

House Amendments to Senate Bill No. 2221

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14 **SECTION 1.** Sections 1 through 4 of this act shall be known
15 and may be cited as the "Jimmy Kaigler Alzheimer's Support Act."
16 James Street "Jimmy" Kaigler was born and raised in Clarksdale,
17 Mississippi, and was a graduate of the University of Mississippi.
18 Kaigler served as a Captain in the United States Air Force from
19 1966 to 1972. Following his tour in Vietnam, Captain Kaigler was
20 awarded the Bronze Star for meritorious service. Kaigler later
21 worked as President and CEO of Memorial Hospital in Gulfport.
22 Sections 1 through 4 of this act shall serve as testament to
23 Captain Kaigler's life as well as a tribute to the loving care
24 provided by his wife and family.

25 **SECTION 2.** (1) The Legislature finds that:

26 (a) Families caring for a loved one with Alzheimer's
27 disease or a related dementia at home are often burdened with
28 excessive financial or personal costs of providing continuous
29 care;

30 (b) Medicare does not pay for long-term care or provide
31 support to family caregivers;

32 (c) Long-term care insurance is costly and may not be
33 affordable to low and middle income families and may not cover
34 essential services for the length of time needed for an
35 Alzheimer's patient; and

36 (d) Providing respite care services to those with
37 Alzheimer's may delay or supplant the need for transfer to a
38 long-term skilled nursing facility, allowing for the individual
39 with Alzheimer's to remain in his or her home environment.

40 **SECTION 3.** As used in Sections 1 through 4 of this act, the
41 following terms shall be defined as provided in this section:

42 (a) "Alzheimer's disease or related dementia" means the
43 diseases and conditions characterized by a decline in memory,
44 language, problem-solving and other thinking skills that affect a
45 person's ability to perform everyday activities.

46 (b) "Mississippi Dementia Care Program" means the
47 Alzheimer's or related dementia pilot program created in this act.

48 (c) "Informal caregiver" means any spouse, adult child,
49 relative or friend who provides unpaid assistance to an individual
50 living in the community who suffers from Alzheimer's or other
51 related dementia.

52 (d) "Respite care" means temporary, substitute support
53 or living arrangements to provide a brief period of relief or rest
54 for informal caregivers. Respite care may include in-home care by
55 appropriately trained individuals, or care in an adult day care or

56 assisted living or nursing home setting, for an intermittent,
57 occasional or emergency basis.

58 **SECTION 4.** (1) Subject to the appropriation of federal
59 funds for that purpose, there is established within the Department
60 of Human Services a pilot program known as the "Mississippi
61 Dementia Care Program" for the purpose of providing respite care
62 services to informal caregivers of persons with Alzheimer's
63 disease or related dementia. The pilot program shall use existing
64 respite care services infrastructure and selected fiscal agent to
65 carry out the operations of the program. The State Department of
66 Mental Health, the State Department of Health and the University
67 of Mississippi Medical Center shall cooperate with and provide
68 assistance to the Department of Human Services in the
69 establishment and operation of the program and in seeking to
70 obtain federal funds for the program.

71 (2) The Mississippi Dementia Care Program shall:

72 (a) Be operated for a period of three (3) consecutive
73 years beginning on July 1, 2022, and continuing through July 1,
74 2025;

75 (b) Begin enrolling participating individuals
76 immediately upon beginning of the program; and

77 (c) Actively serve not more than sixty (60) enrollees
78 for the first year of operation, and maintain this number of
79 enrollees for the second and third year of operation.

80 (3) To receive assistance from the Mississippi Dementia Care
81 program, the family unit must be assessed according to the

82 guidelines developed by the department to determine the need for
83 respite care services. This assessment must determine, at a
84 minimum, that:

85 (a) The family unit is unable to pay for respite care
86 without jeopardizing other basic needs, including, but not limited
87 to, food, shelter and medications; and

88 (b) The homebound person with Alzheimer's disease or
89 related dementia for whom the family unit is caring is sixty (60)
90 years of age or older, requires assistance to remain in the home,
91 and, without this assistance, would need to move to an assisted
92 living facility or a nursing facility.

93 (4) The Department of Human Services shall promulgate rules
94 and regulations to effectuate the purposes of Sections 1 through 4
95 of this act.

96 (5) The executive director of the department shall submit a
97 report to the Legislature on or before January 1, 2023, and on or
98 before January 1st of each year thereafter until the end of the
99 pilot program period. The report shall include, but is not
100 limited to, the following information:

101 (a) Total spent on program funding;

102 (b) The amount of administrative costs to operate the
103 program;

104 (c) The number of individuals and informal caregivers
105 served by the program;

106 (d) The income ranges of the individuals and informal
107 caregivers participating in this program; and

108 (e) The efficacy of the assistance program.

