

By: Representatives Read, Mims, Arnold,
Bounds, Clark, Clarke, Currie, Hines, Hood,
Horan, Sanford, Watson, Young, Stamps

To: Appropriations

HOUSE BILL NO. 1613
(As Sent to Governor)

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 2023.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 2022, and ending June 30, 2023.....
15\$ 838,822,547.00.

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, 2022, and ending June 30, 2023.....
22\$ 292,498,317.00.

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, 2022, and ending
31 June 30, 2023.....\$ 5,896,606,971.00.

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, 2022, and ending
43 June 30, 2023.....\$ 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 HEADCOUNT:

54 Permanent: 984

55 Time-Limited: 23

56 With the funds herein appropriated, it shall be the agency's
57 responsibility to make certain that funds required for Personal
58 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
59 appropriated for that purpose unless programs or positions are
60 added to the agency's Fiscal Year 2023 budget by the Mississippi
61 Legislature. The Legislature shall determine the agency's
62 personal services appropriation, which shall be published by the
63 State Personnel Board. Additionally, the State Personnel Board
64 shall determine and publish the projected annualized payroll costs
65 based on current employees. It shall be the responsibility of the
66 agency head to ensure that actual personnel expenditures for
67 Fiscal Year 2023 do not exceed the data provided by the
68 Legislative Budget Office. If the agency's Fiscal Year 2023
69 projected cost exceeds the annualized costs, no salary actions



70 shall be processed by the State Personnel Board with the exception
71 of new hires that are determined to be essential for the agency.

72 Any transfers or escalations shall be made in accordance with
73 the terms, conditions and procedures established by law or
74 allowable under the terms set forth within this act. The State
75 Personnel Board shall not escalate positions without written
76 approval from the Department of Finance and Administration. The
77 Department of Finance and Administration shall not provide written
78 approval to escalate any funds for salaries and/or positions
79 without proof of availability of new or additional funds above the
80 appropriated level.

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

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

89 Funds have been appropriated herein for the purpose of
90 funding Project SEC2 minimum salaries for all employees covered
91 under the Colonel Guy Groff/Neville Kenning Variable Compensation
92 Plan. It shall be the agency's responsibility to ensure that the
93 funds are used to increase all employees' salaries up to the
94 minimum level as determined by the State Personnel Board.



95 **SECTION 6.** It is the intention of the Legislature that the
96 Governor's Office - Division of Medicaid shall maintain complete
97 accounting and personnel records related to the expenditure of all
98 funds appropriated under this act and that such records shall be
99 in the same format and level of detail as maintained for Fiscal
100 Year 2022. It is further the intention of the Legislature that
101 the agency's budget request for Fiscal Year 2024 shall be
102 submitted to the Joint Legislative Budget Committee in a format
103 and level of detail comparable to the format and level of detail
104 provided during the Fiscal Year 2023 budget request process with
105 the Children's Health Insurance Program (CHIP) being separated
106 from the Medical Services Program and submitted as a separate
107 program. All Medicaid 1915 (C) Home and Community Based Services
108 Waivers shall be presented as a budget program separate from the
109 Medical Services Program. In addition, the performance measures
110 reported for the Medical Services Program shall include an
111 unduplicated case count of individuals served by eligibility
112 status, and the number and the costs of emergency room visits.

113 **SECTION 7.** In compliance with the "Mississippi Performance
114 Budget and Strategic Planning Act of 1994," it is the intent of
115 the Legislature that the funds provided herein shall be utilized
116 in the most efficient and effective manner possible to achieve the
117 intended mission of this agency. Based on the funding authorized,
118 this agency shall make every effort to attain the targeted
119 performance measures provided below:



