

House Amendments to Senate Bill No. 2926

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:

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\$ 207,094,040.00.

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.....\$ 334,060,191.00.

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	\$ 9,259,790.00	Expenses of the Department of Mental
24		Health.
25	\$ 379,417.00	Alzheimer's disease services development
26		and implementation of Senate Bill No.
27		2100, 1997 Regular Session.
28	\$ 3,896,641.00	Medicaid matching funds.
29	\$ 252,944.00	Psychotropic drugs or Medicaid match.
30	\$ 505,890.00	Alzheimer's Disease Program, prepayment
31		to Medicaid, etc.
32	\$ 2,727,792.00	Holding centers, group homes, substance
33		abuse programs, Children's Programs,
34		Prepayment of Medicaid, etc.
35	\$ 636,374.00	Crisis Centers
36	\$ 1,138,252.00	Physician services at community mental
37		health centers.
38	\$ 50,590.00	Grant for Epilepsy Foundation of
39		Mississippi or Medicaid match.
40	<u>\$ 104,196.00</u>	Specialized Treatment Facility.
41	\$ 18,951,886.00	TOTAL

42 **SECTION 4.** Of the funds appropriated under the provisions of
43 Sections 1 and 2 of this act, the following positions are
44 authorized:

45 AUTHORIZED POSITIONS:

46 Permanent: Full Time..... 5,954

47	Part Time.....	19
48	Time-Limited: Full Time.....	460
49	Part Time.....	9

50 With the funds herein appropriated, it shall be the agency's
51 responsibility to make certain that funds required to be
52 appropriated for "Personal Services" for Fiscal Year 2023 do not
53 exceed Fiscal Year 2022 funds appropriated for that purpose unless
54 programs or positions are added to the agency's Fiscal Year 2022
55 budget by the Mississippi Legislature. Based on data provided by
56 the Legislative Budget Office, the State Personnel Board shall
57 determine and publish the projected annual cost to fully fund all
58 appropriated positions in compliance with the provisions of this
59 act. Absent a special situation or circumstance approved by the
60 State Personnel Board, or unless otherwise authorized by this act,
61 no state agency shall take any action to promote or otherwise
62 award salary increases through reallocation or realignment. If
63 the State Personnel Board determines a special situation or
64 circumstance exists and approves an action, then the agency and
65 the State Personnel Board shall provide a monthly report of each
66 action approved by the State Personnel Board to the chairmen of
67 the Accountability, Efficiency and Transparency Committees of the
68 Senate and House of Representatives and the chairmen of the
69 Appropriations Committees of the Senate and House of
70 Representatives. It shall be the responsibility of the agency
71 head to ensure that no single personnel action increases this
72 projected annual cost and/or the Fiscal Year 2022 appropriations

73 for "Personal Services" when annualized, with the exception of
74 escalated funds and the award of benchmarks. If, at the time the
75 agency takes any action to change "Personal Services," the State
76 Personnel Board determines that the agency has taken an action
77 which would cause the agency to exceed this projected annual cost
78 or the Fiscal Year 2022 "Personal Services" appropriated level,
79 when annualized, then only those actions which reduce the
80 projected annual cost and/or the appropriation requirement will be
81 processed by the State Personnel Board until such time as the
82 requirements of this provision are met.

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

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

96 None of the funds herein appropriated shall be used in
97 violation of Internal Revenue Service's Publication 15-A relating

98 to the reporting of income paid to contract employees, as
99 interpreted by the Office of the State Auditor.

100 **SECTION 5.** In compliance with the "Mississippi Performance
101 Budget and Strategic Planning Act of 1994," it is the intent of
102 the Legislature that the funds provided herein shall be utilized
103 in the most efficient and effective manner possible to achieve the
104 intended mission of this agency. Based on the funding authorized,
105 this agency shall make every effort to attain the targeted
106 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
109 Services Management	
110 Number of on-site reviews conducted by	
111 the Division of Audit	58
112 Number of on-site reviews conducted for	
113 DMH certified provider agencies	190
114 Mental Health Services	
115 Percentage of population lacking access	
116 to community-based mental health care	31.00
117 Percentage of DMH clients served in the	
118 community versus in an institutional	
119 setting	98.00
120 Increase by at least 25% the utilization	
121 of alternative placement/treatment	
122 options for individuals who have had	
123 multiple hospitalizations and do not	

124	respond to traditional treatment	25.00
125	Number served by the Program of	
126	Assertive Community Treatment (PACT),	
127	Intensive Community Outreach and	
128	Recovery Teams (ICORT), and Intensive	
129	Community Support Services (ICSS)	4,100
130	Number of individuals employed through	
131	supported employment	300
132	Increase access to crisis services by	
133	tracking the number of calls to Mobile	
134	Crisis Response Teams	37,663
135	Number referred from Mobile Crisis	
136	Response Teams to a Community Mental	
137	Health Center and scheduled an	
138	appointment	8,813
139	Number diverted from a more restrictive	
140	environment due to Mobile Crisis	
141	Response Teams	31,327
142	Increase the number of Certified Peer	
143	Support Specialists in the State	311
144	IDD Services	
145	Number of individuals on planning list	
146	for home and community-based services	2,800
147	Percentage of DMH institutionalized	
148	clients who could be served in the	
149	community	86.00

