

By: Representatives Creekmore IV, Felsher

To: Public Health and Human
Services

HOUSE BILL NO. 589

1 AN ACT TO AMEND SECTION 41-4-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE REQUIREMENTS FOR APPOINTMENT OF THE MEMBERS OF THE
3 STATE BOARD OF MENTAL HEALTH; TO AMEND SECTION 41-4-7, MISSISSIPPI
4 CODE OF 1972, TO DELETE THE REQUIREMENT FOR THE EXECUTIVE DIRECTOR
5 OF THE STATE DEPARTMENT OF MENTAL HEALTH TO BE CONFIRMED BY THE
6 SENATE AND TO SERVE FOR A TERM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-4-3, Mississippi Code of 1972, is
9 amended as follows:

10 41-4-3. (1) (a) There is created a State Board of Mental
11 Health, referred to in this chapter as "board," consisting of nine
12 (9) members, to be appointed by the Governor, with the advice and
13 consent of the Senate, each of whom shall be a qualified elector.

14 * * * One (1) member shall be appointed from each * * *
15 congressional district as constituted on January 1, 2025, and five
16 (5) members shall be appointed from the state at large. Four (4)
17 of the state-at-large members shall meet the following
18 requirements: One (1) * * * shall be a licensed medical doctor
19 who is a psychiatrist, one (1) shall hold a Ph.D. degree and be a
20 licensed clinical psychologist, one (1) shall be a licensed



21 medical doctor, and one (1) * * * shall be a social worker with
22 experience in the mental health field.

23 (b) No more than three (3) members of the board shall
24 be appointed from any one (1) congressional district as
25 constituted on January 1, 2025. However, the provisions of this
26 paragraph shall not affect any member of the board serving on July
27 1, 2025.

28 (c) The members of the board shall serve for terms as
29 follows: One (1) member shall serve for a term that expires on
30 June 30, 2026; one (1) member shall serve for a term that expires
31 on June 30, 2027; two (2) members shall serve for terms that
32 expire on June 30, 2028; one (1) member shall serve for a term
33 that expires on June 30, 2029; two (2) members shall serve for
34 terms that expire on June 30, 2031; and two (2) members shall
35 serve for terms that expire on June 30, 2032. After the
36 expiration of those terms, all subsequent appointments shall be
37 for terms of seven (7) from the expiration date of the previous
38 term. The appointment of a member to succeed a member who was
39 appointed from a congressional district shall be made from the
40 same congressional district as that of the member whose term is
41 expiring. The Governor shall fill any vacancy for the remainder
42 of the unexpired term. The provisions of this paragraph do not
43 require the reappointment of any member of the board who was
44 appointed for any of the terms specified in this paragraph.

45 * * *



46 (d) The board shall elect a chairman whose term of
47 office shall be one (1) year and until his or her successor * * *
48 is elected.

49 (2) Each board member shall be entitled to a per diem as is
50 authorized by law and all actual and necessary expenses, including
51 mileage as provided by law, incurred in the discharge of official
52 duties.

53 (3) The board shall hold regular meetings quarterly and such
54 special meetings deemed necessary, except that no action shall be
55 taken unless there is present a quorum of at least five (5)
56 members.

57 (4) No board member may be appointed for more than two (2)
58 consecutive terms. For purposes of counting terms of any board
59 member, when the term ends for any board member who is a member of
60 the board as of July 1, 2023, the end of such term shall be
61 considered the person's first term. If any person who is a member
62 of the board as of July 1, 2023, is re-appointed after the
63 expiration of his or her term, such succeeding term shall be
64 considered the second term and such person shall not be
65 re-appointed to the board without a break in service.

66 **SECTION 2.** Section 41-4-7, Mississippi Code of 1972, is
67 amended as follows:

68 41-4-7. The State Board of Mental Health shall have the
69 following powers and duties:



70 (a) To appoint * * * a full-time Executive Director of
71 the Department of Mental Health, who shall be employed by the
72 board and shall serve as executive secretary to the board. * * *

73 The executive director shall possess at least a master's degree or
74 its equivalent, and shall possess at least ten (10) years'
75 administrative experience in the field of mental health. The
76 salary of the executive director shall be determined by the board;

77 (b) To appoint a Medical Director for the Department of
78 Mental Health. The medical director shall provide clinical
79 oversight in the implementation of evidence-based and best
80 practices; provide clinical leadership in the integration of
81 mental health, intellectual disability and addiction services with
82 community partners in the public and private sectors; and provide
83 oversight regarding standards of care. The medical director shall
84 serve at the will and pleasure of the board, and will undergo an
85 annual review of job performance and future service to the
86 department;