120		FY2023
121	<u>Performance Measures</u>	<u>Target</u>
122	Administrative Services	
123	Admin as a Percent of Total Budget	3.74
124	Third Party Liability Cost Avoided (\$Thou)	1,288,062.00
125	Percent of Clean Claims Processed within	
126	30 Days of Receipt	99.50
127	Percent of Clean Claims Processed within	
128	90 Days of Receipt	100.00
129	Percent of Applications Processed within	
130	Std of Promptness - Medicaid	90.00
131	Third Party Funds Recovered	6,954,827.00
132	Number of Providers Submitting	
133	Electronic Claims	31,500
134	Turnover Rate of Employees (%)	15.00
135	Medical Services	
136	Costs of Emergency Room Visits	176,165,636.00
137	Number of Emergency Room Visits	632,631
138	Medicaid Recipients - Enrolled (Persons)	710,000
139	Child Physical Exams (Ages 0-20)	303,356
140	Adult Physical Exams (21-Older)	2,948
141	Number of Fraud & Abuse Cases Investigated	250
142	Number of Medicaid Providers	34,844
143	Number of Medicaid Beneficiaries	
144	Assigned to a Managed Care Company	450,000



145	Percent of MSCAN Diabetic Members Aged	
146	17-75 Receiving HBA1c Test	88.87
147	Percent of MSCAN Members with	
148	Persistent Asthma are Appropriately	
149	Prescribed Medication	52.52
150	Rate of EPSDT Well Child Screening (%)	75.00
151	Percent Change in Number of Recipients	
152	Enrolled from Last Year	-2.06
153	Percent Change in Number of Providers	
154	from Last Year	-10.00
155	Children's Health Insur Prg (chip)	
156	Number of CHIP Enrollees	47,000
157	Percent of CHIP Applications Processed	
158	within Std of Promptness	90.00
159	Home & Comm Based Waiver Prg	
160	Elderly & Disabled - Persons Served	19,580
161	Elderly & Disabled - Funded Slots	19,163
162	Elderly & Disabled - Total Authorized Slots	21,900
163	Assisted Living - Persons Served	900
164	Assisted Living - Funded Slots	874
165	Assisted Living - Total Authorized Slots	1,100
166	Independent Living - Persons Served	3,500
167	Independent Living - Funded Slots	3,443
168	Independent Living - Total Authorized Slots	5,725
169	Traumatic Brain Injury - Persons Served	1,050



170	Traumatic Brain Injury - Funded Slots	1,050
171	Traumatic Brain Injury - Total	
172	Authorized Slots	1,050
173	Intellectual Disability - Persons Served	3,250
174	Intellectual Disability - Funded Slots	3,250
175	Intellectual Disability - Total	
176	Authorized Slots	4,150
177	Percent Change in Persons on Waiting	
178	List (E&D)	10.00
179	Percent Change in Persons on Waiting	
180	List (AL)	10.00
181	Percent Change in Persons on Waiting	
182	List (IL)	10.00
183	Percent Change in Persons on Waiting	
184	List (TBI)	10.00
185	Percent Change in Persons on Waiting	
186	List (IDD)	10.00

187 A reporting of the degree to which the performance targets
188 set above have been or are being achieved shall be provided in the
189 agency's budget request submitted to the Joint Legislative Budget
190 Committee for Fiscal Year 2024.

191 **SECTION 8.** It is the intention of the Legislature that
192 whenever two (2) or more bids are received by this agency for the
193 purchase of commodities or equipment, and whenever all things
194 stated in such received bids are equal with respect to price,



195 quality and service, the Mississippi Industries for the Blind
196 shall be given preference. A similar preference shall be given to
197 the Mississippi Industries for the Blind whenever purchases are
198 made without competitive bids.

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

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

218 **SECTION 10.** Of the funds appropriated under the provisions
219 of this act in an amount not to exceed, Two Million Seven Hundred



220 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
221 of funding a temporary program to provide nonemergency
222 transportation to locations for necessary dialysis services for
223 end-stage renal disease patients who are sixty-five (65) years of
224 age or older or are disabled as determined under Section
225 1614(a)(3) of the federal Social Security Act, as amended, whose
226 income did not exceed one hundred thirty-five percent (135%) of
227 the nonfarm official poverty level as defined by the Office of
228 Management and Budget and whose eligibility was covered under the
229 former category of eligibility known as Poverty Level Aged and
230 Disabled (PLADS).