109 (6) This section does not create an entitlement to respite
110 care services through the provisions of this program, and the
111 services provided and the number of individuals served are subject
112 to appropriations of federal funds for that purpose.

113 **SECTION 5.** (1) As used in this section, the term "regional
114 food banks" means the three (3) Feeding America partner food banks
115 that serve Mississippi, including Feeding the Gulf Coast,
116 Mid-South Food Bank, and Mississippi Food Network, which are
117 nonprofit organizations that solicit, warehouse and redistribute
118 eligible food to agencies in Mississippi that feed families and
119 individuals who qualify based on federal guidelines.

120 (2) Subject to the appropriation of federal funds for that
121 purposes, the Department of Human Services shall establish a grant
122 program for regional food banks to provide annual grant funding to
123 the regional food banks for the purchase, transportation, storage
124 and distribution of food in Mississippi. Grants shall be made
125 from federal funds available to the department for such purpose.
126 Grants made pursuant to the program shall be used only for the
127 purchase of food or agricultural commodities for repackaging or
128 processing, or both, of food for distribution to emergency food
129 providers serving Mississippi and program participants residing in
130 Mississippi.

131 (3) The department shall administer the program and shall
132 use not more than one percent (1%) of the funds made available for
133 the program for expenses of administering the program.

134 (4) All food purchases made through the use of program funds
135 shall be made in accordance with the following standards:

136 (a) Procurement from Mississippi-based food sources
137 shall be given preference when available and at a reasonable cost;

138 (b) Food shall be purchased at wholesale prices or
139 competitive bid prices or better; and

140 (c) Funds for food and food provided through this
141 program shall be used to supplement and not replace funds for food
142 or food provided through the U.S. Department of Agriculture's
143 federal commodities program.

144 (5) The department shall allocate money to regional food
145 banks based on population, food insecurity rates, and county
146 service areas. The annual percentage formula for each nonprofit
147 food bank shall be calculated on a pro rata basis by dividing the
148 total number of food insecure persons in the food bank's service
149 area by the total number of food insecure persons in the state.
150 The data for this formula shall be derived from the latest
151 available data from Feeding America.

152 (6) Not more than seven percent (7%) of the grant funds made
153 available through the program to a regional food bank shall be
154 used by any regional food bank for the payment of administrative
155 and incidental costs.

156 (7) No regional food bank shall charge any person who is
157 eligible under the program for food or encourage any eligible
158 person to contribute money in order to receive food under the
159 program.

160 **SECTION 6.** From and after February 1, 2021, any community
161 foundation holding funds appropriated by Section 2, Chapter 104,
162 Laws of 2020, as amended by Section 1, Chapter 118, Laws of 2020,
163 may (a) make grants in amounts to be determined by the foundations
164 to any food pantry, regardless of whether the funds were
165 designated for food pantries or nonprofit entities; or (b)
166 transfer funds to another community foundation for the purpose
167 described in paragraph (a). No community foundation or food
168 pantry shall be subject to the provisions of Section 31-7-1 et
169 seq., unless it is an agency of the State of Mississippi or its
170 governing authority, since Section 31-7-1 et seq. applies only to
171 state agencies and to governing authorities.

172 **SECTION 7.** This act shall take effect and be in force from
173 and after July 1, 2021, except for Section 6, which shall take
174 effect and be in force from and after the passage of this act.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ESTABLISH THE MISSISSIPPI DEMENTIA CARE PROGRAM
2 WITHIN THE DEPARTMENT OF HUMAN SERVICES AS A PILOT PROGRAM FOR THE
3 PURPOSE OF RESPITE CARE SERVICES TO INFORMAL CAREGIVERS OF AND
4 PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DEMENTIA; TO PROVIDE
5 THAT THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE
6 PROGRAM; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL
7 ESTABLISH A GRANT PROGRAM FOR REGIONAL FOOD THAT SERVE MISSISSIPPI
8 TO PROVIDE ANNUAL GRANT FUNDING TO THE REGIONAL FOOD BANKS; TO
9 PROVIDE A FORMULA TO CALCULATE THE ANNUAL PERCENTAGE OF FUNDS
10 AWARDED TO EACH REGIONAL FOOD BANK; TO AUTHORIZE CERTAIN COMMUNITY
11 FOUNDATION HOLDING CERTAIN APPROPRIATED FEDERAL FUNDS TO MAKE
12 GRANTS TO FOOD PANTRIES; AND FOR RELATED PURPOSES.

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Andrew Ketchings
Clerk of the House of Representatives