

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2576

1 AN ACT RELATING TO COMMUNITY MENTAL HEALTH AND INTELLECTUAL
 2 DISABILITY CENTERS AND PROGRAMS IN THE STATE OF MISSISSIPPI; TO
 3 BRING FORWARD CHAPTER 479, LAWS OF 2020, WHICH IS THE ROSE ISABEL
 4 WILLIAMS MENTAL HEALTH REFORM ACT OF 2020, FOR POSSIBLE AMENDMENT;
 5 TO BRING FORWARD SECTIONS 41-4-7, 41-19-31 THROUGH 41-19-39, AND
 6 41-20-1 THROUGH 41-20-11, MISSISSIPPI CODE OF 1972, RELATING TO
 7 REGIONAL MENTAL HEALTH COMMISSIONS, THE AUTHORITY OF THE
 8 MISSISSIPPI DEPARTMENT OF MENTAL HEALTH AND THE COORDINATOR OF
 9 MENTAL HEALTH ACCESSIBILITY, FOR POSSIBLE AMENDMENT; AND FOR
 10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 1 of Chapter 479, Laws of 2020, is
 13 brought forward as follows:

14 Section 1. This act shall be known and may be cited as the
 15 Rose Isabel Williams Mental Health Reform Act of 2020. The goal
 16 of the act is to reform the current Mississippi mental health
 17 delivery system so that necessary service, supports and
 18 operational structures for all its citizens with mental illness
 19 and/or alcohol and drug dependence and/or comorbidity, whether
 20 children, youth or adults, are accessible and delivered preferably
 21 in the communities where these citizens live. To accomplish this



22 goal, this act provides for a Coordinator of Mental Health
23 Accessibility with the powers and duties set forth in this act.

24 **SECTION 2.** Section 41-4-7, Mississippi Code of 1972, is
25 brought forward as follows:

26 41-4-7. The State Board of Mental Health shall have the
27 following powers and duties:

28 (a) To appoint a full-time Executive Director of the
29 Department of Mental Health, who shall be employed by the board
30 and shall serve as executive secretary to the board. The first
31 director shall be a duly licensed physician with special interest
32 and competence in psychiatry, and shall possess a minimum of three
33 (3) years' experience in clinical and administrative psychiatry.
34 Subsequent directors shall possess at least a master's degree or
35 its equivalent, and shall possess at least ten (10) years'
36 administrative experience in the field of mental health. The
37 salary of the executive director shall be determined by the board;

38 (b) To appoint a Medical Director for the Department of
39 Mental Health. The medical director shall provide clinical
40 oversight in the implementation of evidence-based and best
41 practices; provide clinical leadership in the integration of
42 mental health, intellectual disability and addiction services with
43 community partners in the public and private sectors; and provide
44 oversight regarding standards of care. The medical director shall
45 serve at the will and pleasure of the board, and will undergo an



46 annual review of job performance and future service to the
47 department;

48 (c) To cooperate with the Strategic Planning and Best
49 Practices Committee created in Section 41-4-10, Mississippi Code
50 of 1972, in establishing and implementing its state strategic
51 plan;

52 (d) To develop a strategic plan for the development of
53 services for persons with mental illness, persons with
54 developmental disabilities and other clients of the public mental
55 health system. Such strategic planning program shall require that
56 the board, acting through the Strategic Planning and Best
57 Practices Committee, perform the following functions respecting
58 the delivery of services:

59 (i) Establish measures for determining the
60 efficiency and effectiveness of the services specified in Section
61 41-4-1(2);

62 (ii) Conducting studies of community-based care in
63 other jurisdictions to determine which services offered in these
64 jurisdictions have the potential to provide the citizens of
65 Mississippi with more effective and efficient community-based
66 care;

67 (iii) Evaluating the efficiency and effectiveness
68 of the services specified in Section 41-4-1(2);



69 (iv) Recommending to the Legislature by January 1,
70 2014, any necessary additions, deletions or other changes
71 necessary to the services specified in Section 41-4-1(2);

72 (v) Implementing by July 1, 2012, a system of
73 performance measures for the services specified in Section
74 41-4-1(2);

75 (vi) Recommending to the Legislature any changes
76 that the department believes are necessary to the current laws
77 addressing civil commitment;

78 (vii) Conducting any other activities necessary to
79 the evaluation and study of the services specified in Section
80 41-4-1(2);

81 (viii) Assisting in conducting all necessary
82 strategic planning for the delivery of all other services of the
83 department. Such planning shall be conducted so as to produce a
84 single strategic plan for the services delivered by the public
85 mental health system and shall establish appropriate mission
86 statements, goals, objectives and performance indicators for all
87 programs and services of the public mental health system. For
88 services other than those specified in Section 41-4-1(2), the
89 committee shall recommend to the State Board of Mental Health a
90 strategic plan that the board may adopt or modify;

91 (e) To set up state plans for the purpose of
92 controlling and treating any and all forms of mental and emotional
93 illness, alcoholism, drug misuse and developmental disabilities;



94 (f) [Repealed]

95 (g) To enter into contracts with any other state or
96 federal agency, or with any private person, organization or group
97 capable of contracting, if it finds such action to be in the
98 public interest;

99 (h) To collect reasonable fees for its services;
100 however, if it is determined that a person receiving services is
101 unable to pay the total fee, the department shall collect any
102 amount such person is able to pay;

103 (i) To certify, coordinate and establish minimum
104 standards and establish minimum required services, as specified in
105 Section 41-4-1(2), for regional mental health and intellectual
106 disability commissions and other community service providers for
107 community or regional programs and services in adult mental
108 health, children and youth mental health, intellectual
109 disabilities, alcoholism, drug misuse, developmental disabilities,
110 compulsive gambling, addictive disorders and related programs
111 throughout the state. Such regional mental health and
112 intellectual disability commissions and other community service
113 providers shall, on or before July 1 of each year, submit an
114 annual operational plan to the State Department of Mental Health
115 for approval or disapproval based on the minimum standards and
116 minimum required services established by the department for
117 certification and itemize the services specified in Section
118 41-4-1(2), including financial statements. As part of the annual



119 operation plan required by this paragraph (i) submitted by any
120 regional community mental health center or by any other reasonable
121 certification deemed acceptable by the department, the community
122 mental health center shall state those services specified in
123 Section 41-4-1(2) that it will provide and also those services
124 that it will not provide. If the department finds deficiencies in
125 the plan of any regional commission or community service provider
126 based on the minimum standards and minimum required services
127 established for certification, the department shall give the
128 regional commission or community service provider a six-month
129 probationary period to bring its standards and services up to the
130 established minimum standards and minimum required services. The
131 regional commission or community service provider shall develop a
132 sustainability business plan within thirty (30) days of being
133 placed on probation, which shall be signed by all commissioners
134 and shall include policies to address one or more of the
135 following: the deficiencies in programmatic services, clinical
136 service staff expectations, timely and appropriate billing,
137 processes to obtain credentialing for staff, monthly reporting
138 processes, third-party financial reporting and any other required
139 documentation as determined by the department. After the
140 six-month probationary period, if the department determines that
141 the regional commission or community service provider still does
142 not meet the minimum standards and minimum required services
143 established for certification, the department may remove the



