

By: Senator(s) Hopson, Polk, Hill, Frazier,
Michel, Moran

To: Appropriations

SENATE BILL NO. 3027
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEAR 2023.

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

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, 2022, and ending
9 June 30, 2023.....\$ 221,619,746.00.

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, 2022, and ending
15 June 30, 2023.....\$ 424,827,839.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of
17 Section 2 of this act, Eighteen Million Nine Hundred Fifty-one
18 Thousand Eight Hundred Eighty-six Dollars (\$18,951,886.00) shall



19 be derived from the Health Care Expendable Fund created in Section
20 43-13-407, Mississippi Code of 1972, for the support and
21 maintenance of the Department of Mental Health. The funds
22 provided for in this section shall be allocated as follows:

23	\$ 16,797,843.00	Expenses of the Department of Mental
24		Health, payment of Medicaid state share,
25		or prepayment of Medicaid state share.
26	\$ 379,417.00	Alzheimer's disease services
27		development and implementation of Senate
28		Bill No. 2100, 1997 Regular Session.
29	\$ 636,374.00	Crisis Centers
30	<u>\$ 1,138,252.00</u>	Physician services at community mental
31		health centers.
32	\$ 18,951,886.00	TOTAL

33 **SECTION 4.** Of the funds appropriated under the provisions of
34 Sections 1 and 2 of this act, the following positions are
35 authorized:

36 AUTHORIZED HEADCOUNT:

37	Permanent:	6,299
38	Time-Limited:	457

39 With the funds herein appropriated, it shall be the agency's
40 responsibility to make certain that funds required for Personal
41 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
42 appropriated for that purpose unless programs or positions are
43 added to the agency's Fiscal Year 2023 budget by the Mississippi



44 Legislature. The Legislature shall determine the agency's
45 personal services appropriation, which shall be published by the
46 State Personnel Board. Additionally, the State Personnel Board
47 shall determine and publish the projected annualized payroll costs
48 based on current employees. It shall be the responsibility of the
49 agency head to ensure that actual personnel expenditures for
50 Fiscal Year 2023 do not exceed the data provided by the
51 Legislative Budget Office. If the agency's Fiscal Year 2023
52 projected cost exceeds the annualized costs, no salary actions
53 shall be processed by the State Personnel Board with the exception
54 of new hires that are determined to be essential for the agency.

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

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



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

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

78 The Department of Mental Health (DMH) is authorized to grant
79 temporary COVID-19 adjustments to the compensation for employees
80 in the following occupational title: Nurse Licensed Practical I,
81 II and III; Nurse I, II, III and IV; Nurse Manager; Nurse
82 Administrator; Nurse Chief; and for those employees who function
83 as a nurse and are already classified in their new nurse titles as
84 part of Project SEC2. Authority is provided for an increase of up
85 to seventy-five percent (75%) temporary COVID adjustment pay for
86 Fiscal Year 2023.

87 **SECTION 5.** In compliance with the "Mississippi Performance
88 Budget and Strategic Planning Act of 1994," it is the intent of
89 the Legislature that the funds provided herein shall be utilized
90 in the most efficient and effective manner possible to achieve the
91 intended mission of this agency. Based on the funding authorized,



92 this agency shall make every effort to attain the targeted
93 performance measures provided below:

94 FY2023

95 Performance Measures Target

96 Services Management

97 Number of On-Site Reviews Conducted by
98 the Division of Audit 60

99 Number of On-Site Reviews Conducted for
100 DMH Certified Provider Agencies 212

101 Mental Health Services

102 Percent of Population Lacking Access to
103 Community-Based Mental Health Care 30.00

104 Percent of DMH Clients Served in the
105 Community vs. in an Institutional
106 Setting 98.00

107 Increase by at Least 25% the Utilization
108 of Alternative Placement/Treatment
109 Options for Individuals who have had
110 Multiple Hospitalizations & Do Not
111 Respond to Traditional Treatment 25.00

112 Number Served by the Program of
113 Assertive Community Treatment (PACT),
114 Intensive Community Outreach and
115 Recovery Teams (ICORT), and Intensive
116 Community Support Services (ICSS) 2,200