231 **SECTION 11.** Of the funds appropriated herein, no more than
232 Two Hundred Thirty-two Thousand Six Hundred Forty-eight Dollars
233 and Eighteen Cents (\$232,648.18) may be used to pay invoices from
234 Fiscal Year 2022 for expenses to the Mississippi Department of
235 Health for Health Facilities Licensure Certification for the month
236 of October 2021. This authorization is needed to cover the time
237 period after the expiration of the interagency agreement on
238 September 30, 2021 and before the execution of the new agreement
239 on November 1, 2021.

240 **SECTION 12.** Of the funds appropriated in Sections 1 and 3,
241 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
242 (\$398,550.00) General Funds and One Million One Hundred One
243 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
244 are provided for five (5) slots in the Assisted Living Waiver



245 program for persons with Traumatic Brain Injury and in need of
246 Cognitive Rehabilitation. The Division shall develop eligibility
247 criteria for these additional slots.

248 **SECTION 13.** Of the funds appropriated in Section 1, Eight
249 Hundred Five Thousand Six Hundred Thirty Dollars (\$805,630.00) is
250 provided to maintain additional slots in the Assisted Living Home
251 and Community Based Waiver program and One Million One Hundred
252 Ninety-two Thousand Seven Hundred Seventy Dollars (\$1,192,770.00)
253 is provided to maintain additional slots in the Elderly and
254 Disabled Home and Community Based Waiver program.

255 **SECTION 14.** It is the intention of the Legislature that the
256 funds appropriated in this act to the Governor's Office - Division
257 of Medicaid for the Mississippi Coordinated Access Network
258 (MS-CAN) program be used in the most efficient and effective
259 manner possible to achieve the intended mission of the division.
260 The division and the coordinated care organizations with which the
261 division has contracted to conduct the MS-CAN program shall
262 establish baselines for the health-related outcome measurement for
263 each of the following health focus areas for presentation at the
264 Joint Legislative Budget Committee hearings for Fiscal Year 2023,
265 which will be used as the baseline levels for establishing targets
266 for improvements in quality of care performance measures for the
267 MS-CAN program in Fiscal Year 2023 and later fiscal years:

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



269 b. Medication Management for People with Asthma (MMA) or
270 successive measure.

271 c. Annual Monitoring for Patients on Persistent Medications
272 (MPM) or successive measure.

273 d. Adult BMI Assessment (ABA) and Weight Assessment and
274 Counseling for Nutrition and Physical Activity for
275 Children/Adolescents (WCC) or successive measure.

276 In addition, for comparison purposes, these same baselines
277 for the health-related outcome measurements shall be established
278 for similar Medicaid recipients who are not enrolled in the MS-CAN
279 program.

280 **SECTION 15.** It is the intention of the Legislature that the
281 Governor's Office - Division of Medicaid and the Department of
282 Human Services shall continue to work together to implement HB
283 1090 of the 2017 Regular Session, known as the "Medicaid and Human
284 Services Transparency and Fraud Prevention Act".

285 **SECTION 16.** The Governor's Office - Division of Medicaid is
286 authorized to expend funds appropriated herein as necessary to
287 provide currently existing home and community based services
288 through any CMS approved state plan or home and community based
289 services waiver to individuals who qualify for those services to
290 avoid institutionalization or to transition an individual from an
291 institution to any home and community based setting. Provision of
292 such services shall not count against any limit imposed under this
293 act. It is the intention of the Legislature that the cost of



294 providing home and community based services shall not exceed the
295 cost of nursing facility services, as determined by the Division.

296 **SECTION 17.** Of the funds appropriated herein, no more than
297 Ten Thousand Nine Hundred Forty-six Dollars and Six Cents
298 (\$10,946.06) may be used to pay invoices from Fiscal Year 2020 for
299 expenses to the Sovereign States Drug Consortium for Medicaid
300 supplemental drug rebate group purchasing services.

301 **SECTION 18.** The money herein appropriated shall be paid by
302 the State Treasurer out of any money in the State Treasury to the
303 credit of the proper fund or funds as set forth in this act, upon
304 warrants issued by the State Fiscal Officer; and the State Fiscal
305 Officer shall issue his warrants upon requisitions signed by the
306 proper person, officer or officers, in the manner provided by law.

307 **SECTION 19.** This act shall take effect and be in force from
308 and after July 1, 2022.