144 certification of the commission or provider and from and after
145 July 1, 2011, the commission or provider shall be ineligible for
146 state funds from Medicaid reimbursement or other funding sources
147 for those services. However, the department shall not mandate a
148 standard or service, or decertify a regional commission or
149 community service provider for not meeting a standard or service,
150 if the standard or service does not have funding appropriated by
151 the Legislature or have a state, federal or local funding source
152 identified by the department. No county shall be required to levy
153 millage to provide a mandated standard or service above the
154 minimum rate required by Section 41-19-39. After the six-month
155 probationary period, the department may identify an appropriate
156 community service provider to provide any core services in that
157 county that are not provided by a community mental health center.
158 However, the department shall not offer reimbursement or other
159 accommodations to a community service provider of core services
160 that were not offered to the decertified community mental health
161 center for the same or similar services. The State Board of
162 Mental Health shall promulgate rules and regulations necessary to
163 implement the provisions of this paragraph (i), in accordance with
164 the Administrative Procedures Law (Section 25-43-1.101 et seq.);

165 (j) To establish and promulgate reasonable minimum
166 standards for the construction and operation of state and all
167 Department of Mental Health certified facilities, including
168 reasonable minimum standards for the admission, diagnosis, care,



169 treatment, transfer of patients and their records, and also
170 including reasonable minimum standards for providing day care,
171 outpatient care, emergency care, inpatient care and follow-up
172 care, when such care is provided for persons with mental or
173 emotional illness, an intellectual disability, alcoholism, drug
174 misuse and developmental disabilities;

175 (k) To implement best practices for all services
176 specified in Section 41-4-1(2), and to establish and implement all
177 other services delivered by the Department of Mental Health. To
178 carry out this responsibility, the board shall require the
179 department to establish a division responsible for developing best
180 practices based on a comprehensive analysis of the mental health
181 environment to determine what the best practices for each service
182 are. In developing best practices, the board shall consider the
183 cost and benefits associated with each practice with a goal of
184 implementing only those practices that are cost-effective
185 practices for service delivery. Such best practices shall be
186 utilized by the board in establishing performance standards and
187 evaluations of the community mental health centers' services
188 required by paragraph (d) of this section;

189 (l) To assist community or regional programs consistent
190 with the purposes of this chapter by making grants and contracts
191 from available funds;



192 (m) To establish and collect reasonable fees for
193 necessary inspection services incidental to certification or
194 compliance;

195 (n) To accept gifts, trusts, bequests, grants,
196 endowments or transfers of property of any kind;

197 (o) To receive monies coming to it by way of fees for
198 services or by appropriations;

199 (p) To serve as the single state agency in receiving
200 and administering any and all funds available from any source for
201 the purpose of service delivery, training, research and education
202 in regard to all forms of mental illness, intellectual
203 disabilities, alcoholism, drug misuse and developmental
204 disabilities, unless such funds are specifically designated to a
205 particular agency or institution by the federal government, the
206 Mississippi Legislature or any other grantor;

207 (q) To establish mental health holding centers for the
208 purpose of providing short-term emergency mental health treatment,
209 places for holding persons awaiting commitment proceedings or
210 awaiting placement in a state mental health facility following
211 commitment, and for diverting placement in a state mental health
212 facility. These mental health holding facilities shall be readily
213 accessible, available statewide, and be in compliance with
214 emergency services' minimum standards. They shall be
215 comprehensive and available to triage and make appropriate
216 clinical disposition, including the capability to access inpatient



217 services or less restrictive alternatives, as needed, as
218 determined by medical staff. Such facility shall have medical,
219 nursing and behavioral services available on a
220 twenty-four-hour-a-day basis. The board may provide for all or
221 part of the costs of establishing and operating the holding
222 centers in each district from such funds as may be appropriated to
223 the board for such use, and may participate in any plan or
224 agreement with any public or private entity under which the entity
225 will provide all or part of the costs of establishing and
226 operating a holding center in any district;

227 (r) To certify/license case managers, mental health
228 therapists, intellectual disability therapists, mental
229 health/intellectual disability program administrators, addiction
230 counselors and others as deemed appropriate by the board. Persons
231 already professionally licensed by another state board or agency
232 are not required to be certified/licensed under this section by
233 the Department of Mental Health. The department shall not use
234 professional titles in its certification/licensure process for
235 which there is an independent licensing procedure. Such
236 certification/licensure shall be valid only in the state mental
237 health system, in programs funded and/or certified by the
238 Department of Mental Health, and/or in programs certified/licensed
239 by the State Department of Health that are operated by the state
240 mental health system serving persons with mental illness, an



241 intellectual disability, a developmental disability or addictions,
242 and shall not be transferable;

243 (s) To develop formal mental health worker
244 qualifications for regional mental health and intellectual
245 disability commissions and other community service providers. The
246 State Personnel Board shall develop and promulgate a recommended
247 salary scale and career ladder for all regional mental
248 health/intellectual disability center therapists and case managers
249 who work directly with clients. The State Personnel Board shall
250 also develop and promulgate a career ladder for all direct care
251 workers employed by the State Department of Mental Health;

252 (t) The employees of the department shall be governed
253 by personnel merit system rules and regulations, the same as other
254 employees in state services;

255 (u) To establish such rules and regulations as may be
256 necessary in carrying out the provisions of this chapter,
257 including the establishment of a formal grievance procedure to
258 investigate and attempt to resolve consumer complaints;

259 (v) To grant easements for roads, utilities and any
260 other purpose it finds to be in the public interest;

261 (w) To survey statutory designations, building markers
262 and the names given to mental health/intellectual disability
263 facilities and proceedings in order to recommend deletion of
264 obsolete and offensive terminology relative to the mental
265 health/intellectual disability system. Based upon a



266 recommendation of the executive director, the board shall have the
267 authority to name/rename any facility operated under the auspices
268 of the Department of Mental Health for the sole purpose of
269 deleting such terminology;

270 (x) To ensure an effective case management system
271 directed at persons who have been discharged from state and
272 private psychiatric hospitals to ensure their continued well-being
273 in the community;

274 (y) To develop formal service delivery standards
275 designed to measure the quality of services delivered to community
276 clients, as well as the timeliness of services to community
277 clients provided by regional mental health/intellectual disability
278 commissions and other community services providers;

