliance with the provisions of this
 112 act. Absent a special situation or circumstance approved by the
 113 State Personnel Board, or unless otherwise authorized by this act,
 114 no state agency shall take any action to promote or otherwise
 115 award salary increases through reallocation or realignment. If
 116 the State Personnel Board determines a special situation or
 117 circumstance exists and approves an action, then the agency and



118 the State Personnel Board shall provide a monthly report of each
119 action approved by the State Personnel Board to the chairmen of
120 the Accountability, Efficiency and Transparency Committees of the
121 Senate and House of Representatives and the chairmen of the
122 Appropriations Committees of the Senate and House of
123 Representatives. It shall be the responsibility of the agency
124 head to ensure that no single personnel action increases this
125 projected annual cost and/or the Fiscal Year 2022 appropriations
126 for "Personal Services" when annualized, with the exception of
127 escalated funds and the award of benchmarks. If, at the time the
128 agency takes any action to change "Personal Services," the State
129 Personnel Board determines that the agency has taken an action
130 which would cause the agency to exceed this projected annual cost
131 or the Fiscal Year 2022 "Personal Services" appropriated level,
132 when annualized, then only those actions which reduce the
133 projected annual cost and/or the appropriation requirement will be
134 processed by the State Personnel Board until such time as the
135 requirements of this provision are met.

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



143 without proof of availability of new or additional funds above the
144 appropriated level.

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

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

153 Funds have been appropriated herein for the purpose of
154 implementation and funding Project SEC2 of the Colonel Guy Groff
155 State Variable Compensation Plan beginning January 1, 2022, and
156 ending June 30, 2022. It shall be the agency's responsibility to
157 make certain that each person, excluding executive directors,
158 agency heads, and elected judges, shall receive no more than a 3%
159 annual increase in salary which shall not exceed the market rate
160 established by the State Personnel Board pursuant to the Colonel
161 Guy Groff State Variable Compensation Plan for each
162 classification.

163 **SECTION 8.** It is the intention of the Legislature that the
164 State Department of Health shall maintain complete accounting and
165 personnel records related to the expenditure of all funds
166 appropriated under this act and that such records shall be in the
167 same format and level of detail as maintained for Fiscal Year



168 2021. It is further the intention of the Legislature that the
169 agency's budget request for Fiscal Year 2023 shall be submitted to
170 the Joint Legislative Budget Committee in a format and level of
171 detail comparable to the format and level of detail provided
172 during the Fiscal Year 2022 budget request process.

173 **SECTION 9.** In compliance with the "Mississippi Performance
174 Budget and Strategic Planning Act of 1994," it is the intent of
175 the Legislature that the funds provided herein shall be utilized
176 in the most efficient and effective manner possible to achieve the
177 intended mission of this agency. Based on the funding authorized,
178 this agency shall make every effort to attain the targeted
179 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
182 Health Services	
183 State infant mortality rate (per 1,000	
184 live births)	8.20
185 Percentage of women who received	
186 prenatal care in first trimester	73.40
187 Percentage of live births delivered	
188 prior to 37 weeks of gestation	12.00
189 Teenage birth rate age 15-19 years (live	
190 births per 1,000 women age 15-19)	22.90
191 Percentage of newborns with positive and	
192 inconclusive genetic screens who	



193	received recommended follow-up	100.00
194	Percentage of adults who are obese (Body	
195	Mass Index of 30 or more, regardless of	
196	sex)	42.20
197	Health Protection	
198	Percentage of Mississippi population	
199	receiving water from a public water	
200	supply	92.00
201	Percentage of Mississippi population	
202	receiving optimally fluoridated water	59.00
203	Transfer time of Level III and IV trauma	
204	centers to appropriate facilities for	
205	treatment (minutes)	130
206	Communicable Disease	
207	Primary and Secondary Syphilis: Case	
208	rate per 100,000	23.50
209	Tuberculosis: Number of cases	55
210	Tuberculosis: Case rate per 100,000	1.75
211	HIV Disease: Number of cases	450
212	HIV Disease: Case rate per 100,000	15.10
213	Rate of two year old children fully	
214	immunized (National Immunization Survey:	
215	4:3:1:3:3:1:4 series - 19 to 35 months)	76.00
216	Tobacco Control	
217	Percentage of current smokers among	



