

Senate Amendments to House Bill No. 1400

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:

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is appropriated out of any money in the State General
9 Fund not otherwise appropriated, to the Governor's
10 Office - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2021, and ending June 30, 2022.....
15\$ 816,911,321.00.

16 **SECTION 2.** The following sum, or so much thereof as may be
17 necessary, is appropriated out of any money in the State Treasury
18 to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing
20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2021, and ending June 30, 2022.....
22\$ 361,244,785.00.

23 **SECTION 3.** The following sum, or so much thereof as may be
24 necessary, is appropriated out of any money in any special fund in
25 the State Treasury to the credit of the Governor's
26 Office - Division of Medicaid which is comprised of special source
27 funds collected by or otherwise available to the Division, for the
28 purpose of providing medical assistance under the Mississippi
29 Medicaid Law and defraying the expenses of the administration of
30 such law, for the fiscal year beginning July 1, 2021, and ending
31 June 30, 2022.....\$ 5,159,031,807.00.

32 Prior period recovery of funds may be maintained and expended
33 by the division when the recovery is received or finalized. Any
34 recoveries due to audits or third party recoveries may be used to
35 offset the cost of such audits and third party recoveries and as
36 such, the division may escalate Contractual Services as needed for
37 these purposes.

38 **SECTION 4.** The following sum, or so much thereof as may be
39 necessary, is appropriated out of any money in the State Treasury
40 to the credit of the Health Care Expendable Fund, for the purpose
41 of defraying the expenses of the Governor's Office - Division of
42 Medicaid for the fiscal year beginning July 1, 2021, and ending
43 June 30, 2022.....\$ 63,230,003.00.

44 The above funds shall be allocated as follows:
45 CHIP Program at up to 209% level of poverty..\$ 9,000,000.00.
46 Medical Program Matching Funds.....\$ 54,230,003.00.

47 It is the intention of the Legislature that funds may be
48 shifted among the above allocated line items where needed at the

49 discretion of the Executive Director of Governor's Office -
50 Division of Medicaid.

51 **SECTION 5.** Of the funds appropriated under the provisions of
52 this act, the following positions are authorized:

53 AUTHORIZED POSITIONS:

54	Permanent:	Full Time.....	916
55		Part Time.....	4
56	Time-Limited:	Full Time.....	22
57		Part Time.....	0

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

75 the Accountability, Efficiency and Transparency Committees of the
76 Senate and House of Representatives and the chairmen of the
77 Appropriations Committees of the Senate and House of
78 Representatives. It shall be the responsibility of the agency
79 head to ensure that no single personnel action increases this
80 projected annual cost and/or the Fiscal Year 2022 appropriations
81 for "Personal Services" when annualized, with the exception of
82 escalated funds and the award of benchmarks. If, at the time the
83 agency takes any action to change "Personal Services," the State
84 Personnel Board determines that the agency has taken an action
85 which would cause the agency to exceed this projected annual cost
86 or the Fiscal Year 2022 "Personal Services" appropriated level,
87 when annualized, then only those actions which reduce the
88 projected annual cost and/or the appropriation requirement will be
89 processed by the State Personnel Board until such time as the
90 requirements of this provision are met.

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

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

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

108 **SECTION 6.** It is the intention of the Legislature that the
109 Governor's Office - Division of Medicaid shall maintain complete
110 accounting and personnel records related to the expenditure of all
111 funds appropriated under this act and that such records shall be
112 in the same format and level of detail as maintained for Fiscal
113 Year 2021. It is further the intention of the Legislature that
114 the agency's budget request for Fiscal Year 2023 shall be
115 submitted to the Joint Legislative Budget Committee in a format
116 and level of detail comparable to the format and level of detail
117 provided during the Fiscal Year 2022 budget request process with
118 the Children's Health Insurance Program (CHIP) being separated
119 from the Medical Services Program and submitted as a separate
120 program. All Medicaid 1915 (C) Home and Community Based Services
121 Waivers shall be presented as a budget program separate from the
122 Medical Services Program. In addition, the performance measures
123 reported for the Medical Services Program shall include an
124 unduplicated case count of individuals served by eligibility
125 status, and the number and the costs of emergency room visits.

126 **SECTION 7.** In compliance with the "Mississippi Performance
 127 Budget and Strategic Planning Act of 1994," it is the intent of
 128 the Legislature that the funds provided herein shall be utilized
 129 in the most efficient and effective manner possible to achieve the
 130 intended mission of this agency. Based on the funding authorized,
 131 this agency shall make every effort to attain the targeted
 132 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a % of Total Budget	4.23
Third Party Liability Cost Avoided (\$Thou)	1,355,362.00
% of Clean Claims Processed within 30 days of receipt	99.50
% of Clean Claims Processed within 90 days of receipt	100.00
Applications Processed within Std. of Promptness (%) - Medicaid	90.00
Third Party Funds Recovered	5,589,080.00
Providers Submitting Electronic Claims	31,500
Turnover Rate of Employees	15.00
Medical Services	
Medicaid Recipients - Enrolled (Persons)	682,500
% MSCAN Diabetic members aged 17-75 receiving HBA1c test	87.99
% Change in number of recipients	