150	Percentage of DMH clients served in the	
151	community versus in an institutional	
152	setting	86.00
153	Number of people added from planning	
154	list to ID/DD Waiver services	50
155	Children & Youth Services	
156	Percentage of children with serious	
157	mental illness served by local	
158	Multidisciplinary Assessment and	
159	Planning (MAP) teams	1.20
160	Number served by MAP teams	550
161	Number of children and youth that are	
162	served by Wraparound Facilitation	2,288
163	3% Alcohol Tax-alcohol/drug Prg	
164	Number of residential beds made	
165	available statewide due to the Three	
166	Percent Tax supplements	226
167	Number receiving residential substance	
168	use disorder treatment	1,589
169	Crisis Stabilization Units	
170	Average length of time from mental	
171	health crisis to receipt of community	
172	mental health crisis service	1.50
173	Percentage of people receiving mental	
174	health crisis services who were treated	
175	at community mental health centers vs.	

176	institutions	98.00
177	Diversion rate of admissions to state	
178	hospitals (% of people)	90.00
179	Number of involuntary admissions	1,726
180	Number of voluntary admissions	1,804
181	MI - Institutional Care	
182	Number served adult acute psychiatric	1,985
183	Maintain readmission rates within	
184	national trends (%)	3.30
185	MI - Support Services	
186	Support as an overall percent of total	
187	budget	6.40
188	IDD - Institutional Care	
189	Number of people served in residential	
190	IID programs	791
191	Number of people transitioned from	
192	facility to ICF/IID community home	26
193	IDD - Group Homes	
194	Number of people served in the 10-bed	
195	ICF/IID community homes	609
196	Percentage of people served in the	
197	community versus in an institutional	
198	setting	86.00
199	IDD - Community Programs	
200	Number of people added from planning	
201	list to ID/DD Waiver Services	53

202 Number of people enrolled in the 1915i 955
 203 IDD - Support Services

204 Support as a percentage of total budget 3.70

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

209 **SECTION 6.** The Department of Mental Health and its
 210 facilities shall have the authority, within funding and spending
 211 authority appropriated under the provisions of this act to
 212 transfer funds to the Division of Medicaid in payment of Medicaid
 213 match and designate that the funds thus transferred shall be
 214 applied to Medicaid match obligations arising in the subsequent
 215 fiscal year.

216 **SECTION 7.** Any person within the Department of Mental Health
 217 who must work on a statutory holiday or any holiday proclaimed by
 218 the Governor may, at the discretion of the Director of the
 219 Institution and the Executive Director of the Department of Mental
 220 Health and within available personnel funds, be paid "call-back
 221 pay" in lieu of "compensatory time credit."

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

225 Provided, however, that none of the funds appropriated for
 226 the support of community mental health services shall be made
 227 available to any Regional Mental Health/Intellectual Disability

228 Center which does not receive from each of its participating
229 counties a dollar amount equivalent to what the proceeds of a
230 three-fourths (3/4) mill tax on all taxable property in the county
231 in Fiscal Year 1982 would have been or the amount of funds
232 contributed to the center by the county in Fiscal Year 1984,
233 whichever shall be greater. By means of performance contracts,
234 the Department of Mental Health shall disburse the funds
235 appropriated in this section for services for the mentally ill,
236 intellectually disabled and alcohol/drug abusers. The State Board
237 of Mental Health and the Department of Mental Health shall be
238 responsible for selecting the types of services which shall be
239 provided with the funds appropriated in this section, for
240 developing and monitoring performance contracts and for holding
241 contractors accountable for utilization of funds.

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

247 **SECTION 10.** The Department of Mental Health and its
248 facilities shall have the express legal authority, within funding
249 and spending authority appropriated under the provisions of this
250 act to purchase land for use by residential facilities operated by
251 the department, either directly or by means of transferring funds
252 to the Bureau of Building, Grounds and Real Property Management,
253 and to transfer such funds to the Bureau of Building, Grounds, and

254 Real Property Management for the purposes of constructing and
255 equipping group homes for persons with mental illness,
256 intellectual disability, and/or substance abuse; constructing and
257 equipping such other buildings as may be required for treatment of
258 persons with mental illness, intellectual disability, and/or
259 substance abuse; repair and renovate existing buildings; and to
260 construct, repair and/or renovate employee housing. Any
261 intermediate care facilities for individuals with intellectual
262 disabilities (ICF/IID) constructed with funds authorized in this
263 section shall be authorized to participate in Medicaid funding
264 available for such services.

