

Senate Amendments to House Bill No. 1613

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, 2022, and ending June 30, 2023.....
15\$ 837,071,754.00.

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\$ 366,702,314.00.

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.....\$ 5,187,873,061.00.

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 POSITIONS:

54	Permanent:	Full Time.....	946
55		Part Time.....	9
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 for Personal
60 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
61 appropriated for that purpose unless programs or positions are
62 added to the agency's Fiscal Year 2023 budget by the Mississippi
63 Legislature. The Legislature shall determine the agency's
64 personal services appropriation, which shall be published by the
65 State Personnel Board. Additionally, the State Personnel Board
66 shall determine and publish the projected annualized payroll costs
67 based on current employees. It shall be the responsibility of the
68 agency head to ensure that actual personnel expenditures for
69 Fiscal Year 2023 do not exceed the data provided by the
70 Legislative Budget Office. If the agency's Fiscal Year 2023
71 projected cost exceeds the annualized costs, no salary actions
72 shall be processed by the State Personnel Board with the exception
73 of new hires that are determined to be essential for the agency.

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

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86 act and which are withdrawn and no longer available.

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

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

97 **SECTION 6.** It is the intention of the Legislature that the
98 Governor's Office - Division of Medicaid shall maintain complete
99 accounting and personnel records related to the expenditure of all

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

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

122		FY2023
123	<u>Performance Measures</u>	<u>Target</u>
124	Administrative Services	
125	Admin as a Percent of Total Budget	3.74

126	Third Party Liability Cost Avoided (\$Thou)	1,288,062.00
127	Percent of Clean Claims Processed within	
128	30 Days of Receipt	99.50
129	Percent of Clean Claims Processed within	
130	90 Days of Receipt	100.00
131	Percent of Applications Processed within	
132	Std. of Promptness - Medicaid	90.00
133	Third Party Funds Recovered	6,954,827.00
134	Number of Providers Submitting	
135	Electronic Claims	31,500
136	Turnover Rate of Employees (%)	15.00
137	Medical Services	
138	Costs of Emergency Room Visits	176,165,636.00
139	Number of Emergency Room Visits	632,631
140	Medicaid Recipients - Enrolled (Persons)	710,000
141	Child Physical Exams (Ages 0-20)	303,356
142	Adult Physical Exams (21-Older)	2,948
143	Number of Fraud & Abuse Cases Investigated	250
144	Number of Medicaid Providers	34,844
145	Number of Medicaid Beneficiaries	
146	Assigned to a Managed Care Company	450,000
147	Percent of MSCAN Diabetic Members Aged	
148	17-75 Receiving HBA1c Test	88.87
149	Percent of MSCAN Members with	
150	Persistent Asthma are Appropriately	
151	Prescribed Medication	52.52

152	Rate of EPSDT Well Child Screening (%)	75.00
153	Percent Change in Number of Recipients	
154	Enrolled from Last Year	-2.06
155	Percent Change in Number of Providers	
156	from Last Year	-10.00
157	Children's Health Insur Prg (chip)	
158	Number of CHIP Enrollees	47,000
159	Percent of CHIP Applications Processed	
160	within Std. of Promptness	90.00
161	Home & Comm Based Waiver Prg	
162	Elderly & Disabled - Persons Served	19,580
163	Elderly & Disabled - Funded Slots	19,163
164	Elderly & Disabled - Total Authorized Slots	21,900
165	Assisted Living - Persons Served	900
166	Assisted Living - Funded Slots	874
167	Assisted Living - Total Authorized Slots	1,100
168	Independent Living - Persons Served	3,500
169	Independent Living - Funded Slots	3,443
170	Independent Living - Total Authorized Slots	5,725
171	Traumatic Brain Injury - Persons Served	1,050
172	Traumatic Brain Injury - Funded Slots	1,050
173	Traumatic Brain Injury - Total	
174	Authorized Slots	1,050
175	Intellectual Disability - Persons Served	3,250
176	Intellectual Disability - Funded Slots	3,250
177	Intellectual Disability - Total	

178	Authorized Slots	4,150
179	Percent Change in Persons on Waiting	
180	List (E&D)	10.00
181	Percent Change in Persons on Waiting	
182	List (AL)	10.00
183	Percent Change in Persons on Waiting	
184	List (IL)	10.00
185	Percent Change in Persons on Waiting	
186	List (TBI)	10.00
187	Percent Change in Persons on Waiting	
188	List (IDD)	10.00

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

193 **SECTION 8.** It is the intention of the Legislature that
194 whenever two (2) or more bids are received by this agency for the
195 purchase of commodities or equipment, and whenever all things
196 stated in such received bids are equal with respect to price,
197 quality and service, the Mississippi Industries for the Blind
198 shall be given preference. A similar preference shall be given to
199 the Mississippi Industries for the Blind whenever purchases are
200 made without competitive bids.