279 (z) To establish regional state offices to provide
280 mental health crisis intervention centers and services available
281 throughout the state to be utilized on a case-by-case emergency
282 basis. The regional services director, other staff and delivery
283 systems shall meet the minimum standards of the Department of
284 Mental Health;

285 (aa) To require performance contracts with community
286 mental health/intellectual disability service providers to contain
287 performance indicators to measure successful outcomes, including
288 diversion of persons from inpatient psychiatric hospitals,
289 rapid/timely response to emergency cases, client satisfaction with
290 services and other relevant performance measures;



291 (bb) To enter into interagency agreements with other
292 state agencies, school districts and other local entities as
293 determined necessary by the department to ensure that local mental
294 health service entities are fulfilling their responsibilities to
295 the overall state plan for behavioral services;

296 (cc) To establish and maintain a toll-free grievance
297 reporting telephone system for the receipt and referral for
298 investigation of all complaints by clients of state and community
299 mental health/intellectual disability facilities;

300 (dd) To establish a peer review/quality assurance
301 evaluation system that assures that appropriate assessment,
302 diagnosis and treatment is provided according to established
303 professional criteria and guidelines;

304 (ee) To develop and implement state plans for the
305 purpose of assisting with the care and treatment of persons with
306 Alzheimer's disease and other dementia. This plan shall include
307 education and training of service providers, caregivers in the
308 home setting and others who deal with persons with Alzheimer's
309 disease and other dementia, and development of adult day care,
310 family respite care and counseling programs to assist families who
311 maintain persons with Alzheimer's disease and other dementia in
312 the home setting. No agency shall be required to provide any
313 services under this section until such time as sufficient funds
314 have been appropriated or otherwise made available by the



315 Legislature specifically for the purposes of the treatment of
316 persons with Alzheimer's and other dementia;

317 (ff) Working with the advice and consent of the
318 administration of Ellisville State School, to enter into
319 negotiations with the Economic Development Authority of Jones
320 County for the purpose of negotiating the possible exchange, lease
321 or sale of lands owned by Ellisville State School to the Economic
322 Development Authority of Jones County. It is the intent of the
323 Mississippi Legislature that such negotiations shall ensure that
324 the financial interest of the persons with an intellectual
325 disability served by Ellisville State School will be held
326 paramount in the course of these negotiations. The Legislature
327 also recognizes the importance of economic development to the
328 citizens of the State of Mississippi and Jones County, and
329 encourages fairness to the Economic Development Authority of Jones
330 County. Any negotiations proposed which would result in the
331 recommendation for exchange, lease or sale of lands owned by
332 Ellisville State School must have the approval of the State Board
333 of Mental Health. The State Board of Mental Health may and has
334 the final authority as to whether or not these negotiations result
335 in the exchange, lease or sale of the properties it currently
336 holds in trust for persons with an intellectual disability served
337 at Ellisville State School.

338 If the State Board of Mental Health authorizes the sale of
339 lands owned by Ellisville State School, as provided for under this



340 paragraph (ff), the monies derived from the sale shall be placed
341 into a special fund that is created in the State Treasury to be
342 known as the "Ellisville State School Client's Trust Fund." The
343 principal of the trust fund shall remain inviolate and shall never
344 be expended. Any interest earned on the principal may be expended
345 solely for the benefits of clients served at Ellisville State
346 School. The State Treasurer shall invest the monies of the trust
347 fund in any of the investments authorized for the Mississippi
348 Prepaid Affordable College Tuition Program under Section 37-155-9,
349 and those investments shall be subject to the limitations
350 prescribed by Section 37-155-9. Unexpended amounts remaining in
351 the trust fund at the end of a fiscal year shall not lapse into
352 the State General Fund, and any interest earned on amounts in the
353 trust fund shall be deposited to the credit of the trust fund.
354 The administration of Ellisville State School may use any interest
355 earned on the principal of the trust fund, upon appropriation by
356 the Legislature, as needed for services or facilities by the
357 clients of Ellisville State School. Ellisville State School shall
358 make known to the Legislature, through the Legislative Budget
359 Committee and the respective Appropriations Committees of the
360 House and Senate, its proposed use of interest earned on the
361 principal of the trust fund for any fiscal year in which it
362 proposes to make expenditures thereof. The State Treasurer shall
363 provide Ellisville State School with an annual report on the
364 Ellisville State School Client's Trust Fund to indicate the total



365 monies in the trust fund, interest earned during the year,
366 expenses paid from the trust fund and such other related
367 information.

368 Nothing in this section shall be construed as applying to or
369 affecting mental health/intellectual disability services provided
370 by hospitals as defined in Section 41-9-3(a), and/or their
371 subsidiaries and divisions, which hospitals, subsidiaries and
372 divisions are licensed and regulated by the Mississippi State
373 Department of Health unless such hospitals, subsidiaries or
374 divisions voluntarily request certification by the Mississippi
375 State Department of Mental Health.

376 All new programs authorized under this section shall be
377 subject to the availability of funds appropriated therefor by the
378 Legislature;

379 (gg) Working with the advice and consent of the
380 administration of Boswell Regional Center, to enter into
381 negotiations with the Economic Development Authority of Simpson
382 County for the purpose of negotiating the possible exchange, lease
383 or sale of lands owned by Boswell Regional Center to the Economic
384 Development Authority of Simpson County. It is the intent of the
385 Mississippi Legislature that such negotiations shall ensure that
386 the financial interest of the persons with an intellectual
387 disability served by Boswell Regional Center will be held
388 paramount in the course of these negotiations. The Legislature
389 also recognizes the importance of economic development to the



390 citizens of the State of Mississippi and Simpson County, and
391 encourages fairness to the Economic Development Authority of
392 Simpson County. Any negotiations proposed which would result in
393 the recommendation for exchange, lease or sale of lands owned by
394 Boswell Regional Center must have the approval of the State Board
395 of Mental Health. The State Board of Mental Health may and has
396 the final authority as to whether or not these negotiations result
397 in the exchange, lease or sale of the properties it currently
398 holds in trust for persons with an intellectual disability served
399 at Boswell Regional Center. In any such exchange, lease or sale
400 of such lands owned by Boswell Regional Center, title to all
401 minerals, oil and gas on such lands shall be reserved, together
402 with the right of ingress and egress to remove same, whether such
403 provisions be included in the terms of any such exchange, lease or
404 sale or not.