265 **SECTION 11.** It is the intention of the Legislature that the
266 Department of Mental Health shall maintain complete accounting and
267 personnel records related to the expenditure of all funds
268 appropriated under this act and that such records shall be in the
269 same format and level of detail as maintained for Fiscal Year
270 2021. It is further the intention of the Legislature that the
271 agency's budget request for Fiscal Year 2023 shall be submitted to
272 the Joint Legislative Budget Committee in a format and level of
273 detail comparable to the format and level of detail provided
274 during the Fiscal Year 2022 budget request process.

275 **SECTION 12.** It is the intention of the Legislature that none
276 of the funds provided herein shall be used to pay certain
277 utilities for state-furnished housing for any employees. Such
278 utilities shall include electricity, natural gas, butane, propane,
279 cable and phone services. Where actual cost cannot be determined,

280 the agency shall be required to provide meters to be in compliance
281 with legislative intent. Such state-furnished housing shall
282 include single-family and multifamily residences but shall not
283 include any dormitory residences. Allowances for such utilities
284 shall be prohibited.

285 **SECTION 13.** It is the intention of the Legislature that the
286 Executive Director of the Department of Mental Health shall have
287 authority to transfer cash from one special fund treasury fund to
288 another special fund treasury fund under the control of the
289 Department of Mental Health. The purpose of this authority is to
290 more efficiently use available cash reserves. It is further the
291 intention of the Legislature that the Executive Director of the
292 Department of Mental Health shall submit written justification for
293 the transfer to the Legislative Budget Office and the Department
294 of Finance and Administration. None of the funds transferred with
295 this section may be transferred to the Central Office for Personal
296 Services.

297 **SECTION 14.** Of the funds appropriated under the provisions
298 of this act, Twenty Million One Hundred Thousand Dollars
299 (\$20,100,000.00) is provided to the Department of Mental Health to
300 expand those community-based services that will improve the State
301 of Mississippi's compliance with the Olmstead decision of the
302 United States Supreme Court. Further, it is the intention of the
303 Legislature that the Department of Mental Health shall have the
304 authority to transfer such sums from this source as are necessary
305 to implement or improve those community services that are more

306 appropriately addressed by the Mississippi Department of Education
307 and/or the Mississippi Department of Rehabilitation Services to
308 those agencies for that purpose. Further, it is the intention of
309 the Legislature that any sums received from this source that are
310 not expended during the fiscal year ending June 30, 2021, by the
311 Mississippi Department of Mental Health shall be reappropriated
312 for the same purpose during the fiscal year ending June 30, 2022.
313 Further, it is the intention of the Legislature that the
314 Department of Mental Health shall account for the expenditure of
315 these funds in sufficient detail to clearly show the purposes for
316 which such funds were expended. The Executive Director of the
317 Department of Mental Health shall report any such reappropriation
318 to the Legislative Budget Office no later than fifteen (15) days
319 after the effective date of the reappropriation.

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

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

329 The Department of Mental Health, with approval by the board,
330 may also contract with suitable entities for the purpose of
331 operating the crisis intervention centers in Batesville,

332 Brookhaven, Cleveland, Corinth, Laurel and Newton. The department
333 shall provide quarterly progress reports on the operation of the
334 crisis intervention centers to the Chairmen of the Senate and
335 House Public Health and Appropriations Committees.

336 **SECTION 16.** It is the intention of the Legislature that
337 whenever two (2) or more bids are received by this agency for the
338 purchase of commodities or equipment, and whenever all things
339 stated in such received bids are equal with respect to price,
340 quality and service, the Mississippi Industries for the Blind
341 shall be given preference. A similar preference shall be given to
342 the Mississippi Industries for the Blind whenever purchases are
343 made without competitive bids.

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

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

362 **SECTION 19.** None of the funds provided in Section 1, 2, or 3
363 of this act shall be used to pay Medicaid match for the fourteen
364 (14) Community Mental Health Centers.

365 **SECTION 20.** Of the funds appropriated under the provisions
366 of this act, an amount not to exceed Two Hundred Fifty Thousand
367 Dollars (\$250,000.00) is provided for community-based mental
368 health services for juveniles in detention.

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

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

379 **SECTION 23.** The money herein appropriated shall be paid by
380 the State Treasurer out of any money in the State Treasury to the
381 credit of the proper fund or funds as set forth in this act, upon
382 warrants issued by the State Fiscal Officer; and the State Fiscal

383 Officer shall issue his warrants upon requisitions signed by the
384 proper person, officer or officers in the manner provided by law.

385 **SECTION 24.** This act shall take effect and be in force from
386 and after July 1, 2021, and shall stand repealed from and after
387 June 29, 2021.

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

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

HR13\SB2926A.J

Andrew Ketchings
Clerk of the House of Representatives