

Senate Amendments to House Bill No. 1800

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is appropriated out of any money in the State General
9 Fund not otherwise appropriated, to the Governor's
10 Office - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2024, and ending June 30, 2025.....
15\$ 846,481,498.00.

16 **SECTION 2.** The following sum, or so much thereof as may be
17 necessary, is appropriated out of any money in the State Treasury
18 to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing
20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2024, and ending June 30, 2025.....
22\$ 409,536,067.00.

23 **SECTION 3.** The following sum, or so much thereof as may be
24 necessary, is appropriated out of any money in any special fund in
25 the State Treasury to the credit of the Governor's
26 Office - Division of Medicaid which is comprised of special source
27 funds collected by or otherwise available to the Division, for the
28 purpose of providing medical assistance under the Mississippi
29 Medicaid Law and defraying the expenses of the administration of
30 such law, for the fiscal year beginning July 1, 2024, and ending
31 June 30, 2025.....\$ 6,284,774,420.00.

32 Prior period recovery of funds may be maintained and expended
33 by the division when the recovery is received or finalized. Any
34 recoveries due to audits or third party recoveries may be used to
35 offset the cost of such audits and third party recoveries and as
36 such, the division may escalate Contractual Services as needed for
37 these purposes.

38 **SECTION 4.** The following sum, or so much thereof as may be
39 necessary, is appropriated out of any money in the State Treasury
40 to the credit of the Health Care Expendable Fund, for the purpose
41 of defraying the expenses of the Governor's Office - Division of
42 Medicaid for the fiscal year beginning July 1, 2024, and ending
43 June 30, 2025.....\$ 63,230,003.00.

44 The above funds shall be allocated as follows:
45 CHIP Program at up to 209% level of poverty..\$ 9,000,000.00.
46 Medical Program Matching Funds.....\$ 54,230,003.00.

47 It is the intention of the Legislature that funds may be
48 shifted among the above allocated line items where needed at the

49 discretion of the Executive Director of Governor's Office -
50 Division of Medicaid.

51 **SECTION 5.** Of the funds appropriated under the provisions of
52 this act, the following positions are authorized:

53 AUTHORIZED HEADCOUNT:

54 Permanent: 865

55 Time-Limited: 82

56 With the funds herein appropriated, it shall be the agency's
57 responsibility to make certain that funds required for Personal
58 Services for Fiscal Year 2026 do not exceed Fiscal Year 2025 funds
59 appropriated for that purpose unless programs or positions are
60 added to the agency's Fiscal Year 2025 budget by the Mississippi
61 Legislature. The Legislature shall determine the agency's personal
62 services appropriation, which the State Personnel Board shall
63 publish. In accordance with applicable laws, if an agency
64 determines that its personal services amount is insufficient, the
65 agency must contact the State Personnel Board. Any adjustment to
66 the personal services amount must be approved by the State
67 Personnel Director and the State Fiscal Officer after consultation
68 with the Legislative Budget Office. Any adjustment shall be
69 reported to the Legislative Budget Office and the House and Senate
70 Appropriations Chairmen. The agency's personal services
71 appropriation may consist of restricted funds for approved
72 vacancies for Fiscal Year 2025 that may not be utilized for active
73 Fiscal Year 2024 headcount. It shall be the agency's
74 responsibility to ensure that the funds provided for vacancies are

75 used to increase headcount and not for promotions, title changes,
76 in-range salary adjustments, or any other mechanism for increasing
77 salaries for current employees. If the State Personnel Board
78 determines that an agency has used provided vacancy funds for any
79 of the mechanisms previously listed, the State Personnel Board
80 shall not process any additional salary actions for the agency in
81 the current fiscal year, except for new hires determined by the
82 State Personnel Board to be essential for the agency. It is the
83 Legislature's intention that no employee salary falls below the
84 minimum salary established by the Mississippi State Personnel
85 Board.

86 Additionally, the State Personnel Board shall determine and
87 publish the projected annualized payroll costs based on current
88 employees. It shall be the responsibility of the agency head to
89 ensure that actual personnel expenditures for Fiscal Year 2025 do
90 not exceed the data provided by the Legislative Budget Office. If
91 the agency's projected cost for Fiscal Year 2025 exceeds the
92 annualized costs, no salary actions shall be processed by the
93 State Personnel Board except for new hires determined to be
94 essential for the agency.

95 Any transfers or escalations shall be made in accordance with
96 the terms, conditions, and procedures established by law or
97 allowable under the terms set forth within this act. The State
98 Personnel Board shall not escalate positions without written
99 approval from the Department of Finance and Administration. The
100 Department of Finance and Administration shall not provide written

101 approval to escalate any funds for salaries and/or positions
102 without proof of availability of new or additional funds above the
103 appropriated level.