152	enrolled from last year	0.37
153	% Change in number of providers from	
154	last year	-4.71
155	% MSCAN members with persistent asthma	
156	are appropriately prescribed medication	52.00
157	Costs of Emergency Room Visits (\$)	174,421,422.00
158	Number of Emergency Room Visits	626,368
159	Rate of EPSDT well child screening	75.00
160	Child Physical Exams (ages 0-20)	300,352
161	Adult Physical Exams (21-older)	2,919
162	Number of Fraud and Abuse Cases Investigated	250
163	Number of Medicaid Providers	36,893
164	Number of Medicaid beneficiaries	
165	assigned to a managed care company	450,000
166	Children's Health Insur Prg (chip)	
167	CHIP Enrollees	48,000
168	Applications Processed within Std. of	
169	Promptness (%) - CHIP	90.00
170	Home & Comm Based Waiver Prg	
171	Elderly & Disabled - Persons Served	19,580
172	Elderly & Disabled - Funded Slots	18,690
173	Elderly & Disabled - Total Authorized Slots	21,900
174	(E&D) Change in persons on waiting list%	10.00
175	Assisted Living - Persons Served	690
176	Assisted Living - Funded Slots	659
177	Assisted Living - Total Authorized Slots	1,000

178	(AL) Change in persons on waiting list%	10.00
179	Intellectual Disability - Persons Served	3,150
180	Intellectual Disability - Funded Slots	2,641
181	Intellectual Disability - Total	
182	Authorized Slots	3,650
183	(IDD) Change in persons on waiting list%	10.00
184	Independent Living - Persons Served	3,135
185	Independent Living - Funded Slots	2,993
186	Independent Living - Total Authorized Slots	5,725
187	(IL) Change in persons on waiting list%	10.00
188	Traumatic Brain Injury - Persons Served	1,045
189	Traumatic Brain Injury - Funded Slots	998
190	Traumatic Brain Injury - Total	
191	Authorized Slots	3,600
192	(TBI) Change in persons on waiting list%	10.00

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

197 **SECTION 8.** It is the intention of the Legislature that
198 whenever two (2) or more bids are received by this agency for the
199 purchase of commodities or equipment, and whenever all things
200 stated in such received bids are equal with respect to price,
201 quality and service, the Mississippi Industries for the Blind
202 shall be given preference. A similar preference shall be given to

203 the Mississippi Industries for the Blind whenever purchases are
204 made without competitive bids.

205 **SECTION 9.** The Governor's Office - Division of Medicaid
206 shall provide statistical and financial reports on a monthly basis
207 to the Legislative Budget Office and the PEER Committee. These
208 reports shall include, but are not limited to, an accounting of
209 all funds spent in the medical program, the CHIP program, the
210 Dialysis Transportation program, and each of the Home and
211 Community Based Waiver programs, and an accounting of all funds
212 spent in the administrative program, participant statistics and
213 any other information requested by the Legislative Budget Office
214 and the PEER Committee.

215 The Governor's Office - Division of Medicaid shall perform
216 its cash flow projections on a predetermined monthly schedule and
217 make this and any other information requested available, upon
218 request, to the Chair of the Senate Public Health and Welfare
219 Committee, the House Public Health and Human Services Committee,
220 the House and Senate Medicaid Committees, the House and Senate
221 Appropriations Committees, the Legislative Budget Office and the
222 PEER Committee. A summary of this cash flow projection shall also
223 be presented in the report referenced in the above paragraph.

224 **SECTION 10.** Of the funds appropriated under the provisions
225 of this act in an amount not to exceed, Two Million Seven Hundred
226 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
227 of funding a temporary program to provide nonemergency
228 transportation to locations for necessary dialysis services for

229 end-stage renal disease patients who are sixty-five (65) years of
230 age or older or are disabled as determined under Section
231 1614(a)(3) of the federal Social Security Act, as amended, whose
232 income did not exceed one hundred thirty-five percent (135%) of
233 the nonfarm official poverty level as defined by the Office of
234 Management and Budget and whose eligibility was covered under the
235 former category of eligibility known as Poverty Level Aged and
236 Disabled (PLADS).

237 **SECTION 11.** Of the funds appropriated in Sections 1 and 3,
238 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
239 (\$398,550.00) General Funds and One Million One Hundred One
240 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
241 are provided for five (5) slots in the Assisted Living Waiver
242 program for persons with Traumatic Brain Injury and in need of
243 Cognitive Rehabilitation. The Division shall develop eligibility
244 criteria for these additional slots.