405 If the State Board of Mental Health authorizes the sale of
406 lands owned by Boswell Regional Center, as provided for under this
407 paragraph (gg), the monies derived from the sale shall be placed
408 into a special fund that is created in the State Treasury to be
409 known as the "Boswell Regional Center Client's Trust Fund." The
410 principal of the trust fund shall remain inviolate and shall never
411 be expended. Any earnings on the principal may be expended solely
412 for the benefits of clients served at Boswell Regional Center.
413 The State Treasurer shall invest the monies of the trust fund in
414 any of the investments authorized for the Mississippi Prepaid



415 Affordable College Tuition Program under Section 37-155-9, and
416 those investments shall be subject to the limitations prescribed
417 by Section 37-155-9. Unexpended amounts remaining in the trust
418 fund at the end of a fiscal year shall not lapse into the State
419 General Fund, and any earnings on amounts in the trust fund shall
420 be deposited to the credit of the trust fund. The administration
421 of Boswell Regional Center may use any earnings on the principal
422 of the trust fund, upon appropriation by the Legislature, as
423 needed for services or facilities by the clients of Boswell
424 Regional Center. Boswell Regional Center shall make known to the
425 Legislature, through the Legislative Budget Committee and the
426 respective Appropriations Committees of the House and Senate, its
427 proposed use of the earnings on the principal of the trust fund
428 for any fiscal year in which it proposes to make expenditures
429 thereof. The State Treasurer shall provide Boswell Regional
430 Center with an annual report on the Boswell Regional Center
431 Client's Trust Fund to indicate the total monies in the trust
432 fund, interest and other income earned during the year, expenses
433 paid from the trust fund and such other related information.

434 Nothing in this section shall be construed as applying to or
435 affecting mental health/intellectual disability services provided
436 by hospitals as defined in Section 41-9-3(a), and/or their
437 subsidiaries and divisions, which hospitals, subsidiaries and
438 divisions are licensed and regulated by the Mississippi State
439 Department of Health unless such hospitals, subsidiaries or



440 divisions voluntarily request certification by the Mississippi
441 State Department of Mental Health.

442 All new programs authorized under this section shall be
443 subject to the availability of funds appropriated therefor by the
444 Legislature;

445 (hh) Notwithstanding any other section of the code, the
446 Board of Mental Health shall be authorized to fingerprint and
447 perform a criminal history record check on every employee or
448 volunteer. Every employee and volunteer shall provide a valid
449 current social security number and/or driver's license number
450 which shall be furnished to conduct the criminal history record
451 check. If no disqualifying record is identified at the state
452 level, fingerprints shall be forwarded to the Federal Bureau of
453 Investigation for a national criminal history record check;

454 (ii) The Department of Mental Health shall have the
455 authority for the development of a consumer friendly single point
456 of intake and referral system within its service areas for persons
457 with mental illness, an intellectual disability, developmental
458 disabilities or alcohol or substance abuse who need assistance
459 identifying or accessing appropriate services. The department
460 will develop and implement a comprehensive evaluation procedure
461 ensuring that, where appropriate, the affected person or their
462 parent or legal guardian will be involved in the assessment and
463 planning process. The department, as the point of intake and as
464 service provider, shall have the authority to determine the



465 appropriate institutional, hospital or community care setting for
466 persons who have been diagnosed with mental illness, an
467 intellectual disability, developmental disabilities and/or alcohol
468 or substance abuse, and may provide for the least restrictive
469 placement if the treating professional believes such a setting is
470 appropriate, if the person affected or their parent or legal
471 guardian wants such services, and if the department can do so with
472 a reasonable modification of the program without creating a
473 fundamental alteration of the program. The least restrictive
474 setting could be an institution, hospital or community setting,
475 based upon the needs of the affected person or their parent or
476 legal guardian;

477 (jj) To have the sole power and discretion to enter
478 into, sign, execute and deliver long-term or multiyear leases of
479 real and personal property owned by the Department of Mental
480 Health to and from other state and federal agencies and private
481 entities deemed to be in the public's best interest. Any monies
482 derived from such leases shall be deposited into the funds of the
483 Department of Mental Health for its exclusive use. Leases to
484 private entities shall be approved by the Department of Finance
485 and Administration and all leases shall be filed with the
486 Secretary of State;

487 (kk) To certify and establish minimum standards and
488 minimum required services for county facilities used for housing,
489 feeding and providing medical treatment for any person who has



490 been involuntarily ordered admitted to a treatment center by a
491 court of competent jurisdiction. The minimum standard for the
492 initial assessment of those persons being housed in county
493 facilities is for the assessment to be performed by a physician,
494 preferably a psychiatrist, or by a nurse practitioner, preferably
495 a psychiatric nurse practitioner. If the department finds
496 deficiencies in any such county facility or its provider based on
497 the minimum standards and minimum required services established
498 for certification, the department shall give the county or its
499 provider a six-month probationary period to bring its standards
500 and services up to the established minimum standards and minimum
501 required services. After the six-month probationary period, if
502 the department determines that the county or its provider still
503 does not meet the minimum standards and minimum required services,
504 the department may remove the certification of the county or
505 provider and require the county to contract with another county
506 having a certified facility to hold those persons for that period
507 of time pending transportation and admission to a state treatment
508 facility. Any cost incurred by a county receiving an
509 involuntarily committed person from a county with a decertified
510 holding facility shall be reimbursed by the home county to the
511 receiving county; and

512 (11) To provide orientation training to all new
513 commissioners of regional commissions and annual training for all
514 commissioners with continuing education regarding the Mississippi



515 mental health system and services as developed by the State
516 Department of Mental Health. Training shall be provided at the
517 expense of the department except for travel expenses which shall
518 be paid by the regional commission.

519 **SECTION 3.** Section 41-19-31, Mississippi Code of 1972, is
520 brought forward as follows:

521 41-19-31. For the purpose of authorizing the establishment
522 of mental illness and intellectual disability facilities and
523 services in the State of Mississippi, the boards of supervisors of
524 one or more counties are authorized to act singularly or as a
525 group in the selection of a regional district by spreading upon
526 their minutes by resolution such designation.