218	public middle school students	2.60
219	Percentage of current smokers among	
220	public high school students	6.10
221	Percentage of current smokers among	
222	adults 18 years and older	19.80
223	Public Health Emerg Prep/resp	
224	Time required for command staff to	
225	report to Emergency Operations Center in	
226	response to a national or man-made	
227	disaster (minutes)	20
228	Admin & Support Services	
229	Percentage of Mississippi population	
230	living in an area designated as a Health	
231	Professional Shortage Area: Mental	
232	Health	79.00
233	Percentage of Mississippi population	
234	living in an area designated as a Health	
235	Professional Shortage Area: Dental	46.00
236	Percentage of Mississippi population	
237	living in an area designated as a Health	
238	Professional Shortage Area: Primary	
239	Care	46.00
240	A reporting of the degree to which the performance targets	
241	set above have been or are being achieved shall be provided in the	



242 agency's budget request submitted to the Joint Legislative Budget
243 Committee for Fiscal Year 2023.

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

249 **SECTION 11.** In addition to all other sums heretofore
250 appropriated, the following sum, or so much thereof as may be
251 necessary, is appropriated out of any money in the State Treasury
252 to the credit of the Local Governments and Rural Water Systems
253 Emergency Loan Fund, and the Local Governments and Rural Water
254 System Improvements Revolving Loan Fund as authorized in Chapter
255 521, Laws of 1995, to the State Department of Health for the
256 purpose of defraying the expenses of the Local Governments and
257 Rural Water Systems Improvements Board, for the fiscal year
258 beginning July 1, 2021, and ending June 30, 2022.....
259 \$ 34,342,704.00.

260 **SECTION 12.** Of the funds appropriated in Section 2, One
261 Million Dollars (\$1,000,000.00) shall come from the Department of
262 Human Services, Child Care Development Fund or other appropriate
263 special funds for the purpose of child care licensure. These
264 funds are to be transferred to the State Department of Health no
265 later than July 31, 2021. The State Department of Health shall



266 make a complete accounting of the uses of these funds to the
267 Department of Human Services.

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

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

281 **SECTION 15.** Of the funds appropriated herein, Two Hundred
282 Thousand Dollars (\$200,000.00) is provided for the Breast and
283 Cervical Cancer Program.

284 **SECTION 16.** In addition to all other funds heretofore
285 appropriated, the following sum, or so much thereof as may be
286 necessary, is appropriated out of any money in the State Treasury
287 to the credit of the Mississippi Burn Care Fund which is comprised
288 of special source funds collected by or otherwise available to the
289 department, for the purpose of funding reimbursement for
290 uncompensated medical care to Mississippi burn victims through the



291 trauma care system at in-state burn facilities including the
292 Joseph M. Still Burn and Reconstruction Center at Merit Health
293 Central or for uncompensated aero medical transportation to
294 out-of-state qualified United States Burn Care facilities, and
295 such other provisions necessary to provide burn care for
296 Mississippi residents, including reimbursement for travel,
297 lodgings, meals and other reasonable travel-related expenses
298 incurred by burn victims, family members and/or caregivers, for
299 the fiscal year beginning July 1, 2021, and ending June 30, 2022 .
300\$ 1,000,000.00.

301 **SECTION 17.** It is the intention of the Legislature that
302 whenever two (2) or more bids are received by this agency for the
303 purchase of commodities or equipment, and whenever all things
304 stated in such received bids are equal with respect to price,
305 quality and service, the Mississippi Industries for the Blind
306 shall be given preference. A similar preference shall be given to
307 the Mississippi Industries for the Blind whenever purchases are
308 made without competitive bids.

309 **SECTION 18.** It is the intention of the Legislature that the
310 Mississippi Department of Health shall implement same day service
311 to receive birth and death certificates.

312 **SECTION 19.** It is the intention of the Legislature that the
313 Mississippi State Department of Health shall provide the Joint
314 Legislative Budget Committee a report of all grants received by
315 September 15, 2021. This notification will consist of the name of



316 the grant and agency or nonprofit making the award, the award
317 amount, and a short list of goals to be achieved.

318 **SECTION 20.** It is the intention of the Legislature that the
319 Mississippi State Department of Health shall be the fiscal agent
320 in all allowable grants awarded.

321 **SECTION 21.** Of the funds appropriated in Section 2, Seven
322 Hundred Thousand Dollars (\$700,000.00) shall come from the
323 Department of Education for the purpose of maintenance of effort
324 for the Early Intervention Program. These funds are to be
325 transferred to the State Department of Health no later than
326 December 31, 2021. The State Department of Health shall make a
327 complete accounting of the uses of these funds to the Department
328 of Education.

