

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 250

By Senator(s) Committee

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

17
18 SECTION 1. Section 43-14-1, Mississippi Code of 1972, is
19 reenacted and amended as follows:

20 43-14-1. (1) The purpose of this chapter is to pilot the
21 development of a coordinated interagency system of necessary
22 services and care in two (2) regions of the state, designated by
23 the Children's Advisory Council established herein, for children
24 and youth up to age twenty-one (21) with serious
25 emotional/behavioral disturbance or mental illness who require
26 services from a multiple services and multiple programs system, in
27 the most fiscally responsible (cost efficient) manner possible,
28 based on an individualized plan of care which takes into account
29 other available interagency programs, including, but not limited
30 to, Early Intervention Act of Infants and Toddlers, Section
31 41-87-1 et seq., Early Periodic Screening Diagnosis and Treatment,
32 Section 43-13-117(5), waived program for home- and
33 community-based services for developmentally disabled people,
34 Section 43-13-117(29), and waived program for targeted case
35 management services for children with special needs, Section
36 43-13-117(31), and is tied to clinically appropriate outcomes.
37 Some of the outcomes are to reduce the number of inappropriate

38 out-of-home placements inclusive of those out-of-state.

39 (2) There is established a Children's Advisory Council
40 comprised of one (1) member from each of the appropriate
41 child-serving divisions or sections of the State Department of
42 Health, the Department of Human Services, the State Department of
43 Mental Health, the State Department of Education, the Division of
44 Medicaid of the Governor's Office, a family member designated by
45 Mississippi Families as Allies for Children's Mental Health, Inc.
46 and a representative from the Mississippi Council of Youth Court
47 Judges.

48 (3) The Children's Advisory Council shall oversee a pool of
49 state funds contributed by each participating agency that
50 currently expends funds for services, including residential and
51 psychiatric care for the children and youth who are to be served
52 by this chapter. This pool of funds shall be available for
53 providing necessary community-centered services based on an
54 individualized plan of care. The monetary contribution of each
55 participating agency shall be determined as fair and equitable by
56 the governing board or other duly authorized state level oversight
57 authority for such agency by July 1 of each fiscal year, to begin
58 July 1, 1998. In lieu of contributing funds, the State Department
59 of Health shall contribute to the pilot system of care program
60 described in this section in-kind health/medical services through
61 the department to the children and youth to be served by this
62 chapter.

63 (4) The local coordinating care entity to administer the
64 pilot program in the two (2) designated regions shall be
65 designated by the Children's Advisory Council. Each local
66 coordinating care entity is an administrative body capable of
67 securing and insuring the delivery of services and care across all
68 necessary agencies and/or any other appropriate service
69 provider(s) to meet each child or youth's authorized plan of care.

70 After June 30, 1999, the Children's Advisory Council will add an
71 additional coordinating care entity so that all of the children in
72 the State of Mississippi served by this chapter will be covered by

73 June 30, 2000. Those local coordinating care entities designated
74 by the Children's Advisory Council shall be those that clearly
75 reflect their capability to select and secure appropriate services
76 and care in the most cost-efficient and timely manner for the
77 children and youth who are to be served by this chapter.

78 (5) Each state agency named in subsection (2) of this
79 section shall enter into a binding interagency agreement to
80 participate in the oversight of the pilot system of care program
81 for the children and youth described in this section. The
82 agreement shall be signed and in effect by July 1, 1998, and shall
83 remain in effect for a period of three (3) years, through June 30,
84 2001.

85 SECTION 2. Section 43-14-3, Mississippi Code of 1972, is
86 reenacted as follows:

87 43-14-3. The powers and responsibilities of the Children's
88 Advisory Council shall be as follows:

89 (a) To select two (2) regions of the state in which to
90 pilot the system of care;

91 (b) To implement a Request for Proposal process through
92 which a local coordinating care entity will be selected in the two
93 (2) designated regions to perform the functions provided in
94 Section 43-14-7;

95 (c) To serve in an advisory capacity and to provide
96 state level leadership and oversight to the development of the
97 pilot system of care;

98 (d) To insure the creation and availability of an
99 annual pool of funds from each participating agency member of the
100 Children's Advisory Council that includes an amount to be
101 contributed by each agency and a process for utilization of those
102 funds;

103 (e) To contract and expend funds for any contractual
104 technical assistance and consultation necessary to plan and
105 develop a functional and flexible blended pool of funds.