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

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

112 **SECTION 6.** It is the intention of the Legislature that the
113 Governor's Office - Division of Medicaid shall maintain complete
114 accounting and personnel records related to the expenditure of all
115 funds appropriated under this act and that such records shall be
116 in the same format and level of detail as maintained for Fiscal
117 Year 2024. It is further the intention of the Legislature that
118 the agency's budget request for Fiscal Year 2026 shall be
119 submitted to the Joint Legislative Budget Committee in a format
120 and level of detail comparable to the format and level of detail
121 provided during the Fiscal Year 2025 budget request process with
122 the Children's Health Insurance Program (CHIP) being separated
123 from the Medical Services Program and submitted as a separate
124 program. All Medicaid 1915 (C) Home and Community Based Services
125 Waivers shall be presented as a budget program separate from the
126 Medical Services Program. In addition, the performance measures

127 reported for the Medical Services Program shall include an
128 unduplicated case count of individuals served by eligibility
129 status, and the number and the costs of emergency room visits.

130 **SECTION 7.** In compliance with the "Mississippi Performance
131 Budget and Strategic Planning Act of 1994," it is the intent of
132 the Legislature that the funds provided herein shall be utilized
133 in the most efficient and effective manner possible to achieve the
134 intended mission of this agency. Based on the funding authorized,
135 this agency shall make every effort to attain the targeted
136 performance measures provided below:

	FY2025
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Admin as a Percent of Total Budget	3.37
Third Party Liability Cost Avoided (\$Thou)	1,585,036.00
Percent of Clean Claims Processed within 30 Days of Receipt	99.50
Percent of Clean Claims Processed within 90 Days of Receipt	100.00
Percent of Applications Processed within Std. of Promptness - Medicaid	90.00
Third Party Funds Recovered	7,686,779.00
Number of Providers Submitting Electronic Claims	29,000
Turnover Rate of Employees (%)	15.00
Medical Services	

153	Costs of Emergency Room Visits	173,254,711.00
154	Number of Emergency Room Visits	422,358
155	Medicaid Recipients - Enrolled (Persons)	776,139
156	Child Physical Exams (Ages 0-20)	320,851
157	Adult Physical Exams (21-Older)	10,700
158	Number of Fraud & Abuse Cases Investigated	325
159	Number of Medicaid Providers	40,000
160	Number of Medicaid Beneficiaries	
161	Assigned to a Managed Care Company	420,000
162	Percent of MSCAN Diabetic Members Aged	
163	17-75 Receiving HBA1c Test	89.58
164	Percent of MSCAN Members with Persistent	
165	Asthma are Appropriately Prescribed	
166	Medication	71.08
167	Rate of EPSDT Well Child Screening (%)	75.00
168	Percent Change in Number of Recipients	
169	Enrolled From Last Year	-10.00
170	Percent Change in Number of Providers	
171	From Last Year	-12.22
172	Children's Health Insur Prg (chip)	
173	Number of CHIP Enrollees	43,000
174	Percent of CHIP Applications Processed	
175	within Std. of Promptness	90.00
176	Home & Comm-based Waiver Prg	
177	Elderly & Disabled - Persons Served	22,200
178	Elderly & Disabled - Funded Slots	22,200

179	Elderly & Disabled - Total Authorized Slots	22,200
180	Assisted Living - Persons Served	1,200
181	Assisted Living - Funded Slots	1,200
182	Assisted Living - Total Authorized Slots	1,200
183	Independent Living - Persons Served	5,800
184	Independent Living - Funded Slots	5,800
185	Independent Living - Total Authorized Slots	5,800
186	Traumatic Brain Injury - Persons Served	1,200
187	Traumatic Brain Injury - Funded Slots	1,200
188	Traumatic Brain Injury - Total	
189	Authorized Slots	1,200
190	Intellectual Disability - Persons Served	4,150
191	Intellectual Disability - Funded Slots	4,150
192	Intellectual Disability - Total	
193	Authorized Slots	4,150
194	Percent Change in Persons On Waiting	
195	List (E&D)	10.00
196	Percent Change in Persons On Waiting	
197	List (AL)	10.00
198	Percent Change in Persons On Waiting	
199	List (IL)	10.00
200	Percent Change in Persons On Waiting	
201	List (TBI)	10.00
202	Percent Change in Persons On Waiting	
203	List (IDD)	10.00

204 A reporting of the degree to which the performance targets
205 set above have been or are being achieved shall be provided in the
206 agency's budget request submitted to the Joint Legislative Budget
207 Committee for Fiscal Year 2026.

208 **SECTION 8.** It is the intention of the Legislature that
209 whenever two (2) or more bids are received by this agency for the
210 purchase of commodities or equipment, and whenever all things
211 stated in such received bids are equal with respect to price,
212 quality and service, the Mississippi Industries for the Blind
213 shall be given preference. A similar preference shall be given to
214 the Mississippi Industries for the Blind whenever purchases are
215 made without competitive bids.