527 **SECTION 4.** Section 41-19-33, Mississippi Code of 1972, is
528 brought forward as follows:

529 41-19-33. (1) Each region so designated or established
530 under Section 41-19-31 shall establish a regional commission to be
531 composed of members appointed by the boards of supervisors of the
532 various counties in the region. It shall be the duty of such
533 regional commission to administer mental health/intellectual
534 disability programs certified and required by the State Board of
535 Mental Health and as specified in Section 41-4-1(2). In addition,
536 once designated and established as provided hereinabove, a
537 regional commission shall have the following authority and shall
538 pursue and promote the following general purposes:



539 (a) To establish, own, lease, acquire, construct,
540 build, operate and maintain mental illness, mental health,
541 intellectual disability, alcoholism and general rehabilitative
542 facilities and services designed to serve the needs of the people
543 of the region so designated, provided that the services supplied
544 by the regional commissions shall include those services
545 determined by the Department of Mental Health to be necessary and
546 may include, in addition to the above, services for persons with
547 developmental and learning disabilities; for persons suffering
548 from narcotic addiction and problems of drug abuse and drug
549 dependence; and for the aging as designated and certified by the
550 Department of Mental Health. Such regional mental health and
551 intellectual disability commissions and other community service
552 providers shall, on or before July 1 of each year, submit an
553 annual operational plan to the Department of Mental Health for
554 approval or disapproval based on the minimum standards and minimum
555 required services established by the department for certification
556 and itemize the services as specified in Section 41-4-1(2),
557 including financial statements. As part of the annual operation
558 plan required by Section 41-4-7(h) submitted by any regional
559 community mental health center or by any other reasonable
560 certification deemed acceptable by the department, the community
561 mental health center shall state those services specified in
562 Section 41-4-1(2) that it will provide and also those services
563 that it will not provide. If the department finds deficiencies in



564 the plan of any regional commission or community service provider
565 based on the minimum standards and minimum required services
566 established for certification, the department shall give the
567 regional commission or community service provider a six-month
568 probationary period to bring its standards and services up to the
569 established minimum standards and minimum required services. The
570 regional commission or community service provider shall develop a
571 sustainability business plan within thirty (30) days of being
572 placed on probation, which shall be signed by all commissioners
573 and shall include policies to address one or more of the
574 following: the deficiencies in programmatic services, clinical
575 service staff expectations, timely and appropriate billing,
576 processes to obtain credentialing for staff, monthly reporting
577 processes, third-party financial reporting and any other required
578 documentation as determined by the department. After the
579 six-month probationary period, if the department determines that
580 the regional commission or community service provider still does
581 not meet the minimum standards and minimum required services
582 established for certification, the department may remove the
583 certification of the commission or provider, and from and after
584 July 1, 2011, the commission or provider shall be ineligible for
585 state funds from Medicaid reimbursement or other funding sources
586 for those services. After the six-month probationary period, the
587 Department of Mental Health may identify an appropriate community
588 service provider to provide any core services in that county that



589 are not provided by a community mental health center. However,
590 the department shall not offer reimbursement or other
591 accommodations to a community service provider of core services
592 that were not offered to the decertified community mental health
593 center for the same or similar services.

594 (b) To provide facilities and services for the
595 prevention of mental illness, mental disorders, developmental and
596 learning disabilities, alcoholism, narcotic addiction, drug abuse,
597 drug dependence and other related handicaps or problems (including
598 the problems of the aging) among the people of the region so
599 designated, and for the rehabilitation of persons suffering from
600 such illnesses, disorders, handicaps or problems as designated and
601 certified by the Department of Mental Health.

602 (c) To promote increased understanding of the problems
603 of mental illness, intellectual disabilities, alcoholism,
604 developmental and learning disabilities, narcotic addiction, drug
605 abuse and drug dependence and other related problems (including
606 the problems of the aging) by the people of the region, and also
607 to promote increased understanding of the purposes and methods of
608 the rehabilitation of persons suffering from such illnesses,
609 disorders, handicaps or problems as designated and certified by
610 the Department of Mental Health.

611 (d) To enter into contracts and to make such other
612 arrangements as may be necessary, from time to time, with the
613 United States government, the government of the State of



614 Mississippi and such other agencies or governmental bodies as may
615 be approved by and acceptable to the regional commission for the
616 purpose of establishing, funding, constructing, operating and
617 maintaining facilities and services for the care, treatment and
618 rehabilitation of persons suffering from mental illness, an
619 intellectual disability, alcoholism, developmental and learning
620 disabilities, narcotic addiction, drug abuse, drug dependence and
621 other illnesses, disorders, handicaps and problems (including the
622 problems of the aging) as designated and certified by the
623 Department of Mental Health.

624 (e) To enter into contracts and make such other
625 arrangements as may be necessary with any and all private
626 businesses, corporations, partnerships, proprietorships or other
627 private agencies, whether organized for profit or otherwise, as
628 may be approved by and acceptable to the regional commission for
629 the purpose of establishing, funding, constructing, operating and
630 maintaining facilities and services for the care, treatment and
631 rehabilitation of persons suffering from mental illness, an
632 intellectual disability, alcoholism, developmental and learning
633 disabilities, narcotic addiction, drug abuse, drug dependence and
634 other illnesses, disorders, handicaps and problems (including the
635 problems of the aging) relating to minimum services established by
636 the Department of Mental Health.

637 (f) To promote the general mental health of the people
638 of the region.



639 (g) To pay the administrative costs of the operation of
640 the regional commissions, including per diem for the members of
641 the commission and its employees, attorney's fees, if and when
642 such are required in the opinion of the commission, and such other
643 expenses of the commission as may be necessary. The Department of
644 Mental Health standards and audit rules shall determine what
645 administrative cost figures shall consist of for the purposes of
646 this paragraph. Each regional commission shall submit a cost
647 report annually to the Department of Mental Health in accordance
648 with guidelines promulgated by the department.

649 (h) To employ and compensate any personnel that may be
650 necessary to effectively carry out the programs and services
651 established under the provisions of the aforesaid act, provided
652 such person meets the standards established by the Department of
653 Mental Health.

654 (i) To acquire whatever hazard, casualty or workers'
655 compensation insurance that may be necessary for any property,
656 real or personal, owned, leased or rented by the commissions, or
657 any employees or personnel hired by the commissions.

658 (j) To acquire professional liability insurance on all
659 employees as may be deemed necessary and proper by the commission,
660 and to pay, out of the funds of the commission, all premiums due
661 and payable on account thereof.

662 (k) To provide and finance within their own facilities,
663 or through agreements or contracts with other local, state or



664 federal agencies or institutions, nonprofit corporations, or
665 political subdivisions or representatives thereof, programs and
666 services for persons with mental illness, including treatment for
667 alcoholics, and promulgating and administering of programs to
668 combat drug abuse and programs for services for persons with an
669 intellectual disability.

670 (l) To borrow money from private lending institutions
671 in order to promote any of the foregoing purposes. A commission
672 may pledge collateral, including real estate, to secure the
673 repayment of money borrowed under the authority of this paragraph.
674 Any such borrowing undertaken by a commission shall be on terms
675 and conditions that are prudent in the sound judgment of the
676 members of the commission, and the interest on any such loan shall
677 not exceed the amount specified in Section 75-17-105. Any money
678 borrowed, debts incurred or other obligations undertaken by a
679 commission, regardless of whether borrowed, incurred or undertaken
680 before or after March 15, 1995, shall be valid, binding and
681 enforceable if it or they are borrowed, incurred or undertaken for
682 any purpose specified in this section and otherwise conform to the
683 requirements of this paragraph.