117	Number of Individuals Employed through	
118	Supported Employment	300
119	Increase Access to Crisis Services by	
120	Tracking the Number of Calls to Mobile	
121	Crisis Response Teams	35,176
122	Number Referred from Mobile Crisis	
123	Response Teams to a Community Mental	
124	Health Center & Scheduled an Appointment	10,211
125	Number Diverted from a More Restrictive	
126	Environment Due to Mobile Crisis	
127	Response Teams	29,093
128	Increase the Number of Certified Peer	
129	Supt Specialists in the State	315
130	Idd Services	
131	Number of Individuals on Planning List	
132	for Home & Community-Based Services	3,000
133	Percent of DMH Institutionalized Clients	
134	who Could be Served in the Community	87.00
135	Percent of DMH Clients Served in the	
136	Community vs. in an Institutional	
137	Setting	87.00
138	Number of People Added from Planning	
139	List to ID/DD Waiver Services	100
140	Children & Youth Services	
141	Percent of Children with Serious Mental	



142	Illness Served by Local	
143	Multidisciplinary Assessment & Planning	
144	(MAP) Teams	2.30
145	Number Served by MAP Teams	890
146	Number of Children & Youth that are	
147	Served by Wraparound Facilitation	2,381
148	3% Alcohol Tax-alcohol/drug Prg	
149	Number of Residential Beds Made	
150	Available Statewide Due to the Three	
151	Percent Tax Supplements	226
152	Number Receiving Residential Substance	
153	Use Disorder Treatment	1,589
154	Crisis Stabilization Units	
155	Average Length of Time from Mental	
156	Health Crisis to Receipt of Community	
157	Mental Health Crisis Service (Minutes)	1
158	Percent of People Receiving Mental	
159	Health Crisis Services who were Treated	
160	at Community Mental Health Centers vs.	
161	Institutions	98.00
162	Diversion Rate of Admissions to State	
163	Hospitals (% of People)	90.00
164	Number of Involuntary Admissions	1,900
165	Number of Voluntary Admissions	1,700
166	Mi - Institutional Care	



167	Number Served Adult Acute Psychiatric	1,950
168	Maintain Readmission Rates within	
169	National Trends (%)	3.35
170	Mi - Support Services	
171	Support as an Overall Percent of Total	
172	Budget	4.95
173	Idd - Institutional Care	
174	Number of People Served in Residential	
175	IID Programs	755
176	Number of People Transitioned from	
177	Facility to ICF/IID Community Home	28
178	Idd - Group Homes	
179	Number of People Served in the 10-Bed	
180	ICF/IID Community Homes	564
181	Percent of People Served in the	
182	Community vs. in an Institutional	
183	Setting	41.68
184	Idd - Community Programs	
185	Number of People Added from Planning	
186	List to ID/DD Waiver Services	97
187	Number of People Enrolled in the 1915i	1,053
188	Idd - Support Services	
189	Support as a Percent of Total Budget	3.82
190	A reporting of the degree to which the performance targets	
191	set above have been or are being achieved shall be provided in the	



192 agency's budget request submitted to the Joint Legislative Budget
193 Committee for Fiscal Year 2024.

194 **SECTION 6.** The Department of Mental Health and its
195 facilities shall have the authority, within funding and spending
196 authority appropriated under the provisions of this act to
197 transfer funds to the Division of Medicaid in payment of Medicaid
198 match and designate that the funds thus transferred shall be
199 applied to Medicaid match obligations arising in the subsequent
200 fiscal year.

201 **SECTION 7.** Any person within the Department of Mental Health
202 who must work on a statutory holiday or any holiday proclaimed by
203 the Governor may, at the discretion of the Director of the
204 Institution and the Executive Director of the Department of Mental
205 Health and within available personnel funds, be paid "call-back
206 pay" in lieu of "compensatory time credit."

207 **SECTION 8.** Of the funds appropriated to the "Service
208 Budget," funds are included for the support of community mental
209 health services for Fiscal Year 2023.

210 Provided, however, that none of the funds appropriated for
211 the support of community mental health services shall be made
212 available to any Regional Mental Health/Intellectual Disability
213 Center which does not receive from each of its participating
214 counties a dollar amount equivalent to what the proceeds of a
215 three-fourths (3/4) mill tax on all taxable property in the county
216 in Fiscal Year 1982 would have been or the amount of funds



217 contributed to the center by the county in Fiscal Year 1984,
218 whichever shall be greater. By means of performance contracts,
219 the Department of Mental Health shall disburse the funds
220 appropriated in this section for services for the mentally ill,
221 intellectually disabled and alcohol/drug abusers. The State Board
222 of Mental Health and the Department of Mental Health shall be
223 responsible for selecting the types of services which shall be
224 provided with the funds appropriated in this section, for
225 developing and monitoring performance contracts and for holding
226 contractors accountable for utilization of funds.

