

By: Senator(s) Hopson, Polk, Hill, Frazier, Michel, Moran To: Appropriations

SENATE BILL NO. 2926
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEAR 2022.

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

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the Department of Mental Health for the fiscal year
8 beginning July 1, 2021, and ending June 30, 2022.....
9 \$ 214,082,403.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby authorized for expenditure out of any special
12 source funds which are collected by or otherwise become available
13 for the support and maintenance of the Department of Mental Health
14 for the fiscal year beginning July 1, 2021, and ending
15 June 30, 2022 \$ 410,087,618.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of
17 Section 2, Eighteen Million Nine Hundred Fifty-one Thousand Eight
18 Hundred Eighty-six Dollars (\$18,951,886.00) shall be derived from



19 the Health Care Expendable Fund created in Section 43-13-407,
20 Mississippi Code of 1972, for the support and maintenance of the
21 Department of Mental Health. The funds provided for in this
22 section shall be allocated as follows:

23	\$ 16,797,843.00	Expenses of the Department of Mental
24		Health, payment of Medicaid state share,
25		or prepayment of Medicaid state share.
26	\$ 379,417.00	Alzheimer's disease services development
27		and implementation of Senate Bill No.
28		2100, 1997 Regular Session.
29	\$ 636,374.00	Crisis Centers
30	\$ 1,138,252.00	Physician services at community mental
31		health centers.
32	\$ 18,951,886.00	TOTAL

33 **SECTION 4.** Of the funds appropriated under the provisions of
34 Sections 1 and 2 of this act, the following positions are
35 authorized:

36 AUTHORIZED POSITIONS:

37	Permanent:	Full Time	6,351
38		Part Time	19
39	Time-Limited:	Full Time	460
40		Part Time	9

41 With the funds herein appropriated, it shall be the agency's
42 responsibility to make certain that funds required to be
43 appropriated for "Personal Services" for Fiscal Year 2023 do not



44 exceed Fiscal Year 2022 funds appropriated for that purpose unless
45 programs or positions are added to the agency's Fiscal Year 2022
46 budget by the Mississippi Legislature. Based on data provided by
47 the Legislative Budget Office, the State Personnel Board shall
48 determine and publish the projected annual cost to fully fund all
49 appropriated positions in compliance with the provisions of this
50 act. Absent a special situation or circumstance approved by the
51 State Personnel Board, or unless otherwise authorized by this act,
52 no state agency shall take any action to promote or otherwise
53 award salary increases through reallocation or realignment. If
54 the State Personnel Board determines a special situation or
55 circumstance exists and approves an action, then the agency and
56 the State Personnel Board shall provide a monthly report of each
57 action approved by the State Personnel Board to the chairmen of
58 the Accountability, Efficiency and Transparency Committees of the
59 Senate and House of Representatives and the chairmen of the
60 Appropriations Committees of the Senate and House of
61 Representatives. It shall be the responsibility of the agency
62 head to ensure that no single personnel action increases this
63 projected annual cost and/or the Fiscal Year 2022 appropriations
64 for "Personal Services" when annualized, with the exception of
65 escalated funds and the award of benchmarks. If, at the time the
66 agency takes any action to change "Personal Services," the State
67 Personnel Board determines that the agency has taken an action
68 which would cause the agency to exceed this projected annual cost



69 or the Fiscal Year 2022 "Personal Services" appropriated level,
70 when annualized, then only those actions which reduce the
71 projected annual cost and/or the appropriation requirement will be
72 processed by the State Personnel Board until such time as the
73 requirements of this provision are met.

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

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

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

91 Funds have been appropriated herein for the purpose of
92 implementation and funding Project SEC2 of the Colonel Guy Groff
93 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 5. 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:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Services Management	
Number of on-site reviews conducted by the Division of Audit	58
Number of on-site reviews conducted for DMH certified provider agencies	190
Mental Health Services	
Percentage of population lacking access to community-based mental health care	31.00
Percentage of DMH clients served in the	



119	community versus in an institutional	
120	setting	98.00
121	Increase by at least 25% the utilization	
122	of alternative placement/treatment	
123	options for individuals who have had	
124	multiple hospitalizations and do not	
125	respond to traditional treatment	25.00
126	Number served by the Program of	
127	Assertive Community Treatment (PACT),	
128	Intensive Community Outreach and	
129	Recovery Teams (ICORT), and Intensive	
130	Community Support Services (ICSS)	4,100
131	Number of individuals employed through	
132	supported employment	300
133	Increase access to crisis services by	
134	tracking the number of calls to Mobile	
135	Crisis Response Teams	37,663
136	Number referred from Mobile Crisis	
137	Response Teams to a Community Mental	
138	Health Center and scheduled an	
139	appointment	8,813
140	Number diverted from a more restrictive	
141	environment due to Mobile Crisis	
142	Response Teams	31,327
143	Increase the number of Certified Peer	



