

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1400**

**BY: Committee**

**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>
135 Administrative Services	
136       Admin as a % of Total Budget	4.23
137       Third Party Liability Cost Avoided (\$Thou)	1,355,362.00
138       % of Clean Claims Processed within 30	
139               days of receipt	99.50
140       % of Clean Claims Processed within 90	



141	days of receipt	100.00
142	Applications Processed within Std. of	
143	Promptness (%) - Medicaid	90.00
144	Third Party Funds Recovered	5,589,080.00
145	Providers Submitting Electronic Claims	31,500
146	Turnover Rate of Employees	15.00
147	Medical Services	
148	Medicaid Recipients - Enrolled (Persons)	682,500
149	% MSCAN Diabetic members aged 17-75	
150	receiving HBA1c test	87.99
151	% 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.