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

232 **SECTION 10.** The Department of Mental Health and its
233 facilities shall have the express legal authority, within funding
234 and spending authority appropriated under the provisions of this
235 act to purchase land for use by residential facilities operated by
236 the department, either directly or by means of transferring funds
237 to the Bureau of Building, Grounds and Real Property Management,
238 and to transfer such funds to the Bureau of Building, Grounds, and
239 Real Property Management for the purposes of constructing and
240 equipping group homes for persons with mental illness,
241 intellectual disability, and/or substance abuse; constructing and



242 equipping such other buildings as may be required for treatment of
243 persons with mental illness, intellectual disability, and/or
244 substance abuse; repair and renovate existing buildings; and to
245 construct, repair and/or renovate employee housing. Any
246 intermediate care facilities for individuals with intellectual
247 disabilities (ICF/IID) constructed with funds authorized in this
248 section shall be authorized to participate in Medicaid funding
249 available for such services.

250 **SECTION 11.** It is the intention of the Legislature that the
251 Department of Mental Health shall maintain complete accounting and
252 personnel records related to the expenditure of all funds
253 appropriated under this act and that such records shall be in the
254 same format and level of detail as maintained for Fiscal Year
255 2022. It is further the intention of the Legislature that the
256 agency's budget request for Fiscal Year 2024 shall be submitted to
257 the Joint Legislative Budget Committee in a format and level of
258 detail comparable to the format and level of detail provided
259 during the Fiscal Year 2023 budget request process.

260 **SECTION 12.** It is the intention of the Legislature that none
261 of the funds provided herein shall be used to pay certain
262 utilities for state-furnished housing for any employees. Such
263 utilities shall include electricity, natural gas, butane, propane,
264 cable and phone services. Where actual cost cannot be determined,
265 the agency shall be required to provide meters to be in compliance
266 with legislative intent. Such state-furnished housing shall



267 include single-family and multifamily residences but shall not
268 include any dormitory residences. Allowances for such utilities
269 shall be prohibited.

270 **SECTION 13.** It is the intention of the Legislature that the
271 Executive Director of the Department of Mental Health shall have
272 authority to transfer cash from one special fund treasury fund to
273 another special fund treasury fund under the control of the
274 Department of Mental Health. The purpose of this authority is to
275 more efficiently use available cash reserves. It is further the
276 intention of the Legislature that the Executive Director of the
277 Department of Mental Health shall submit written justification for
278 the transfer to the Legislative Budget Office and the Department
279 of Finance and Administration. None of the funds transferred with
280 this section may be transferred to the Central Office for Personal
281 Services.

282 **SECTION 14.** Of the funds appropriated under the provisions
283 of this act, Twenty-three Million Three Hundred Twenty-nine
284 Thousand Dollars (\$23,329,000.00) is provided to the Department of
285 Mental Health to expand those community-based services that will
286 improve the State of Mississippi's compliance with the Olmstead
287 decision of the United States Supreme Court. Further, it is the
288 intention of the Legislature that the Department of Mental Health
289 shall have the authority to transfer such sums from this source as
290 are necessary to implement or improve those community services
291 that are more appropriately addressed by the Mississippi



292 Department of Education and/or the Mississippi Department of
293 Rehabilitation Services to those agencies for that purpose.
294 Further, it is the intention of the Legislature that any sums
295 received from this source that are not expended during the fiscal
296 year ending June 30, 2022, by the Mississippi Department of Mental
297 Health shall be reappropriated for the same purpose during the
298 fiscal year ending June 30, 2023. Further, it is the intention of
299 the Legislature that the Department of Mental Health shall account
300 for the expenditure of these funds in sufficient detail to clearly
301 show the purposes for which such funds were expended. The
302 Executive Director of the Department of Mental Health shall report
303 any such reappropriation to the Legislative Budget Office no later
304 than fifteen (15) days after the effective date of the
305 reappropriation.

306 **SECTION 15.** Of the funds appropriated in this act, the
307 Department of Mental Health, with approval by the board, may
308 contract with a Community Mental Health Center, or suitable
309 entities, for the purpose of operating the Crisis Intervention
310 Center at Grenada.

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

315 The Department of Mental Health, with approval by the board,
316 may also contract with suitable entities for the purpose of



317 operating the crisis intervention centers in Batesville,
318 Brookhaven, Cleveland, Corinth, Laurel and Newton. The department
319 shall provide quarterly progress reports on the operation of the
320 crisis intervention centers to the Chairmen of the Senate and
321 House Public Health and Appropriations Committees.