87 (c) To establish and implement its state strategic
88 plan;

89 (d) To develop a strategic plan for the development of
90 services for persons with mental illness, persons with
91 developmental disabilities and other clients of the public mental
92 health system. Such strategic planning program shall require that
93 the board, acting through the Strategic Planning and Best



Practices Committee, perform the following functions respecting the delivery of services:

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

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

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

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

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

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

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



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

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

(f) [Repealed]

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

(h) To collect reasonable fees for its services; however, if it is determined that a person receiving services is unable to pay the total fee, the department shall collect no more than the amount such person is able to pay;

(i) To certify, coordinate and establish minimum standards and establish minimum required services, as specified in Section 41-4-1(2), for regional mental health and intellectual



143 disability commissions and other community service providers for
144 community or regional programs and services in adult mental
145 health, children and youth mental health, intellectual
146 disabilities, alcoholism, drug misuse, developmental disabilities,
147 compulsive gambling, addictive disorders and related programs
148 throughout the state. Such regional mental health and
149 intellectual disability commissions and other community service
150 providers shall, on or before July 1 of each year, submit an
151 annual operational plan to the State Department of Mental Health
152 for approval or disapproval based on the minimum standards and
153 minimum required services established by the department for
154 certification and itemize the services specified in Section
155 41-4-1(2), including financial statements. As part of the annual
156 operation plan required by this paragraph (i) submitted by any
157 regional community mental health center or by any other reasonable
158 certification deemed acceptable by the department, the community
159 mental health center shall state those services specified in
160 Section 41-4-1(2) that it will provide and also those services
161 that it will not provide. If the department finds deficiencies in
162 the plan of any regional commission or community service provider
163 based on the minimum standards and minimum required services
164 established for certification, the department shall give the
165 regional commission or community service provider a six-month
166 probationary period to bring its standards and services up to the
167 established minimum standards and minimum required services. The



168 regional commission or community service provider shall develop a
169 sustainability business plan within thirty (30) days of being
170 placed on probation, which shall be signed by all commissioners
171 and shall include policies to address one or more of the
172 following: the deficiencies in programmatic services, clinical
173 service staff expectations, timely and appropriate billing,
174 processes to obtain credentialing for staff, monthly reporting
175 processes, third-party financial reporting and any other required
176 documentation as determined by the department. After the
177 six-month probationary period, if the department determines that
178 the regional commission or community service provider still does
179 not meet the minimum standards and minimum required services
180 established for certification, the department may remove the
181 certification of the commission or provider and from and after
182 July 1, 2011, the commission or provider shall be ineligible for
183 state funds from Medicaid reimbursement or other funding sources
184 for those services. However, the department shall not mandate a
185 standard or service, or decertify a regional commission or
186 community service provider for not meeting a standard or service,
187 if the standard or service does not have funding appropriated by
188 the Legislature or have a state, federal or local funding source
189 identified by the department. No county shall be required to levy
190 millage to provide a mandated standard or service above the
191 minimum rate required by Section 41-19-39. After the six-month
192 probationary period, the department may identify an appropriate



community service provider to provide any core services in that county that are not provided by a community mental health center. However, the department shall not offer reimbursement or other accommodations to a community service provider of core services that were not offered to the decertified community mental health center for the same or similar services. The State Board of Mental Health shall promulgate rules and regulations necessary to implement the provisions of this paragraph (i), in accordance with the Administrative Procedures Law (Section 25-43-1.101 et seq.);

(j) To establish and promulgate reasonable minimum standards for the construction and operation of state and all Department of Mental Health certified facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care, when such care is provided for persons with mental or emotional illness, an intellectual disability, alcoholism, drug misuse and developmental disabilities;

(k) To implement best practices for all services specified in Section 41-4-1(2), and to establish and implement all other services delivered by the Department of Mental Health. To carry out this responsibility, the board shall require the department to establish a division responsible for developing best practices based on a comprehensive analysis of the mental health



environment to determine what the best practices for each service are. In developing best practices, the board shall consider the cost and benefits associated with each practice with a goal of implementing only those practices that are cost-effective practices for service delivery. Such best practices shall be utilized by the board in establishing performance standards and evaluations of the community mental health centers' services required by paragraph (d) of this section;

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

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

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

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

(p) To serve as the single state agency in receiving and administering any and all funds available from any source for the purpose of service delivery, training, research and education in regard to all forms of mental illness, intellectual disabilities, alcoholism, drug misuse and developmental disabilities, unless such funds are specifically designated to a



particular agency or institution by the federal government, the
Mississippi Legislature or any other grantor;