329 **SECTION 22.** The Mississippi Department of Health is
330 authorized to obtain a line of credit through the State Treasurer
331 from the Working Cash-Stabilization Fund or any other special
332 source funds maintained in the State Treasury in an amount not
333 exceeding Ten Million Dollars (\$10,000,000.00) to fund shortfalls
334 which, from time to time, may occur due to insufficient working
335 cash spent in anticipation of receiving federal reimbursement.
336 The length of indebtedness under this provision shall not carry
337 past the end of the quarter following the loan origination. Loan
338 proceeds shall be received by the State Treasurer and shall be
339 placed in a Mississippi Department of Health designated special
340 fund account. The division may pledge as security for such



341 interim financing future funds that will be received by the
342 division. Any such loans shall be repaid from the first available
343 funds received by the department in the manner of and subject to
344 the same terms provided in this section.

345 **SECTION 23.** It is the intention of the Legislature that the
346 funds herein appropriated shall be expended in compliance with
347 Section 27-104-25, Mississippi Code of 1972, that no state agency
348 shall incur obligations or indebtedness in excess of their
349 appropriation and that the responsible officers, either personally
350 or upon their official bonds, shall be held responsible for
351 actions contrary to this provision.

352 **SECTION 24.** With the funds appropriated herein, it is the
353 intention of the Legislature that the Mississippi Department of
354 Health is authorized to set the compensation of all nurse PINs,
355 Epidemiologists and Disease Intervention Specialist Series based
356 on the education and experience of the incumbent not to exceed the
357 end salary as established by the State Personnel Board.

358 **SECTION 25.** It is the intent of the Legislature that the
359 Chairman of the Board of Health may appoint an official
360 replacement or representative with voting privileges to the
361 Advisory Board of the Office of Mississippi Physician Workforce.

362 **SECTION 26.** It is the intention of the Legislature that the
363 State Health Officer shall have the authority to transfer cash
364 from one special fund treasury fund to another special fund
365 treasury fund under the control of the Department of Health. It



366 is further the intention of the Legislature that the State Health
367 Officer shall submit written justification for the transfer to the
368 Legislative Budget Office and the Department of Finance and
369 Administration on or before the fifteenth of the month prior to
370 the effective date of the transfer.

371 **SECTION 27.** Of the funds appropriated in Section 1, it is
372 the intention of the Legislature that Eight Hundred Fifty-nine
373 Thousand Nine Hundred Three Dollars (\$859,903.00) shall be
374 allocated to the Domestic Violence program that is supported from
375 General Fund court assessments.

376 **SECTION 28.** It is the intent of the Legislature that the
377 Mississippi State Department of Health shall have authority to
378 escalate the various budgets in both funds and positions, with the
379 approval of the State Fiscal Officer, from any special funds
380 collected or available for HIV medical or support services,
381 clinical quality management, and administrative expenses not to
382 exceed Five Million Dollars (\$5,000,000.00), to the agency for
383 expenditure. Upon such approval, the Mississippi State Department
384 of Health may expend such funds in the manner authorized by law.
385 Funds may be made available to local HIV/AIDS service providers.

386 The Executive Director of the Mississippi State Department of
387 Health shall submit to the Department of Finance and
388 Administration a certified statement providing a detailed
389 explanation for any escalation, including a justification for the



390 establishment of any new positions or reclassification of existing
391 positions.

392 **SECTION 29.** Of the funds in Section 2, the following sum, or
393 so much thereof as may be necessary, is appropriated out of any
394 money in the State Treasury to the credit of the Capital Expense
395 Fund, for the purpose of defraying the expenses of the State
396 Department of Health for the fiscal year beginning July 1, 2021,
397 and ending June 30, 2022\$ 250,000.00.

398 **SECTION 30.** Of the funds appropriated in Section 2, an
399 amount not to exceed Three Million Two Hundred Forty Thousand
400 Dollars (\$3,240,000.00) may be used to purchase accumulated
401 compensatory time incurred before June 30, 2022, by employees who
402 are activated under emergency orders in response to the COVID-19
403 pandemic.

404 **SECTION 31.** The money herein appropriated shall be paid by
405 the State Treasurer out of any money in the State Treasury to the
406 credit of the proper fund or funds as set forth in this act, upon
407 warrants issued by the State Fiscal Officer; and the State Fiscal
408 Officer shall issue his warrants upon requisitions signed by the
409 proper person, officer or officers, in the manner provided by law.

410 **SECTION 32.** This act shall take effect and be in force from
411 and after July 1, 2021.