684 (m) To acquire, own and dispose of real and personal
685 property. Any real and personal property paid for with state
686 and/or county appropriated funds must have the written approval of
687 the Department of Mental Health and/or the county board of



688 supervisors, depending on the original source of funding, before
689 being disposed of under this paragraph.

690 (n) To enter into managed care contracts and make such
691 other arrangements as may be deemed necessary or appropriate by
692 the regional commission in order to participate in any managed
693 care program. Any such contract or arrangement affecting more
694 than one (1) region must have prior written approval of the
695 Department of Mental Health before being initiated and annually
696 thereafter.

697 (o) To provide facilities and services on a discounted
698 or capitated basis. Any such action when affecting more than one
699 (1) region must have prior written approval of the Department of
700 Mental Health before being initiated and annually thereafter.

701 (p) To enter into contracts, agreements or other
702 arrangements with any person, payor, provider or other entity,
703 under which the regional commission assumes financial risk for the
704 provision or delivery of any services, when deemed to be necessary
705 or appropriate by the regional commission. Any action under this
706 paragraph affecting more than one (1) region must have prior
707 written approval of the Department of Mental Health before being
708 initiated and annually thereafter.

709 (q) To provide direct or indirect funding, grants,
710 financial support and assistance for any health maintenance
711 organization, preferred provider organization or other managed
712 care entity or contractor, where such organization, entity or



713 contractor is operated on a nonprofit basis. Any action under
714 this paragraph affecting more than one (1) region must have prior
715 written approval of the Department of Mental Health before being
716 initiated and annually thereafter.

717 (r) To form, establish, operate, and/or be a member of
718 or participant in, either individually or with one or more other
719 regional commissions, any managed care entity as defined in
720 Section 83-41-403(c). Any action under this paragraph affecting
721 more than one (1) region must have prior written approval of the
722 Department of Mental Health before being initiated and annually
723 thereafter.

724 (s) To meet at least annually with the board of
725 supervisors of each county in its region for the purpose of
726 presenting its total annual budget and total mental
727 health/intellectual disability services system. The commission
728 shall submit an annual report on the adult mental health services,
729 children mental health services and intellectual disability
730 services required by the State Board of Mental Health.

731 (t) To provide alternative living arrangements for
732 persons with serious mental illness, including, but not limited
733 to, group homes for persons with chronic mental illness.

734 (u) To make purchases and enter into contracts for
735 purchasing in compliance with the public purchasing law, Sections
736 31-7-12 and 31-7-13, with compliance with the public purchasing
737 law subject to audit by the State Department of Audit.



738 (v) To ensure that all available funds are used for the
739 benefit of persons with mental illness, persons with an
740 intellectual disability, substance abusers and persons with
741 developmental disabilities with maximum efficiency and minimum
742 administrative cost. At any time a regional commission, and/or
743 other related organization whatever it may be, accumulates surplus
744 funds in excess of one-half (1/2) of its annual operating budget,
745 the entity must submit a plan to the Department of Mental Health
746 stating the capital improvements or other projects that require
747 such surplus accumulation. If the required plan is not submitted
748 within forty-five (45) days of the end of the applicable fiscal
749 year, the Department of Mental Health shall withhold all state
750 appropriated funds from such regional commission until such time
751 as the capital improvement plan is submitted. If the submitted
752 capital improvement plan is not accepted by the department, the
753 surplus funds shall be expended by the regional commission in the
754 local mental health region on group homes for persons with mental
755 illness, persons with an intellectual disability, substance
756 abusers, children or other mental health/intellectual disability
757 services approved by the Department of Mental Health.

758 (w) Notwithstanding any other provision of law, to
759 fingerprint and perform a criminal history record check on every
760 employee or volunteer. Every employee or volunteer shall provide
761 a valid current social security number and/or driver's license
762 number that will be furnished to conduct the criminal history



763 record check. If no disqualifying record is identified at the
764 state level, fingerprints shall be forwarded to the Federal Bureau
765 of Investigation for a national criminal history record check.

766 (x) Notwithstanding any other provisions of law, each
767 regional commission shall have the authority to create and operate
768 a primary care health clinic to treat (i) its patients; and (ii)
769 its patients' family members related within the third degree; and
770 (iii) its patients' household members or caregivers, subject to
771 the following requirements:

772 (i) The regional commission may employ and
773 compensate any personnel necessary and must satisfy applicable
774 state and federal laws and regulations regarding the
775 administration and operation of a primary care health clinic.

776 (ii) A Mississippi licensed physician must be
777 employed or under agreement with the regional commission to
778 provide medical direction and/or to carry out the physician
779 responsibilities as described under applicable state and/or
780 federal law and regulations.

781 (iii) The physician providing medical direction
782 for the primary care clinic shall not be certified solely in
783 psychiatry.

784 (iv) A sliding fee scale may be used by the
785 regional commission when no other payer source is identified.



786 (v) The regional commission must ensure services
787 will be available and accessible promptly and in a manner that
788 preserves human dignity and assures continuity of care.

789 (vi) The regional commission must provide a
790 semiannual report to the Chairmen of the Public Health Committees
791 in both the House of Representatives and Senate. At a minimum,
792 for each reporting period, these reports shall describe the number
793 of patients provided primary care services, the types of services
794 provided, and the payer source for the patients. Except for
795 patient information and any other information that may be exempt
796 from disclosure under the Health Information Portability and
797 Accountability Act (HIPAA) and the Mississippi Public Records Act,
798 the reports shall be considered public records.

799 (vii) The regional commission must employ or
800 contract with a core clinical staff that is multidisciplinary and
801 culturally and linguistically competent.

802 (viii) The regional commission must ensure that
803 its physician as described in subparagraph (ii) of this paragraph
804 (x) has admitting privileges at one or more local hospitals or has
805 an agreement with a physician who has admitting privileges at one
806 or more local hospitals to ensure continuity of care.

807 (ix) The regional commission must provide an
808 independent financial audit report to the State Department of
809 Mental Health and, except for patient information and any other
810 information that may be exempt from disclosure under HIPAA and the



811 Mississippi Public Records Act, the audit report shall be
812 considered a public record.

813 For the purposes of this paragraph (x), the term "caregiver"
814 means an individual who has the principal and primary
815 responsibility for caring for a child or dependent adult,
816 especially in the home setting.

817 (y) In general to take any action which will promote,
818 either directly or indirectly, any and all of the foregoing
819 purposes.

820 (z) All regional commissioners shall receive new
821 orientation training and annual training with continuing education
822 regarding the Mississippi mental health system and services as
823 developed by the State Department of Mental Health. Training
824 shall be provided at the expense of the department except for
825 travel expenses which shall be paid by the regional commission.

