

**Senate Amendments to House Bill No. 1369**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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:**

5           **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is appropriated out of any money in the special fund in  
7 the State Treasury to the credit of the State Board of Medical  
8 Licensure, for the purpose of defraying the expenses of the board  
9 for the fiscal year beginning July 1, 2021, and ending  
10 June 30, 2022.....\$           3,604,261.00.

11           **SECTION 2.** Of the funds appropriated under the provisions of  
12 Section 1, the following positions are authorized:

13           AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	28
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18           With the funds herein appropriated, it shall be the agency's  
19 responsibility to make certain that funds required to be  
20 appropriated for "Personal Services" for Fiscal Year 2023 do not  
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless

22 programs or positions are added to the agency's Fiscal Year 2022  
23 budget by the Mississippi Legislature. Based on data provided by  
24 the Legislative Budget Office, the State Personnel Board shall  
25 determine and publish the projected annual cost to fully fund all  
26 appropriated positions in compliance with the provisions of this  
27 act. Absent a special situation or circumstance approved by the  
28 State Personnel Board, or unless otherwise authorized by this act,  
29 no state agency shall take any action to promote or otherwise  
30 award salary increases through reallocation or realignment. If  
31 the State Personnel Board determines a special situation or  
32 circumstance exists and approves an action, then the agency and  
33 the State Personnel Board shall provide a monthly report of each  
34 action approved by the State Personnel Board to the chairmen of  
35 the Accountability, Efficiency and Transparency Committees of the  
36 Senate and House of Representatives and the chairmen of the  
37 Appropriations Committees of the Senate and House of  
38 Representatives. It shall be the responsibility of the agency  
39 head to ensure that no single personnel action increases this  
40 projected annual cost and/or the Fiscal Year 2022 appropriations  
41 for "Personal Services" when annualized, with the exception of  
42 escalated funds and the award of benchmarks. If, at the time the  
43 agency takes any action to change "Personal Services," the State  
44 Personnel Board determines that the agency has taken an action  
45 which would cause the agency to exceed this projected annual cost  
46 or the Fiscal Year 2022 "Personal Services" appropriated level,  
47 when annualized, then only those actions which reduce the

48 projected annual cost and/or the appropriation requirement will be  
49 processed by the State Personnel Board until such time as the  
50 requirements of this provision are met.

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

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

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

68 **SECTION 3.** In compliance with the "Mississippi Performance  
69 Budget and Strategic Planning Act of 1994," it is the intent of  
70 the Legislature that the funds provided herein shall be utilized  
71 in the most efficient and effective manner possible to achieve the  
72 intended mission of this agency. Based on the funding authorized,

73 this agency shall make every effort to attain the targeted  
74 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Licensure	
Licensees Who Renew Online (%)	100.00
Individual License Renewals Issued	
Within Seven (7) Business Days (%)	100.00
Investigative	
Recidivism Rate for Those Receiving	
Disciplinary Actions (%)	4.00
Documented Complaints Received (Number of)	300
Documented Complaints Resolved Within	
Seven (7) Business Days (%)	15.00

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

91 **SECTION 4.** It is the intention of the Legislature that the  
92 State Board of Medical Licensure shall maintain complete  
93 accounting and personnel records related to the expenditure of all  
94 funds appropriated under this act and that such records shall be  
95 in the same format and level of detail as maintained for Fiscal  
96 Year 2021. It is further the intention of the Legislature that  
97 the agency's budget request for Fiscal Year 2023 shall be  
98 submitted to the Joint Legislative Budget Committee in a format

99 and level of detail comparable to the format and level of detail  
100 provided during the Fiscal Year 2022 budget request process.

101 **SECTION 5.** It is the intention of the Legislature that  
102 whenever two (2) or more bids are received by this agency for the  
103 purchase of commodities or equipment, and whenever all things  
104 stated in such received bids are equal with respect to price,  
105 quality and service, the Mississippi Industries for the Blind  
106 shall be given preference. A similar preference shall be given to  
107 the Mississippi Industries for the Blind whenever purchases are  
108 made without competitive bids.

109 **SECTION 6.** It is the intention of the Legislature that the  
110 funds herein appropriated shall be expended in compliance with  
111 Section 27-104-25, Mississippi Code of 1972, that no state agency  
112 shall incur obligations or indebtedness in excess of their  
113 appropriation and that the responsible officers, either personally  
114 or upon their official bonds, shall be held responsible for  
115 actions contrary to this provision.

116 **SECTION 7.** Of the funds provided under the provisions of  
117 this act, an amount not to exceed Five Hundred Thousand Dollars  
118 (\$500,000.00) is provided for the Mississippi Physician Health  
119 Program.

120 **SECTION 8.** Of the funds provided under the provisions of  
121 this act, an amount not to exceed One Hundred Thirty Thousand  
122 Dollars (\$130,000.00) may be allocated to the Mississippi Board of  
123 Pharmacy to defray the expense of the Mississippi Prescription  
124 Monitoring Program.

125           **SECTION 9.** It is further the intention of the Legislature  
126 that, for Fiscal Year 2022, the board shall be allowed to recover  
127 all costs from a holder of a license who has been found by the  
128 board in violation of statute after notice and a hearing as  
129 provided by law. The expenses must be direct costs associated with  
130 the investigation and conduct of a proceeding for licensure  
131 revocation, suspension or restriction.

132           **SECTION 10.** The money herein appropriated shall be paid by  
133 the State Treasurer out of any money in the State Treasury to the  
134 credit of the proper fund or funds as set forth in this act, upon  
135 warrants issued by the State Fiscal Officer; and the State Fiscal  
136 Officer shall issue his warrants upon requisitions signed by the  
137 proper person, officer or officers, in the manner provided by law.

138           **SECTION 11.** This act shall take effect and be in force from  
139 and after July 1, 2021.

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

1           AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
3 STATE BOARD OF MEDICAL LICENSURE FOR THE FISCAL YEAR 2022.

SS15\HB1369A.J

Eugene S. Clarke  
Secretary of the Senate