144	Support Specialists in the State	311
145	IDD Services	
146	Number of individuals on planning list	
147	for home and community-based services	2,800
148	Percentage of DMH institutionalized	
149	clients who could be served in the	
150	community	86.00
151	Percentage of DMH clients served in the	
152	community versus in an institutional	
153	setting	86.00
154	Number of people added from planning	
155	list to ID/DD Waiver services	50
156	Children & Youth Services	
157	Percentage of children with serious	
158	mental illness served by local	
159	Multidisciplinary Assessment and	
160	Planning (MAP) teams	1.20
161	Number served by MAP teams	550
162	Number of children and youth that are	
163	served by Wraparound Facilitation	2,288
164	3% Alcohol Tax-alcohol/drug Prg	
165	Number of residential beds made	
166	available statewide due to the Three	
167	Percent Tax supplements	226
168	Number receiving residential substance	



169	use disorder treatment	1,589
170	Crisis Stabilization Units	
171	Average length of time from mental	
172	health crisis to receipt of community	
173	mental health crisis service	1.50
174	Percentage of people receiving mental	
175	health crisis services who were treated	
176	at community mental health centers vs.	
177	institutions	98.00
178	Diversion rate of admissions to state	
179	hospitals (% of people)	90.00
180	Number of involuntary admissions	1,726
181	Number of voluntary admissions	1,804
182	MI - Institutional Care	
183	Number served adult acute psychiatric	1,985
184	Maintain readmission rates within	
185	national trends (%)	3.30
186	MI - Support Services	
187	Support as an overall percent of total	
188	budget	6.40
189	IDD - Institutional Care	
190	Number of people served in residential	
191	IID programs	791
192	Number of people transitioned from	
193	facility to ICF/IID community home	26



the Governor may, at the discretion of the Director of the Institution and the Executive Director of the Department of Mental Health and within available personnel funds, be paid "call-back pay" in lieu of "compensatory time credit."

SECTION 8. Of the funds appropriated to the "Service Budget," funds are included for the support of community mental health services for Fiscal Year 2022.

Provided, however, that none of the funds appropriated for the support of community mental health services shall be made available to any Regional Mental Health/Intellectual Disability Center which does not receive from each of its participating counties a dollar amount equivalent to what the proceeds of a three-fourths (3/4) mill tax on all taxable property in the county in Fiscal Year 1982 would have been or the amount of funds contributed to the center by the county in Fiscal Year 1984, whichever shall be greater. By means of performance contracts, the Department of Mental Health shall disburse the funds appropriated in this section for services for the mentally ill, intellectually disabled and alcohol/drug abusers. The State Board of Mental Health and the Department of Mental Health shall be responsible for selecting the types of services which shall be provided with the funds appropriated in this section, for developing and monitoring performance contracts and for holding contractors accountable for utilization of funds.



243 **SECTION 9.** Ellisville State School is authorized to draw up
244 to Four Hundred Fifty Thousand Dollars (\$450,000.00) from interest
245 earned on funds invested in Ellisville State School Client's Trust
246 Fund for the purpose of supplementing the cost related to
247 supplies, property, and equipment in direct care.

248 **SECTION 10.** The Department of Mental Health and its
249 facilities shall have the express legal authority, within funding
250 and spending authority appropriated under the provisions of this
251 act to purchase land for use by residential facilities operated by
252 the department, either directly or by means of transferring funds
253 to the Bureau of Building, Grounds and Real Property Management,
254 and to transfer such funds to the Bureau of Building, Grounds, and
255 Real Property Management for the purposes of constructing and
256 equipping group homes for persons with mental illness,
257 intellectual disability, and/or substance abuse; constructing and
258 equipping such other buildings as may be required for treatment of
259 persons with mental illness, intellectual disability, and/or
260 substance abuse; repair and renovate existing buildings; and to
261 construct, repair and/or renovate employee housing. Any
262 intermediate care facilities for individuals with intellectual
263 disabilities (ICF/IID) constructed with funds authorized in this
264 section shall be authorized to participate in Medicaid funding
265 available for such services.

266 **SECTION 11.** It is the intention of the Legislature that the
267 Department of Mental 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 12. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state-furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state-furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 13. It is the intention of the Legislature that the Executive Director of the Department of Mental Health shall have authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Mental Health. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Executive Director of the



Department of Mental Health shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration. None of the funds transferred with this section may be transferred to the Central Office for Personal Services.

SECTION 14. Of the funds appropriated under the provisions of this act, Twenty Million One Hundred Thousand Dollars (\$20,100,000.00) is provided to the Department of Mental Health to expand those community-based services that will improve the State of Mississippi's compliance with the Olmstead decision of the United States Supreme Court. Further, it is the intention of the Legislature that the Department of Mental Health shall have the authority to transfer such sums from this source as are necessary to implement or improve those community services that are more appropriately addressed by the Mississippi Department of Education and/or the Mississippi Department of Rehabilitation Services to those agencies for that purpose. Further, it is the intention of the Legislature that any sums received from this source that are not expended during the fiscal year ending June 30, 2021, by the Mississippi Department of Mental Health shall be reappropriated for the same purpose during the fiscal year ending June 30, 2022. Further, it is the intention of the Legislature that the Department of Mental Health shall account for the expenditure of these funds in sufficient detail to clearly show the purposes for which such funds were expended. The Executive Director of the



Department of Mental Health shall report any such reappropriation to the Legislative Budget Office no later than fifteen (15) days after the effective date of the reappropriation.