826 (2) The types of services established by the State
827 Department of Mental Health that must be provided by the regional
828 mental health/intellectual disability centers for certification by
829 the department, and the minimum levels and standards for those
830 services established by the department, shall be provided by the
831 regional mental health/intellectual disability centers to children
832 when such services are appropriate for children, in the
833 determination of the department.

834 (3) Each regional commission shall compile quarterly
835 financial statements and status reports from each individual



836 community health center. The compiled reports shall be submitted
837 to the coordinator quarterly. The reports shall contain a:

- 838 (a) Balance sheet;
- 839 (b) Statement of operations;
- 840 (c) Statement of cash flows; and
- 841 (d) Description of the status of individual community
842 health center's actions taken to increase access to and
843 availability of community mental health services.

844 **SECTION 5.** Section 41-19-35, Mississippi Code of 1972, is
845 brought forward as follows:

846 41-19-35. The board of supervisors of each participating
847 county in the program shall appoint one (1) member to represent
848 its county on the regional commission in its respective region for
849 a term of four (4) years. Any compensation of such members shall
850 be paid by the regional commission, in its discretion, from any
851 funds available.

852 **SECTION 6.** Section 41-19-37, Mississippi Code of 1972, is
853 brought forward as follows:

854 41-19-37. The location of any mental illness and
855 intellectual disability facilities or services in any of the
856 regions shall be determined by the regional commission. However,
857 such location and such services shall not conflict with the state
858 plan for services or facilities developed by the Department of
859 Mental Health.



860 **SECTION 7.** Section 41-19-38, Mississippi Code of 1972, is
861 brought forward as follows:

862 41-19-38. Any regional mental health or intellectual
863 disability commission established according to the provisions of
864 Section 41-19-31 et seq. shall not construct or operate any
865 facility in an area in violation of any local zoning ordinances or
866 regulations.

867 **SECTION 8.** Section 41-19-39, Mississippi Code of 1972, is
868 brought forward as follows:

869 41-19-39. After a plan for mental illness and intellectual
870 disability facilities or services has been submitted by any
871 regional commission and approved by the Department of Mental
872 Health, the regional commission may request the boards of
873 supervisors of the various counties in the region to levy a
874 special tax for the construction, operation and maintenance of
875 those mental illness and intellectual disability facilities or
876 services in such region. The boards of supervisors of the
877 counties desiring to participate in the program in each region are
878 authorized to use any available funds and, if necessary, to levy a
879 special tax, not to exceed two (2) mills, for the construction,
880 operation and maintenance of the mental illness and intellectual
881 disability facilities or services provided for and authorized in
882 Sections 41-19-31 through 41-19-39.

883 The governing authority of any municipality in the region
884 may, upon resolution spread upon its minutes, make a voluntary



885 contribution for the construction, operation or maintenance of the
886 mental illness and intellectual disability facilities in the
887 region in which the municipality lies.

888 In addition to the purposes for which the county tax levies
889 and municipal contributions may be used as authorized under this
890 section, the county tax levies and municipal contributions may
891 also be used for repayment of any loans from private lending
892 institutions made by the commission under the authority of Section
893 41-19-33(1).

894 **SECTION 9.** Section 41-20-1, Mississippi Code of 1972, is
895 brought forward as follows:

896 41-20-1. As used in Sections 41-20-1 through 41-20-11, the
897 following terms shall have the following meanings, unless the
898 context clearly indicates a different meaning:

899 (a) "Community mental health center" means a facility
900 authorized under Section 41-19-33.

901 (b) "Mental health services" includes all services
902 offered by the mental health system in Mississippi, including, but
903 not limited to, the following:

904 (i) Community mental health services, including:

- 905 1. Programs of assertive community treatment;
- 906 2. Mobile crisis response services;
- 907 3. Crisis stabilization units;
- 908 4. Community support services;
- 909 5. Peer support services;



910 6. Supported employment; and
911 7. Permanent supported housing; and
912 (ii) Institutional mental health services, which
913 are services that encompass civil commitment or hospitalization in
914 a psychiatric hospital;
915 (iii) Mental health services provided in
916 facilities authorized in Title 47, Mississippi Code of 1972;
917 (iv) Core adult mental health services;
918 (v) Child mental health services;
919 (vi) Intellectual/developmental disability
920 services;
921 (vii) Substance abuse prevention and
922 treatment/rehabilitation services; and
923 (viii) Any combination of the services defined in
924 this paragraph (b).
925 (c) "Mental health system" means the facilities,
926 institutions, centers, entities, persons and providers that
927 provide mental health services in Mississippi.
928 (d) "Regional commission" means a commission
929 established in Section 41-19-33.

930 **SECTION 10.** Section 41-20-3, Mississippi Code of 1972, is
931 brought forward as follows:

932 41-20-3. (1) There is created within the Department of
933 Finance and Administration a position to be known as the
934 Coordinator of Mental Health Accessibility. The coordinator shall



935 be appointed by the Executive Director of the Department of
936 Finance and Administration and shall serve at the will and
937 pleasure of the executive director. The executive director shall
938 appoint the coordinator within thirty (30) days from July 8, 2020.

939 (2) The coordinator must have a master's degree, doctoral
940 degree or juris doctorate from an accredited institution of higher
941 learning and have not less than five (5) years of professional
942 experience.

943 (3) The coordinator shall be housed at the Department of
944 Finance and Administration. All of the expenses of the
945 coordinator, including the coordinator's salary and the salaries
946 of any staff of the coordinator, shall be paid out of funds
947 appropriated to the Department of Finance and Administration.

948 **SECTION 11.** Section 41-20-5, Mississippi Code of 1972, is
949 brought forward as follows:

950 41-20-5. The coordinator shall have the following powers and
951 duties:

952 (a) To perform a comprehensive review of Mississippi's
953 mental health system to determine whether mental health services,
954 including community mental health services, are offered in each
955 county and available to the entire population of each county,
956 especially to those with serious and persistent mental illness.

957 (b) To analyze and review the structure of the mental
958 health system.



959 (c) To review the adequacy and quality of the
960 individualized supports and services provided to persons
961 discharged from the state hospitals or to persons at risk of
962 institutionalization throughout the state.

963 (d) To review the quarterly financial statements and
964 status reports of the individual community mental health centers
965 described in Section 41-19-33(3)(b).

966 (e) To consult with the Special Master appointed in the
967 United States of America v. State of Mississippi, No.
968 3:16-CV-622-CWR-FKB (S.D. Miss. Feb. 25, 2020) or any monitor or
969 other person appointed by the court, the State Department of
970 Mental Health, the Division of Medicaid, the State Department of
971 Rehabilitation Services, the State Department of Health, county
972 boards of supervisors, regional commissions, community mental
973 health centers, mental health advocates, community leaders and any
974 other necessary parties or entities, both private and
975 governmental, regarding the status of the services offered by
976 Mississippi's mental health system.