(q) To establish mental health holding centers for the
purpose of providing short-term emergency mental health treatment,
places for holding persons awaiting commitment proceedings or
awaiting placement in a state mental health facility following
commitment, and for diverting placement in a state mental health
facility. These mental health holding facilities shall be readily
accessible, available statewide, and be in compliance with
emergency services' minimum standards. They shall be
comprehensive and available to triage and make appropriate
clinical disposition, including the capability to access inpatient
services or less restrictive alternatives, as needed, as
determined by medical staff. Such facility shall have medical,
nursing and behavioral services available on a
twenty-four-hour-a-day basis. The board may provide for all or
part of the costs of establishing and operating the holding
centers in each district from such funds as may be appropriated to
the board for such use, and may participate in any plan or
agreement with any public or private entity under which the entity
will provide all or part of the costs of establishing and
operating a holding center in any district;

(r) To certify/license case managers, mental health
therapists, intellectual disability therapists, mental
health/intellectual disability program administrators, addiction



counselors and others as deemed appropriate by the board. Persons already professionally licensed by another state board or agency are not required to be certified/licensed under this section by the Department of Mental Health. The department shall not use professional titles in its certification/licensure process for which there is an independent licensing procedure. Such certification/licensure shall be valid only in the state mental health system, in programs funded and/or certified by the Department of Mental Health, and/or in programs certified/licensed by the State Department of Health that are operated by the state mental health system serving persons with mental illness, an intellectual disability, a developmental disability or addictions, and shall not be transferable;

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

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



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

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

298 (w) To survey statutory designations, building markers
299 and the names given to mental health/intellectual disability
300 facilities and proceedings in order to recommend deletion of
301 obsolete and offensive terminology relative to the mental
302 health/intellectual disability system. Based upon a
303 recommendation of the executive director, the board shall have the
304 authority to name/rename any facility operated under the auspices
305 of the Department of Mental Health for the sole purpose of
306 deleting such terminology;

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

311 (y) To develop formal service delivery standards
312 designed to measure the quality of services delivered to community
313 clients, as well as the timeliness of services to community
314 clients provided by regional mental health/intellectual disability
315 commissions and other community services providers;



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

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

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

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

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



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

(ff) Working with the advice and consent of the administration of Ellisville State School, to enter into negotiations with the Economic Development Authority of Jones County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Ellisville State School to the Economic Development Authority of Jones County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Ellisville State School will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Jones County, and



encourages fairness to the Economic Development Authority of Jones County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Ellisville State School must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Ellisville State School.

If the State Board of Mental Health authorizes the sale of lands owned by Ellisville State School, as provided for under this paragraph (ff), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Ellisville State School Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any interest earned on the principal may be expended solely for the benefits of clients served at Ellisville State School. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the trust fund shall be deposited to the credit of the trust fund.



391 The administration of Ellisville State School may use any interest
392 earned on the principal of the trust fund, upon appropriation by
393 the Legislature, as needed for services or facilities by the
394 clients of Ellisville State School. Ellisville State School shall
395 make known to the Legislature, through the Legislative Budget
396 Committee and the respective Appropriations Committees of the
397 House and Senate, its proposed use of interest earned on the
398 principal of the trust fund for any fiscal year in which it
399 proposes to make expenditures thereof. The State Treasurer shall
400 provide Ellisville State School with an annual report on the
401 Ellisville State School Client's Trust Fund to indicate the total
402 monies in the trust fund, interest earned during the year,
403 expenses paid from the trust fund and such other related
404 information.

405 Nothing in this section shall be construed as applying to or
406 affecting mental health/intellectual disability services provided
407 by hospitals as defined in Section 41-9-3(a), and/or their
408 subsidiaries and divisions, which hospitals, subsidiaries and
409 divisions are licensed and regulated by the Mississippi State
410 Department of Health unless such hospitals, subsidiaries or
411 divisions voluntarily request certification by the Mississippi
412 State Department of Mental Health.

413 All new programs authorized under this section shall be
414 subject to the availability of funds appropriated therefor by the
415 Legislature;