322 **SECTION 16.** It is the intention of the Legislature that
323 whenever two (2) or more bids are received by this agency for the
324 purchase of commodities or equipment, and whenever all things
325 stated in such received bids are equal with respect to price,
326 quality and service, the Mississippi Industries for the Blind
327 shall be given preference. A similar preference shall be given to
328 the Mississippi Industries for the Blind whenever purchases are
329 made without competitive bids.

330 **SECTION 17.** The Department of Finance and Administration
331 (DFA) shall transfer funds back to the Department of Mental
332 Health, upon the request of the Department of Mental Health, where
333 the funds received by DFA from the Department of Mental Health
334 were special funds (neither general funds or bond funds) and where
335 those funds are not required for the payment of costs already
336 incurred on a building or repair project. For the purposes of
337 this section, the term "special funds" includes any state source
338 special funds, including, but not limited to, funds from the
339 Health Care Expendable Fund. The duty of DFA to transfer funds
340 back to the Department of Mental Health under this section applies
341 to any funds described in this section that were transferred to



342 DFA, regardless of the year that the transfer was made by the
343 Department of Mental Health.

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

348 **SECTION 19.** None of the funds provided in Section 1, 2, or 3
349 of this act shall be used to pay Medicaid match for the thirteen
350 (13) Community Mental Health Centers.

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

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

360 **SECTION 22.** Of the funds appropriated in this act, the
361 Department of Mental Health shall fund ten (10) Programs of
362 Assertive Community Treatment (PACT) Teams and provide supportive
363 employment for individuals with intellectual and developmental
364 disabilities.

365 **SECTION 23.** Notwithstanding any other provision, the
366 Department of Mental Health shall have the authority to escalate



367 its headcount for any additional operational needs related to
368 Coronavirus State Fiscal Recovery Funds upon approval of the
369 Department of Finance and Administration and the State Personnel
370 Board.

371 **SECTION 24.** Of the funds appropriated in Sections 1 and 2 of
372 this act, it is the intention of the Legislature that continued
373 funding at or above the Fiscal Year 2022 appropriated amount shall
374 be allocated to the ID/DD Home and Community Based Waiver slots.

375 **SECTION 25.** The following sum, or so much thereof as may be
376 necessary, is reappropriated out of any money in the Capital
377 Expense Fund not otherwise appropriated, for the Department of
378 Mental Health for the purpose of reauthorizing the expenditure of
379 Capital Expense Funds for the purpose of defraying the expenses
380 for a mental health services pilot program with the Department of
381 Corrections, as authorized in Senate Bill No. 2926, 2021 Regular
382 Session, for the fiscal year beginning July 1, 2022, and ending
383 June 30, 2023..... \$ 600,000.00

384 Notwithstanding the amount reappropriated under the
385 provisions of this section, in no event shall the amount expended
386 exceed the unexpended balance as of June 30, 2022.

387 **SECTION 26.** It is the intention of the Legislature that the
388 Department of Mental Health shall provide a report on the pilot
389 program created to provide mental health services to former
390 inmates of the Department of Corrections who are no longer
391 incarcerated within a correctional institution of the Department



392 of Corrections. This report shall be provided on December 15th of
393 the current fiscal year to the Chairmen of the Senate and House
394 Public Health and Appropriations Committees.

395 **SECTION 27.** Of the funds in Section 2, the following sum, or
396 so much thereof as may be necessary, is appropriated out of any
397 money in the State Treasury to the credit of the Capital Expense
398 Fund, for the purpose of defraying the expenses of the Department
399 of Mental Health for the fiscal year beginning July 1, 2022, and
400 ending June 30, 2023.....\$ 4,900,389.00.

401 The purpose of these funds is to provide to the Department of
402 Mental Health for Mississippi State Hospital forensic unit.

403 **SECTION 28.** With the funds appropriated herein, South
404 Mississippi Regional Center is authorized to make payment for
405 expenses incurred during Fiscal Years 2019 through 2020 as
406 follows:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
Sysco	2019	\$ 3,056.47
Sysco	2020	\$ 17,876.61

410 **SECTION 29.** The money herein appropriated shall be paid by
411 the State Treasurer out of any money in the State Treasury to the
412 credit of the proper fund or funds as set forth in this act, upon
413 warrants issued by the State Fiscal Officer; and the State Fiscal
414 Officer shall issue his warrants upon requisitions signed by the
415 proper person, officer or officers in the manner provided by law.



416 **SECTION 30.** This act shall take effect and be in force from
417 and after July 1, 2022.