216 **SECTION 9.** The Governor's Office - Division of Medicaid
217 shall provide statistical and financial reports on a monthly basis
218 to the Legislative Budget Office and the PEER Committee. These
219 reports shall include, but are not limited to, an accounting of
220 all funds spent in the medical program, the CHIP program, the
221 Dialysis Transportation program, and each of the Home and
222 Community Based Waiver programs, and an accounting of all funds
223 spent in the administrative program, participant statistics and
224 any other information requested by the Legislative Budget Office
225 and the PEER Committee.

226 The Governor's Office - Division of Medicaid shall perform
227 its cash flow projections on a predetermined monthly schedule and
228 make this and any other information requested available, upon
229 request, to the Chair of the Senate Public Health and Welfare

230 Committee, the House Public Health and Human Services Committee,
231 the House and Senate Medicaid Committees, the House and Senate
232 Appropriations Committees, the Legislative Budget Office and the
233 PEER Committee. A summary of this cash flow projection shall also
234 be presented in the report referenced in the above paragraph.

235 **SECTION 10.** Of the funds appropriated under the provisions
236 of this act in an amount not to exceed, Two Million Seven Hundred
237 Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose
238 of funding a temporary program to provide nonemergency
239 transportation to locations for necessary dialysis services for
240 end-stage renal disease patients who are sixty-five (65) years of
241 age or older or are disabled as determined under Section
242 1614(a)(3) of the federal Social Security Act, as amended, whose
243 income did not exceed one hundred thirty-five percent (135%) of
244 the nonfarm official poverty level as defined by the Office of
245 Management and Budget and whose eligibility was covered under the
246 former category of eligibility known as Poverty Level Aged and
247 Disabled (PLADS).

248 **SECTION 11.** It is the intention of the Legislature that the
249 funds appropriated in this act to the Governor's Office - Division
250 of Medicaid for the Mississippi Coordinated Access Network
251 (MS-CAN) program be used in the most efficient and effective
252 manner possible to achieve the intended mission of the division.
253 The division and the coordinated care organizations with which the
254 division has contracted to conduct the MS-CAN program shall
255 establish baselines for the health-related outcome measurement for

256 each of the following health focus areas for presentation at the
257 Joint Legislative Budget Committee hearings for Fiscal Year 2025,
258 which will be used as the baseline levels for establishing targets
259 for improvements in quality of care performance measures for the
260 MS-CAN program in Fiscal Year 2025 and later fiscal years:

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

262 b. Medication Management for People with Asthma (MMA) or
263 successive measure.

264 c. Annual Monitoring for Patients on Persistent Medications
265 (MPM) or successive measure.

266 d. Adult BMI Assessment (ABA) and Weight Assessment and
267 Counseling for Nutrition and Physical Activity for
268 Children/Adolescents (WCC) or successive measure.

269 In addition, for comparison purposes, these same baselines
270 for the health-related outcome measurements shall be established
271 for similar Medicaid recipients who are not enrolled in the MS-CAN
272 program.

273 **SECTION 12.** It is the intention of the Legislature that the
274 Governor's Office - Division of Medicaid and the Department of
275 Human Services shall continue to work together to implement
276 Section 43-12-1, Mississippi Code of 1972, known as the "Medicaid
277 and Human Services Transparency and Fraud Prevention Act".

278 **SECTION 13.** Of the funds appropriated in Sections 1, 2, and
279 3 of this act, it is the intention of the Legislature that
280 continued funding at or above the Fiscal Year 2024 appropriated
281 amount shall be provided for Forty-one Hundred (4,100) slots for

282 the Department of Rehabilitation Services Home and Community Based
283 Waiver programs, and for Two Thousand Nine Hundred Fifty (2,950)
284 slots for the Department of Mental Health for the Home and
285 Community Based waiver program for Independent Living and the IDD
286 Waiver program.

287 **SECTION 14.** The Governor's Office - Division of Medicaid is
288 authorized to expend funds appropriated herein as necessary to
289 provide currently existing home and community based services
290 through any CMS approved state plan or home and community based
291 services waiver to individuals who qualify for those services to
292 avoid institutionalization or to transition an individual from an
293 institution to any home and community based setting. Provision of
294 such services shall not count against any limit imposed under this
295 act. It is the intention of the Legislature that the cost of
296 providing home and community based services shall not exceed the
297 cost of nursing facility services, as determined by the Division.

298 **SECTION 15.** Of the funds appropriated herein, no more than
299 Five Hundred Three Thousand Five Hundred Twenty-two Dollars
300 (\$503,522.00) may be used to pay invoices to certain vendors for
301 expenses incurred in FY 2020 and 2022.

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

308 **SECTION 17.** This act shall take effect and be in force from
309 and after July 1, 2024, and shall stand repealed June 29, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR
5 2025.

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Amanda White
Secretary of the Senate