416 (gg) Working with the advice and consent of the
417 administration of Boswell Regional Center, to enter into
418 negotiations with the Economic Development Authority of Simpson
419 County for the purpose of negotiating the possible exchange, lease
420 or sale of lands owned by Boswell Regional Center to the Economic
421 Development Authority of Simpson County. It is the intent of the
422 Mississippi Legislature that such negotiations shall ensure that
423 the financial interest of the persons with an intellectual
424 disability served by Boswell Regional Center will be held
425 paramount in the course of these negotiations. The Legislature
426 also recognizes the importance of economic development to the
427 citizens of the State of Mississippi and Simpson County, and
428 encourages fairness to the Economic Development Authority of
429 Simpson County. Any negotiations proposed which would result in
430 the recommendation for exchange, lease or sale of lands owned by
431 Boswell Regional Center must have the approval of the State Board
432 of Mental Health. The State Board of Mental Health may and has
433 the final authority as to whether or not these negotiations result
434 in the exchange, lease or sale of the properties it currently
435 holds in trust for persons with an intellectual disability served
436 at Boswell Regional Center. In any such exchange, lease or sale
437 of such lands owned by Boswell Regional Center, title to all
438 minerals, oil and gas on such lands shall be reserved, together
439 with the right of ingress and egress to remove same, whether such



provisions be included in the terms of any such exchange, lease or sale or not.

If the State Board of Mental Health authorizes the sale of lands owned by Boswell Regional Center, as provided for under this paragraph (gg), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Boswell Regional Center Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any earnings on the principal may be expended solely for the benefits of clients served at Boswell Regional Center. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any earnings on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Boswell Regional Center may use any earnings on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Boswell Regional Center. Boswell Regional Center shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of the earnings on the principal of the trust fund



465 for any fiscal year in which it proposes to make expenditures
466 thereof. The State Treasurer shall provide Boswell Regional
467 Center with an annual report on the Boswell Regional Center
468 Client's Trust Fund to indicate the total monies in the trust
469 fund, interest and other income earned during the year, expenses
470 paid from the trust fund and such other related information.

471 Nothing in this section shall be construed as applying to or
472 affecting mental health/intellectual disability services provided
473 by hospitals as defined in Section 41-9-3(a), and/or their
474 subsidiaries and divisions, which hospitals, subsidiaries and
475 divisions are licensed and regulated by the Mississippi State
476 Department of Health unless such hospitals, subsidiaries or
477 divisions voluntarily request certification by the Mississippi
478 State Department of Mental Health.

479 All new programs authorized under this section shall be
480 subject to the availability of funds appropriated therefor by the
481 Legislature;

482 (hh) Notwithstanding any other section of the code, the
483 Board of Mental Health shall be authorized to fingerprint and
484 perform a criminal history record check on every employee or
485 volunteer. Every employee and volunteer shall provide a valid
486 current social security number and/or driver's license number
487 which shall be furnished to conduct the criminal history record
488 check. If no disqualifying record is identified at the state



level, fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(ii) The Department of Mental Health shall have the authority for the development of a consumer friendly single point of intake and referral system within its service areas for persons with mental illness, an intellectual disability, developmental disabilities or alcohol or substance abuse who need assistance identifying or accessing appropriate services. The department will develop and implement a comprehensive evaluation procedure ensuring that, where appropriate, the affected person or their parent or legal guardian will be involved in the assessment and planning process. The department, as the point of intake and as service provider, shall have the authority to determine the appropriate institutional, hospital or community care setting for persons who have been diagnosed with mental illness, an intellectual disability, developmental disabilities and/or alcohol or substance abuse, and may provide for the least restrictive placement if the treating professional believes such a setting is appropriate, if the person affected or their parent or legal guardian wants such services, and if the department can do so with a reasonable modification of the program without creating a fundamental alteration of the program. The least restrictive setting could be an institution, hospital or community setting, based upon the needs of the affected person or their parent or legal guardian;



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

(kk) To certify and establish minimum standards and minimum required services for county facilities used for housing, feeding and providing medical treatment for any person who has been involuntarily ordered admitted to a treatment center by a court of competent jurisdiction. The minimum standard for the initial assessment of those persons being housed in county facilities is for the assessment to be performed by a physician, preferably a psychiatrist, or by a nurse practitioner, preferably a psychiatric nurse practitioner. If the department finds deficiencies in any such county facility or its provider based on the minimum standards and minimum required services established for certification, the department shall give the county or its provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if



539 the department determines that the county or its provider still
540 does not meet the minimum standards and minimum required services,
541 the department may remove the certification of the county or
542 provider and require the county to contract with another county
543 having a certified facility to hold those persons for that period
544 of time pending transportation and admission to a state treatment
545 facility. Any cost incurred by a county receiving an
546 involuntarily committed person from a county with a decertified
547 holding facility shall be reimbursed by the home county to the
548 receiving county; and

549 (11) To provide orientation training to all new
550 commissioners of regional commissions and annual training for all
551 commissioners with continuing education regarding the Mississippi
552 mental health system and services as developed by the State
553 Department of Mental Health. Training shall be provided at the
554 expense of the department except for travel expenses which shall
555 be paid by the regional commission.

556 **SECTION 3.** This act shall take effect and be in force from
557 and after July 1, 2025.