977 (f) To determine where in any county, or geographic
978 area within a county, the delivery or availability of mental
979 health services are inadequate.

980 (g) To determine whether each community mental health
981 center has sufficient funds to provide the required mental health
982 services.



983 (h) To report on the status of the mental health system
984 quarterly to the Governor, the Lieutenant Governor, the Speaker of
985 the House, the State Department of Mental Health, the regional
986 commissions, the Division of Medicaid, the State Department of
987 Rehabilitative Services, the State Department of Health, the
988 Department of Finance and Administration, the PEER Committee and
989 the Legislative Budget Office. The coordinator shall deliver the
990 quarterly status report to the Secretary of the Senate and the
991 Clerk of the House, who shall disseminate the report to the
992 appropriate members.

993 (i) In addition to the quarterly report required by
994 paragraph (h), to provide the PEER Committee each quarter with a
995 financial report, assessment and review of each community mental
996 health region and the services provided by the region, together
997 with findings by the coordinator on other relevant matters
998 relating to the region. The State Department of Mental Health and
999 the regional commissions shall cooperate with the PEER Committee
1000 in its assessment and review of the community mental health
1001 regions and shall provide the committee with all necessary
1002 information and documentation as requested by the committee.

1003 **SECTION 12.** Section 41-20-7, Mississippi Code of 1972, is
1004 brought forward as follows:

1005 41-20-7. In fulfilling the responsibilities of Sections
1006 41-20-1 through 41-20-11, the coordinator may, subject to federal
1007 law:



1008 (a) Hire staff needed for the performance of his or her
1009 duties under Sections 41-20-1 through 41-20-11, subject to the
1010 approval of the Executive Director of the Department of Finance and
1011 Administration and provided that funds are specifically
1012 appropriated for that purpose.

1013 (b) Enter any part of the mental health system,
1014 including any facility or building used to provide mental health
1015 services.

1016 (c) Interview, on a confidential basis or otherwise,
1017 persons and employees in the mental health system.

1018 (d) Access services, documents, records, programs and
1019 materials as necessary to assess the status of the mental health
1020 system.

1021 (e) Recommend changes to any portion of the mental
1022 health system either in the coordinator's status reports or to the
1023 board(s) of supervisors or regional commissions or to the State
1024 Department of Mental Health or as otherwise determined to be
1025 necessary by the coordinator.

1026 (f) Develop and implement a plan to provide access to
1027 mental health services in any county or geographic area within a
1028 county, where services are determined to be inadequate, if
1029 required by Section 41-20-9.

1030 (g) Communicate with any governmental entity as is
1031 necessary to fulfill the coordinator's duties under Sections
1032 41-20-1 through 41-20-11.



1033 (h) Perform any other actions as the coordinator deems
1034 necessary to fulfill the coordinator's duties under Sections
1035 41-20-1 through 41-20-11.

1036 **SECTION 13.** Section 41-20-9, Mississippi Code of 1972, is
1037 brought forward as follows:

1038 41-20-9. (1) When the coordinator determines that a county
1039 or a geographic area within a county offers inadequate mental
1040 health services, the coordinator shall inform the board(s) of
1041 supervisors and the regional commission of the geographic areas
1042 where the services are inadequate.

1043 (2) When the coordinator determines services are inadequate,
1044 the coordinator shall determine if there is a plan in place or a
1045 plan being developed to increase access to mental health services
1046 in that county or the geographic area within the county where
1047 mental health services are inadequate and shall assess the
1048 viability of the plan, including its sufficiency to address the
1049 inadequacy of the available mental health services.

1050 (3) If there is no plan in place or being developed, the
1051 coordinator may allow the county board of supervisors or the
1052 regional commission a reasonable time to develop and implement a
1053 plan.

1054 (4) If the coordinator determines that the plan is or will
1055 be insufficient to provide mental health services to the
1056 population of the county or the geographic area within the county
1057 where the services are inadequate, the coordinator shall develop



1058 and implement a plan to facilitate increased access to mental
1059 health services in the county or geographic area by:

1060 (a) First meeting with the board of supervisors of the
1061 county in which the mental health services are inadequate and the
1062 regional commission in which the county is located to explain in
1063 detail the possible consequences of the failure of the county and
1064 commission to address the inadequacy of the available mental
1065 health services in the county or the geographic area within the
1066 county, which shall include putting the regional commission on
1067 probation and ultimately decertifying the commission. Then the
1068 coordinator shall work with one or more of the regional
1069 commissions that are adjacent to the county or the geographic area
1070 within the county where the mental health services are inadequate
1071 to determine if one (1) of those regional commissions is willing
1072 to provide those services in the county or geographic area, and if
1073 a regional commission is willing to do so, the coordinator shall
1074 take all necessary steps to facilitate the transfer of the
1075 responsibility of providing those services to that regional
1076 commission; or

1077 (b) If no regional commission adjacent to the county or
1078 the geographic area within the county where the mental health
1079 services are inadequate is willing to provide those services in
1080 the county or geographic area, then working with one or more of
1081 the regional commissions that are not adjacent to the county or
1082 geographic area to determine if one (1) of those regional



1083 commissions is willing to provide those services in the county or
1084 geographic area.

1085 (5) If the coordinator determines that no regional
1086 commission in the state is willing to provide the necessary mental
1087 health services in the county or the geographic area within the
1088 county where the services are inadequate, the coordinator shall
1089 notify the State Board of Mental Health. Within a reasonable time
1090 after receiving such notice from the coordinator, the board shall
1091 issue a request for proposals to obtain public or private
1092 providers of mental health services to provide the necessary
1093 mental health services in the county or the geographic area within
1094 the county where the services are inadequate. The request for
1095 proposals process followed by the board to obtain those services
1096 shall not be subject to the rules, regulations or approval of the
1097 Public Procurement Review Board.

1098 **SECTION 14.** Section 41-20-11, Mississippi Code of 1972, is
1099 brought forward as follows:

1100 41-20-11. The State Department of Mental Health, the
1101 regional commissions, the Division of Medicaid, the State
1102 Department of Rehabilitation Services, the State Department of
1103 Health, the PEER Committee, and the Legislative Budget Office
1104 shall cooperate with the coordinator under Sections 41-20-1
1105 through 41-20-11 and shall allow the coordinator or his or her
1106 staff to, as it relates to the performing of his or her duties:



1107 (a) Enter any part of the mental health system,
1108 including any facility or building used to provide mental health
1109 services;

1110 (b) Interview any person employed by or receiving
1111 services from the respective entity; and

1112 (c) Access services, documents, records, programs and
1113 materials as necessary to assess the status of the mental health
1114 system.

1115 **SECTION 15.** This act shall take effect and be in force from
1116 and after July 1, 2023.