245 **SECTION 12.** It is the intention of the Legislature that the
246 funds appropriated in this act to the Governor's Office - Division
247 of Medicaid for the Mississippi Coordinated Access Network
248 (MS-CAN) program be used in the most efficient and effective
249 manner possible to achieve the intended mission of the division.
250 The division and the coordinated care organizations with which the
251 division has contracted to conduct the MS-CAN program shall
252 establish baselines for the health-related outcome measurement for
253 each of the following health focus areas for presentation at the
254 Joint Legislative Budget Committee hearings for Fiscal Year 2022,

255 which will be used as the baseline levels for establishing targets
256 for improvements in quality of care performance measures for the
257 MS-CAN program in Fiscal Year 2022 and later fiscal years:

258 a. Comprehensive Diabetes Care (CDC) or successive measure.

259 b. Medication Management for People with Asthma (MMA) or
260 successive measure.

261 c. Annual Monitoring for Patients on Persistent Medications
262 (MPM) or successive measure.

263 d. Adult BMI Assessment (ABA) and Weight Assessment and
264 Counseling for Nutrition and Physical Activity for
265 Children/Adolescents (WCC) or successive measure.

266 In addition, for comparison purposes, these same baselines
267 for the health-related outcome measurements shall be established
268 for similar Medicaid recipients who are not enrolled in the MS-CAN
269 program.

270 **SECTION 13.** Of the funds appropriated in Sections 1 and 4,
271 Four Million One Hundred Sixty-one Thousand Ninety-five Dollars
272 (\$4,161,095.00) shall be allocated to the Delta Health Alliance
273 for the Mississippi Delta Medicaid Population Health Demonstration
274 Project. Funds shall be transferred no later than July 31, 2021.
275 A progress report on the Mississippi Delta Medicaid Population
276 Health Demonstration Project shall be provided by Delta Health
277 Alliance to the Chairmen of the Senate and House Public Health
278 Committees, Senate and House Medicaid Committees and the Senate
279 and House Appropriations Committees on or before December 31,
280 2021.

281 As a precondition to receiving such funds, the Delta Health
282 Alliance shall:

283 (i) establish a separate account into which funds provided
284 by this section shall be deposited and accounted;

285 (ii) establish performance measures that measure the ends to
286 be achieved by each program activity implemented by the
287 Alliance;

288 (iii) cooperate with any firm or entity charged with the
289 responsibility of auditing or evaluating the funds or program
290 activities funded by this act;

291 (iv) submit to the division on an annual basis reports that
292 provide the following:

293 a) number of persons served by the Alliance;

294 b) amount of funds expended by the Alliance on approved
295 activities;

296 c) names of staff employed by the Alliance by position
297 title and annual salary; and

298 d) names of contractors used by the Alliance to provide
299 services, including the amounts paid and a description
300 of services rendered.

301 By December 1, 2023, and every three (3) years thereafter,
302 the PEER Committee shall conduct an evaluation of the services
303 provided by the Delta Health Alliance over the same period. In
304 conducting evaluations required by this section, the PEER
305 Committee shall have access to any and all records of the
306 Alliance.

307 **SECTION 14.** It is the intention of the Legislature that the
308 Governor's Office - Division of Medicaid and the Department of
309 Human Services shall continue to work together to implement HB
310 1090 of the 2017 Regular Session, known as the "Medicaid and Human
311 Services Transparency and Fraud Prevention Act".

312 **SECTION 15.** The Governor's Office - Division of Medicaid is
313 authorized to expend funds appropriated herein as necessary to
314 provide currently existing home and community based services
315 through any CMS approved state plan or home and community based
316 services waiver to individuals who qualify for those services to
317 avoid institutionalization or to transition an individual from an
318 institution to any home and community based setting. Provision of
319 such services shall not count against any limit imposed under this
320 act. It is the intention of the Legislature that the cost of
321 providing home and community based services shall not exceed the
322 cost of nursing facility services, as determined by the Division.

323 **SECTION 16.** The following sum, or so much thereof as may be
324 necessary, is reappropriated out of any money in the Capital
325 Expense Fund not otherwise appropriated for the Governor's Office,
326 Division of Medicaid for the purpose of reauthorizing the
327 expenditure of Capital Expense Fund, as authorized in HB 1713,
328 2020 Regular Session, for the fiscal year beginning July 1, 2021,
329 and ending June 30, 2022.....\$ 16,140,164.00.

330 Notwithstanding the amount reappropriated under the
331 provisions of this section, in no event shall the amount expended
332 exceed the unexpended balance as of June 30, 2021.

333 **SECTION 17.** The money herein appropriated shall be paid by
334 the State Treasurer out of any money in the State Treasury to the
335 credit of the proper fund or funds as set forth in this act, upon
336 warrants issued by the State Fiscal Officer; and the State Fiscal
337 Officer shall issue his warrants upon requisitions signed by the
338 proper person, officer or officers, in the manner provided by law.

339 **SECTION 18.** This act shall take effect and be in force from
340 and after July 1, 2021, and shall stand repealed 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 THE GOVERNOR'S
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR
5 2022.

SS15\HB1400A.J

Eugene S. Clarke
Secretary of the Senate