201 **SECTION 9.** The Governor's Office - Division of Medicaid
202 shall provide statistical and financial reports on a monthly basis
203 to the Legislative Budget Office and the PEER Committee. These

204 reports shall include, but are not limited to, an accounting of
205 all funds spent in the medical program, the CHIP program, the
206 Dialysis Transportation program, and each of the Home and
207 Community Based Waiver programs, and an accounting of all funds
208 spent in the administrative program, participant statistics and
209 any other information requested by the Legislative Budget Office
210 and the PEER Committee.

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

220 **SECTION 10.** Of the funds appropriated under the provisions
221 of this act in an amount not to exceed, Two Million Seven Hundred
222 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
223 of funding a temporary program to provide nonemergency
224 transportation to locations for necessary dialysis services for
225 end-stage renal disease patients who are sixty-five (65) years of
226 age or older or are disabled as determined under Section
227 1614(a)(3) of the federal Social Security Act, as amended, whose
228 income did not exceed one hundred thirty-five percent (135%) of
229 the nonfarm official poverty level as defined by the Office of

230 Management and Budget and whose eligibility was covered under the
231 former category of eligibility known as Poverty Level Aged and
232 Disabled (PLADS).

233 **SECTION 11.** Of the funds appropriated in Sections 1 and 3,
234 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
235 (\$398,550.00) General Funds and One Million One Hundred One
236 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
237 are provided for five (5) slots in the Assisted Living Waiver
238 program for persons with Traumatic Brain Injury and in need of
239 Cognitive Rehabilitation. The Division shall develop eligibility
240 criteria for these additional slots.

241 **SECTION 12.** It is the intention of the Legislature that the
242 funds appropriated in this act to the Governor's Office - Division
243 of Medicaid for the Mississippi Coordinated Access Network
244 (MS-CAN) program be used in the most efficient and effective
245 manner possible to achieve the intended mission of the division.
246 The division and the coordinated care organizations with which the
247 division has contracted to conduct the MS-CAN program shall
248 establish baselines for the health-related outcome measurement for
249 each of the following health focus areas for presentation at the
250 Joint Legislative Budget Committee hearings for Fiscal Year 2023,
251 which will be used as the baseline levels for establishing targets
252 for improvements in quality of care performance measures for the
253 MS-CAN program in Fiscal Year 2023 and later fiscal years:

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

255 b. Medication Management for People with Asthma (MMA) or
256 successive measure.

257 c. Annual Monitoring for Patients on Persistent Medications
258 (MPM) or successive measure.

259 d. Adult BMI Assessment (ABA) and Weight Assessment and
260 Counseling for Nutrition and Physical Activity for
261 Children/Adolescents (WCC) or successive measure.

262 In addition, for comparison purposes, these same baselines
263 for the health-related outcome measurements shall be established
264 for similar Medicaid recipients who are not enrolled in the MS-CAN
265 program.

266 **SECTION 13.** It is the intention of the Legislature that the
267 Governor's Office - Division of Medicaid and the Department of
268 Human Services shall continue to work together to implement HB
269 1090 of the 2017 Regular Session, known as the "Medicaid and Human
270 Services Transparency and Fraud Prevention Act".

271 **SECTION 14.** The Governor's Office - Division of Medicaid is
272 authorized to expend funds appropriated herein as necessary to
273 provide currently existing home and community based services
274 through any CMS approved state plan or home and community based
275 services waiver to individuals who qualify for those services to
276 avoid institutionalization or to transition an individual from an
277 institution to any home and community based setting. Provision of
278 such services shall not count against any limit imposed under this
279 act. It is the intention of the Legislature that the cost of

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

282 **SECTION 15.** Of the funds appropriated herein, no more than
283 Ten Thousand Nine Hundred Forty-six Dollars and Six Cents
284 (\$10,946.06) may be used to pay invoices from Fiscal Year 2020 for
285 expenses to the Sovereign States Drug Consortium for Medicaid
286 supplemental drug rebate group purchasing services.

287 **SECTION 16.** The money herein appropriated shall be paid by
288 the State Treasurer out of any money in the State Treasury to the
289 credit of the proper fund or funds as set forth in this act, upon
290 warrants issued by the State Fiscal Officer; and the State Fiscal
291 Officer shall issue his warrants upon requisitions signed by the
292 proper person, officer or officers, in the manner provided by law.

293 **SECTION 17.** This act shall take effect and be in force from
294 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1613A.J

Eugene S. Clarke
Secretary of the Senate