MISSISSIPPI LEGISLATURE REGULAR SESSION 2023

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

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1626

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR 2024.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Health for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....
.....$ 39,488,421.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....
.....$ 505,431,838.00.

SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two Dollars ($526,102.00) shall be derived from the State General Fund and Nine Million Two Hundred Seventy-eight Thousand Seven Hundred Eighty-three Dollars ($9,278,783.00) shall be derived from the Health Care Expendable Fund, created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the State Department of Health. The funds provided in this section shall be allocated as follows:

Maternal and Child Health Care Program.....$ 1,242,943.00

Mississippi Health Care Alliance for the ST Elevated Myocardial Infarction Program (STEMI) and the Stroke System of Care Plan.....$ 100,000.00

Health Department Programs.....$ 8,461,942.00

SECTION 4. Of the funds appropriated in this act, Twenty-eight Million Dollars ($28,000,000.00) is allocated to the Trauma Care System. Of the General Fund court assessments provided in Section 1, Seven Million Twenty-three Thousand One Hundred Ninety-seven Dollars ($7,023,197.00) shall be allocated for Trauma Care Systems and One Million Eight Hundred Five Thousand Eight Hundred Fifty-nine Dollars ($1,805,859.00) shall be allocated for Emergency Medical Services. All additional funds are appropriated in Section 2. The State Department of Health may transfer a portion of Trauma Care System funds to the Division of

Medicaid for the development and implementation of an enhanced reimbursement fee program related to trauma care and services, used to match federal funds, under a cooperative agreement between the State Department of Health and the Division of Medicaid.

It is the intention of the Legislature that none of the funds authorized herein for the Trauma Care System shall be expended to the benefit of any hospital located outside the boundaries of the State of Mississippi, unless otherwise excepted in this paragraph. Funds shall be expended by the Mississippi Department of Health for distribution to the Regional Medical Center or Le Bonheur Children's Hospital at Memphis, located in Memphis, Tennessee, or the University of South Alabama Medical Center located in Mobile, Alabama, or the Joseph M. Still Burn Centers, Inc., located in Augusta, Georgia, or the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or any affiliates or any other Level 1 Trauma Center, or Tertiary Pediatric Trauma Center that participates in the Mississippi Trauma Care System, as determined by the Mississippi Department of Health.

SECTION 5. Of the funds appropriated in Section 2, Twenty Million Dollars ($20,000,000.00) shall be derived from the Tobacco Control Program Fund, created in Section 41-113-11, Mississippi Code of 1972, and shall be allocated as follows:

University of Mississippi Medical Center Cancer Institute.....$ 4,250,000.00

Department of Education - Mary Kirkpatrick Haskell –

Mary Sprayberry Public School
Nurse Program.....$ 3,060,000.00
Attorney General's Office - Alcohol and
Tobacco Enforcement Unit.....$ 680,000.00
University of Mississippi Medical Center –
A Comprehensive Tobacco (ACT)
Center.....$ 595,000.00
Mississippi Health Care Alliance - ST Elevated
Myocardial Infarction Program (STEMI) and
Stroke System of Care Plan.....$ 595,000.00
Mississippi Qualified Health
Center Grant Program.....$ 3,400,000.00
Mississippi Health Department Programs.....$ 7,420,000.00

Of the funds appropriated in this section, the State Department of Health is authorized to expend funds to create and administer the Office of Tobacco Control within the department as outlined and created in Section 41-113-3, Mississippi Code of 1972.

SECTION 6. Of the funds appropriated in Section 1, Five Million One Hundred Two Thousand Nine Hundred Fifteen Dollars ($5,102,915.00) shall be allocated as follows:

Mississippi Health Care Alliance - ST Elevated
Myocardial Infarction Program (STEMI)
and Stroke System of Care Plan.....$ 279,400.00
Mississippi Qualified Health Center

Grant Program.....$ 4,600,000.00

Mississippi Health Department Programs.....$ 223,515.00

SECTION 7. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED HEADCOUNT:

Permanent: 699

Time-Limited: 1,306

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required for Personal Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2024 budget by the Mississippi Legislature. The Legislature shall determine the agency's personal services appropriation, which shall be published by the State Personnel Board. Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If the agency's Fiscal Year 2024 projected cost exceeds the annualized costs, no salary actions shall be processed by the State Personnel Board with the exception of new hires that are determined to be essential for the agency.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or

allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

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

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

SECTION 8. It is the intention of the Legislature that the State Department of Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the

same format and level of detail as maintained for Fiscal Year 2023. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2025 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2024 budget request process.

