MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

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)


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

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Health for the fiscal year beginning July 1, 2021, and ending June 30, 2022

$33,274,222.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2021, and ending June 30, 2022

$518,585,463.00.
SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two Dollars ($526,102.00) shall be derived from the State General Fund and Nine Million One Hundred Seventy-eight Thousand Seven Hundred Eighty-three Dollars ($9,178,783.00) shall be derived from the Health Care Expendable Fund, created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the State Department of Health. The funds provided in this section shall be allocated as follows:

Maternal and Child Health Care Program ................................... $ 1,242,943.00

Health Department Programs .................. $ 8,461,942.00

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

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

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

University of Mississippi Medical Center Cancer
Institute .............................................$ 4,250,000.00

Department of Education - Mary Kirkpatrick Haskell -
Mary Sprayberry Public School
Nurse Program ......................................$ 3,060,000.00
Attorney General's Office - Alcohol and Tobacco Enforcement Unit .....................$ 680,000.00
University of Mississippi Medical Center -
A Comprehensive Tobacco (ACT)
Center .........................................................$ 595,000.00
Mississippi Health Care Alliance - ST Elevated
Myocardial Infarction Program (STEMI) ......$ 382,500.00
Mississippi Qualified Health
Center Grant Program ..............................$ 3,400,000.00
Mississippi Health Care Alliance for the
Stroke System of Care Plan ......................$ 212,500.00
Mississippi Health Department Programs ........$ 7,420,000.00

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

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

Mississippi Health Care Alliance - ST Elevated Myocardial Infarction Program (STEMI) .........................$ 139,700.00.
Mississippi Health Care Alliance for the Stroke System of Care Plan ..........$ 139,700.00.
Mississippi Qualified Health Center

Grant Program ...........................................$  55,880.00.

Mississippi Health Department Programs.......$  223,515.00.

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

AUTHORIZED POSITIONS:

Permanent: Full Time .......... 1,010

Part Time ............. 4

Time-Limited: Full Time ............ 1,391

Part Time ............. 4

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and
the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2022 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

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

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

SECTION 8. It is the intention of the Legislature that the State Department of Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year
2021. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2023 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2022 budget request process.

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

<table>
<thead>
<tr>
<th>FY2022</th>
<th>Target</th>
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<tbody>
<tr>
<td><strong>Performance Measures</strong></td>
<td><strong>Health Services</strong></td>
</tr>
<tr>
<td><strong>State infant mortality rate (per 1,000 live births)</strong></td>
<td>8.20</td>
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<tr>
<td><strong>Percentage of women who received prenatal care in first trimester</strong></td>
<td>73.40</td>
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<tr>
<td><strong>Percentage of live births delivered prior to 37 weeks of gestation</strong></td>
<td>12.00</td>
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<tr>
<td><strong>Teenage birth rate age 15-19 years (live births per 1,000 women age 15-19)</strong></td>
<td>22.90</td>
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<tr>
<td><strong>Percentage of newborns with positive and inconclusive genetic screens who</strong></td>
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received recommended follow-up 100.00
Percentage of adults who are obese (Body Mass Index of 30 or more, regardless of sex) 42.20
Health Protection
Percentage of Mississippi population receiving water from a public water supply 92.00
Percentage of Mississippi population receiving optimally fluoridated water 59.00
Transfer time of Level III and IV trauma centers to appropriate facilities for treatment (minutes) 130
Communicable Disease
Primary and Secondary Syphilis: Case rate per 100,000 23.50
Tuberculosis: Number of cases 55
Tuberculosis: Case rate per 100,000 1.75
HIV Disease: Number of cases 450
HIV Disease: Case rate per 100,000 15.10
Rate of two year old children fully immunized (National Immunization Survey: 4:3:1:3:3:1:4 series - 19 to 35 months) 76.00
Tobacco Control
Percentage of current smokers among...
public middle school students 2.60

Percentage of current smokers among
public high school students 6.10

Percentage of current smokers among
adults 18 years and older 19.80

Public Health Emerg Prep/resp
Time required for command staff to
report to Emergency Operations Center in
response to a national or man-made
disaster (minutes) 20

Admin & Support Services
Percentage of Mississippi population
living in an area designated as a Health
Professional Shortage Area: Mental
Health 79.00

Percentage of Mississippi population
living in an area designated as a Health
Professional Shortage Area: Dental 46.00

Percentage of Mississippi population
living in an area designated as a Health
Professional Shortage Area: Primary Care 46.00

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

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

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

SECTION 12. Of the funds appropriated in Section 2, One Million Dollars ($1,000,000.00) shall come from the Department of Human Services, Child Care Development Fund or other appropriate special funds for the purpose of child care licensure. These funds are to be transferred to the State Department of Health no later than July 31, 2021. The State Department of Health shall
make a complete accounting of the uses of these funds to the
Department of Human Services.

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

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

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

SECTION 16. In addition to all other funds heretofore
appropriated, the following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State Treasury
to the credit of the Mississippi Burn Care Fund which is comprised
of special source funds collected by or otherwise available to the
department, for the purpose of funding reimbursement for
uncompensated medical care to Mississippi burn victims through the
trauma care system at in-state burn facilities including the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or for uncompensated aero medical transportation to out-of-state qualified United States Burn Care facilities, and such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel, lodgings, meals and other reasonable travel-related expenses incurred by burn victims, family members and/or caregivers, for the fiscal year beginning July 1, 2021, and ending June 30, 2022.


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

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

SECTION 19. It is the intention of the Legislature that the Mississippi State Department of Health shall provide the Joint Legislative Budget Committee a report of all grants received by September 15, 2021. This notification will consist of the name of...
the grant and agency or nonprofit making the award, the award
amount, and a short list of goals to be achieved.

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

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

**SECTION 22.** The Mississippi Department of Health is
authorized to obtain a line of credit through the State Treasurer
from the Working Cash-Stabilization Fund or any other special
source funds maintained in the State Treasury in an amount not
exceeding Ten Million Dollars ($10,000,000.00) to fund shortfalls
which, from time to time, may occur due to insufficient working
cash spent in anticipation of receiving federal reimbursement.
The length of indebtedness under this provision shall not carry
past the end of the quarter following the loan origination. Loan
proceeds shall be received by the State Treasurer and shall be
placed in a Mississippi Department of Health designated special
fund account. The division may pledge as security for such
interim financing future funds that will be received by the
division. Any such loans shall be repaid from the first available
funds received by the department in the manner of and subject to
the same terms provided in this section.

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

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

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

SECTION 26. It is the intention of the Legislature that the
State Health Officer shall have the authority to transfer cash
from one special fund treasury fund to another special fund
treasury fund under the control of the Department of Health. It
is further the intention of the Legislature that the State Health Officer shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

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

SECTION 28. It is the intent of the Legislature that the Mississippi State Department of Health shall have authority to escalate the various budgets in both funds and positions, with the approval of the State Fiscal Officer, from any special funds collected or available for HIV medical or support services, clinical quality management, and administrative expenses not to exceed Five Million Dollars ($5,000,000.00), to the agency for expenditure. Upon such approval, the Mississippi State Department of Health may expend such funds in the manner authorized by law. Funds may be made available to local HIV/AIDS service providers. The Executive Director of the Mississippi State Department of Health shall submit to the Department of Finance and Administration a certified statement providing a detailed explanation for any escalation, including a justification for the
establishment of any new positions or reclassification of existing positions.

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

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

SECTION 31. 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 32. This act shall take effect and be in force from and after July 1, 2021.