SECTION 15. Of the funds appropriated in this act, the Department of Mental Health, with approval by the board, may contract with a Community Mental Health Center, or suitable entities, for the purpose of operating the Crisis Intervention Center at Grenada.

Of the funds appropriated in this act, the Department of Mental Health, with approval by the board, may contract with a community health center to allow Region 14 to be served at the Crisis Stabilization Unit at Gulfport.

The Department of Mental Health, with approval by the board, may also contract with suitable entities for the purpose of operating the crisis intervention centers in Batesville, Brookhaven, Cleveland, Corinth, Laurel and Newton. The department shall provide quarterly progress reports on the operation of the crisis intervention centers to the Chairmen of the Senate and House Public Health and Appropriations Committees.

SECTION 16. 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 17. The Department of Finance and Administration (DFA) shall transfer funds back to the Department of Mental Health, upon the request of the Department of Mental Health, where the funds received by DFA from the Department of Mental Health were special funds (neither general funds or bond funds) and where those funds are not required for the payment of costs already incurred on a building or repair project. For the purposes of this section, the term "special funds" includes any state source special funds including, but not limited to, funds from the Health Care Expendable Fund. The duty of DFA to transfer funds back to the Department of Mental Health under this section applies to any funds described in this section that were transferred to DFA, regardless of the year that the transfer was made by the Department of Mental Health.

SECTION 18. It is the intention of the Legislature that the Department of Mental Health may provide, upon the availability of funds, Five Hundred Thousand Dollars (\$500,000.00) to the Hope Village for Children Program.

SECTION 19. None of the funds provided in Section 1, 2, or 3 of this act shall be used to pay Medicaid match for the thirteen (13) Community Mental Health Centers.

SECTION 20. Of the funds appropriated under the provisions of this act, an amount not to exceed Two Hundred Fifty Thousand



368 Dollars (\$250,000.00) is provided for community-based mental
369 health services for juveniles in detention.

370 **SECTION 21.** Of the funds appropriated in Section 1, it is
371 the intention of the Legislature that Three Million Nine Hundred
372 Ten Thousand Seven Hundred Two Dollars (\$3,910,702.00) shall be
373 allocated to the Crisis Intervention Mental Health Fund supported
374 by General Fund court assessments.

375 **SECTION 22.** Of the funds appropriated in this act, the
376 Department of Mental Health shall fund four (4) Programs of
377 Assertive Community Treatment (PACT) Teams and provide supportive
378 employment for individuals with intellectual and developmental
379 disabilities.

380 **SECTION 23.** Of the funds appropriated in Section 1, it is
381 the intention of the Legislature that One Million Dollars
382 (\$1,000,000.00) is provided as an increase over and above the
383 Fiscal Year 2021 appropriation level of funding for eighty-three
384 (83) ID/DD Home and Community Based Waiver slots.

385 **SECTION 24.** Of the funds in Section 2, the following sum, or
386 so much thereof as may be necessary, is appropriated out of any
387 money in the State Treasury to the credit of the Capital Expense
388 Fund, for the purpose of defraying the expenses of the Department
389 of Mental Health for the fiscal year beginning July 1, 2021, and
390 ending June 30, 2022\$ 600,000.00.

391 The purpose of these funds is to provide to The Department of
392 Mental Health and community mental health centers funding to



393 expand outpatient services and community-based services for former
394 inmates of the Department of Corrections who are no longer
395 incarcerated within a correctional institution of the Department
396 of Corrections. The expanded outpatient services and
397 community-based services shall be for such former inmates who were
398 diagnosed with a mental illness while housed within a state
399 correctional institution of the Mississippi Department of
400 Corrections.

401 **SECTION 25.** With the funds appropriated herein, the
402 Department of Mental Health is authorized to make payment for
403 expenses incurred during Fiscal Years 2017 and 2019 as follows:

404 <u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
405 Arjo, Inc.	2017	\$ 3,818.83
406 Arjo, Inc.	2019	\$ 832.25
407 Broadway Linen	2019	\$ 2,988.72
408 CDW Direct	2019	\$ 500.22
409 Mobile Medic Service	2019	\$ 2,266.24
410 Mobile Medic Service	2019	\$ 360.50
411 Precision Healthcare	2019	\$ 15,471.80

412 **SECTION 26.** The money herein appropriated shall be paid by
413 the State Treasurer out of any money in the State Treasury to the
414 credit of the proper fund or funds as set forth in this act, upon
415 warrants issued by the State Fiscal Officer; and the State Fiscal
416 Officer shall issue his warrants upon requisitions signed by the
417 proper person, officer or officers in the manner provided by law.



418 **SECTION 27.** This act shall take effect and be in force from
419 and after July 1, 2021.