SECTION 9. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2024 Target
Health Services	
State Infant Mortality Rate (per 1,000 Live Births)	8.20
Percent of Women who Received Prenatal Care in First Trimester	72.50
Percent of Live Births Delivered Prior to 37 Weeks of Gestation	13.20
Teenage Live Birth Rate Age 15-19 Years (per 1,000 Women Age 15-19)	22.60
Percent of Newborns with Positive and	

Inconclusive Genetic Screens who Received Recommended Follow-Up	100.00
Percent of Adults who are Obese (Body Mass Index of 30 or More, Regardless of Sex)	39.10
Health Protection	
Percent of Mississippi Population Receiving Water From a Public Water Supply	92.00
Percent of Mississippi Population Receiving Optimally Fluoridated Water	50.00
Transfer Time of Level III and IV Trauma Centers to Appropriate Facilities for Treatment (Minutes)	130
Communicable Disease	
Primary and Secondary Syphilis: Case Rate per 100,000	38.35
Tuberculosis: Number of Cases	45
Tuberculosis: Case Rate per 100,000	1.40
HIV Disease: Number of Cases	442
HIV Disease: Case Rate per 100,000	14.93
Rate of Two Year Old Children Fully Immunized (National Immunization Survey: 4:3:1:3:3:1:4 series - 19 to 35 months)	72.20
Tobacco Control	

Percent of Current Smokers Among Public Middle School Students	2.00
Percent of Current Smokers Among Public High School Students	4.20
Percent of Current Smokers Among Adults 18 Years and Older	20.00
Public Health Emerg Prep/resp	
Time Required for Command Staff to Report to Emergency Operations Center in Response to a National or Man-Made Disaster (Minutes)	30
Admin & Support Services	
Percent of Mississippi Population Living in an Area Designated as a Health Professional Shortage Area: Mental Health	60.00
Percent of Mississippi Population Living in an Area Designated as a Health Professional Shortage Area: Dental	45.00
Percent of Mississippi Population Living in an Area Designated as a Health Professional Shortage Area: Primary Care	49.00
Medical Cannabis	
Number of Conditions Added to the List	

of Debilitating Medical Conditions	3
Number of Qualifying Patients Approved	3,000
Number of Designated Caregivers Approved	50
Number of Registry Identification Cards Revoked	20
Total Number of Patients with a Registry Identification Card	3,000
Number of Licensed Medical Practitioners	65
Number of Licensed Cannabis Cultivation Facilities	0
Number of Licensed Cannabis Processing Facilities	10
Number of Licensed Cannabis Testing Facilities	4
Number of Licensed Cannabis Waste Disposal Entities	12
Number of Licensed Cannabis Transportation Entities	12
Percent of Applications Approved	70.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2025.

SECTION 10. It is the intention of the Legislature that with the funds provided herein, the State Department of Health may

provide and administer without charge, Hepatitis B vaccinations to Emergency Medical Services (EMS) personnel who are in need of such vaccinations through job related exposure.

SECTION 11. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Local Governments and Rural Water Systems Emergency Loan Fund, and the Local Governments and Rural Water System Improvements Revolving Loan Fund as authorized in Chapter 521, Laws of 1995, to the State Department of Health for the purpose of defraying the expenses of the Local Governments and Rural Water Systems Improvements Board, for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....
.....$ 38,640,146.00.

SECTION 12. Of the funds appropriated under Section 11 of this act, the following positions are authorized:

AUTHORIZED HEADCOUNT:

Permanent: 5

Time-Limited: 3

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required for Personal Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2024 budget by the Mississippi Legislature. The Legislature shall determine the agency's

personal services appropriation, which shall be published by the State Personnel Board. Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If the agency's Fiscal Year 2024 projected cost exceeds the annualized costs, no salary actions shall be processed by the State Personnel Board with the exception of new hires that are determined to be essential for the agency.

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

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

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating

to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

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

SECTION 13. Of the funds appropriated in Section 2, One Million Dollars ($1,000,000.00) shall come from the Department of Human Services, Child Care Development Fund or other appropriate special funds for the purpose of child care licensure. These funds are to be transferred to the State Department of Health no later than July 31, 2023. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Human Services.

SECTION 14. It is the intention of the Legislature that the State Department of Health shall expend not more than Fifty Thousand Dollars ($50,000.00) of the funds appropriated herein for providing the oil known as "Lorenzo's Oil" for the treatment of the genetic disorder adrenoleukodystrophy (ALD), to children and Mississippi residents over the age of twenty-one (21) who have the genetic disorder adrenoleukodystrophy and for whom Medicaid does not reimburse the cost of providing the oil. The department may also provide needed pathology and biannual MRI exams.

SECTION 15. Of the funds appropriated in Section 1, Seven Hundred Thousand Dollars ($700,000.00) are provided for the purpose of purchasing AIDS drugs and other necessary AIDS related medical services.

SECTION 16. Of the funds appropriated herein, Two Hundred Thousand Dollars ($200,000.00) is provided for the Breast and Cervical Cancer Program.

SECTION 17. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Medical Cannabis Act at the Department of Health for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....$ 7,243,426.00.

SECTION 18. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED HEADCOUNT:

Permanent: 0

Time-Limited: 34

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required for Personal Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2024 budget by the Mississippi Legislature. The Legislature shall determine the agency's

personal services appropriation, which shall be published by the State Personnel Board. Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If the agency's Fiscal Year 2024 projected cost exceeds the annualized costs, no salary actions shall be processed by the State Personnel Board with the exception of new hires that are determined to be essential for the agency.

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

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

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating

to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

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

SECTION 19. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Mississippi Burn Care Fund which is comprised of special source funds collected by or otherwise available to the department, for the purpose of funding reimbursement for uncompensated medical care to Mississippi burn victims through the trauma care system at in-state burn facilities including the Joseph M. Still Burn and Reconstruction Center at Merit Health Central or for uncompensated aero medical transportation to out-of-state qualified United States Burn Care facilities, and such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel, lodgings, meals and other reasonable travel-related expenses incurred by burn victims, family members and/or caregivers, for the fiscal year beginning July 1, 2023, and ending June 30, 2024 .....$ 1,000,000.00.

SECTION 20. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 21. It is the intention of the Legislature that the Mississippi Department of Health shall implement same day service to receive birth and death certificates.

SECTION 22. It is the intention of the Legislature that the Mississippi State Department of Health shall provide the Joint Legislative Budget Committee a report of all grants received by September 15, 2023. This notification will consist of the name of the grant and agency or nonprofit making the award, the award amount, and a short list of goals to be achieved.

SECTION 23. It is the intention of the Legislature that the Mississippi State Department of Health shall be the fiscal agent in all allowable grants awarded.

SECTION 24. Of the funds appropriated in Section 2, Seven Hundred Thousand Dollars ($700,000.00) shall come from the Department of Education for the purpose of maintenance of effort for the Early Intervention Program. These funds are to be transferred to the State Department of Health no later than

December 31, 2023. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Education.

SECTION 25. The Mississippi Department of Health is authorized to obtain a line of credit through the State Treasurer from the Working Cash-Stabilization Fund or any other special source funds maintained in the State Treasury in an amount not exceeding Ten Million Dollars ($10,000,000.00) to fund shortfalls which, from time to time, may occur due to insufficient working cash spent in anticipation of receiving federal reimbursement. The length of indebtedness under this provision shall not carry past the end of the quarter following the loan origination. Loan proceeds shall be received by the State Treasurer and shall be placed in a Mississippi Department of Health designated special fund account. The division may pledge as security for such interim financing future funds that will be received by the division. Any such loans shall be repaid from the first available funds received by the department in the manner of and subject to the same terms provided in this section.

SECTION 26. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally

or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 27. With the funds appropriated herein, it is the intention of the Legislature that the Mississippi Department of Health is authorized to set the compensation of all nurse PINs, Epidemiologists and Disease Intervention Specialist Series based on the education and experience of the incumbent not to exceed the end salary as established by the State Personnel Board.

SECTION 28. It is the intent of the Legislature that the Chairman of the Board of Health may appoint an official replacement or representative with voting privileges to the Advisory Board of the Office of Mississippi Physician Workforce.

SECTION 29. It is the intention of the Legislature that the State Health Officer shall have the authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Health. It is further the intention of the Legislature that the State Health Officer shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 30. Of the funds appropriated in Section 1, it is the intention of the Legislature that Eight Hundred Fifty-nine Thousand Nine Hundred Three Dollars ($859,903.00) shall be

allocated to the Domestic Violence program that is supported from General Fund court assessments.

SECTION 31. It is the intent of the Legislature that the Mississippi State Department of Health shall have authority to escalate the various budgets in both funds and positions, with the approval of the State Fiscal Officer, from any special funds collected or available for HIV medical or support services, clinical quality management, and administrative expenses not to exceed Five Million Dollars ($5,000,000.00), to the agency for expenditure. Upon such approval, the Mississippi State Department of Health may expend such funds in the manner authorized by law. Funds may be made available to local HIV/AIDS service providers.

The Executive Director of the Mississippi State Department of Health shall submit to the Department of Finance and Administration a certified statement providing a detailed explanation for any escalation, including a justification for the establishment of any new positions or reclassification of existing positions.

SECTION 32. Notwithstanding any other provision, the Department of Health shall have the authority to escalate its headcount for any additional operational needs related to Coronavirus State Fiscal Recovery Funds, upon approval of the Department of Finance and Administration and the State Personnel Board.

SECTION 33. It is the intention of the Legislature that the State Department of Health is hereby authorized to escalate, budget and expend funds for salaries and positions, with the approval of the State Fiscal Officer, from fund numbers 5331400000, 5331500000 and 5820130100, for the purpose of operating the State Department of Health programs as authorized by law, in accordance with rules and regulation of the Department of Finance and Administration in a manner consistent with the escalation of federal funds and when grant requirements have changed that result in staffing needs but do not result in new or additional funds.

The Executive Director of the State Department of Health or designee shall submit to the Department of Finance and Administration a certified statement providing a detailed explanation for any escalation, including a justification for the establishment of any new positions or reclassification of existing positions.

SECTION 34. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 35. This act shall take effect and be in force from and after July 1, 2023, and shall stand repealed June 30, 2023.