106 SECTION 3. Section 43-14-5, Mississippi Code of 1972, is
107 reenacted as follows:

108 43-14-5. There is created in the State Treasury a special
109 fund into which shall be deposited all funds contributed by the
110 Department of Human Services, Department of Mental Health and
111 State Department of Education for the operation of the pilot
112 system of care program. By the first quarter of the 1998 and 1999
113 state fiscal year, each agency named in this section shall pay
114 into the special fund out of its annual appropriation a sum equal
115 to the amount determined by the board or other duly authorized
116 state level oversight authority for that agency and accepted by
117 the board or other duly authorized state level oversight authority
118 for each other agency on the Children's Advisory Council.
119 Additionally, the Division of Medicaid shall use all unmatched
120 funds not committed for another purpose to match federal Medicaid
121 funds for any Medicaid approved services that will be used in the
122 pilot program for Medicaid eligible children and youth to be
123 served by this chapter.

124 SECTION 4. Section 43-14-7, Mississippi Code of 1972, is
125 reenacted as follows:

126 43-14-7. (1) The Children's Advisory Council shall contract
127 with the selected local coordinating care entity in the two (2)
128 designated regions in the pilot program, and these entities shall
129 administer the program according to the terms of the contract with
130 the Children's Advisory Council.

131 (2) Persons eligible for services provided through the pilot
132 system of care program are persons under the age of twenty-one
133 (21) with serious emotional or behavioral disorders or mental
134 illnesses who require services from a multiple services and
135 multiple programs system, including other interagency programs
136 which serve the children and youth to be served by this chapter
137 including, but not limited to, Early Intervention Act of Infants
138 and Toddlers, Section 41-87-1 et seq., Early Periodic Screening
139 Diagnosis and Treatment, Section 43-13-117(5), waived program
140 for home- and community-based services for developmentally
141 disabled people, Section 43-13-117(29), and waived program for
142 targeted case management services for children with special needs,

143 Section 43-13-117(31). Those children and youth to be served by
144 this chapter who are eligible for Medicaid shall be screened
145 through the Medicaid Early Periodic Screening Diagnosis and
146 Treatment (EPSDT) and their needs for medically necessary services
147 shall be certified through the EPSDT process. Children who are
148 not Medicaid eligible, but who meet the other eligibility
149 criteria, shall be screened through a process similar to EPSDT,
150 and if determined eligible, shall have access to their necessary
151 services in the pilot system of care program through a mechanism
152 determined by the Children's Advisory Council and funded through
153 the operating fund provided in Section 43-14-5.

154 (3) Services that may be provided through the pilot system
155 of care program shall include, but not be limited to, intensive
156 home-based intervention, respite, therapeutic recreational
157 services, emergency and crisis management, care management, day
158 treatment, diagnosis and therapy. Services provided through the
159 pilot system of care program shall be provided in the home setting
160 of the recipient whenever feasible, rather than in a clinical
161 setting. Services in the community of the recipient shall be
162 considered and implemented before authorizing a more restrictive,
163 out-of-home community setting. Where appropriate, other
164 interagency programs which serve the children and youth to be
165 served by this chapter, including, but not limited to, Early
166 Intervention Act of Infants and Toddlers, Section 41-87-1 et seq.,
167 Early Periodic Screening Diagnosis and Treatment, Section
168 43-13-117(5), waived program for home- and community-based
169 services for developmentally disabled people, Section
170 43-13-117(29), and waived program for targeted case management
171 services for children with special needs, Section 43-13-117(31),
172 shall be utilized.

173 (4) The local coordinating care entity authorized to operate
174 the pilot program shall employ case managers who shall be
175 responsible for setting up an interdisciplinary team composed of
176 members of the child's family or other primary caregivers, and
177 appropriate professional service providers. This team shall

178 determine an individualized and clinically appropriate plan of
179 care for the child. The case manager shall arrange for those
180 services called for in each plan of care to be provided to the
181 child. Where appropriate other interagency programs which serve
182 the children and youth to be served by this chapter, including,
183 but not limited to, Early Intervention Act of Infants and
184 Toddlers, Section 41-87-1 et seq., Early Periodic Screening
185 Diagnosis and Treatment, Section 43-13-117(5), waived program
186 for home- and community-based services for developmentally
187 disabled people, Section 43-13-117(29), and waived program for
188 targeted case management services for children with special needs,
189 Section 43-13-117(31), shall be utilized.

190 (5) Payment for services dictated by the plan of care shall
191 be made to the providers of the services by the selected local
192 coordinating care entity in the two (2) designated regions
193 utilizing the blended fund pool established for the pilot program.

194 SECTION 5. Section 43-14-9, Mississippi Code of 1972, is
195 amended as follows:

196 43-14-9. Sections 43-14-1 through 43-14-7 shall stand
197 repealed on July 1, 2001.

198 SECTION 6. Section 43-27-307, Mississippi Code of 1972, is
199 amended as follows:

200 43-27-307. The Juvenile Health Recovery Advisory Board shall
201 submit to the Governor and the Legislature, on or before April 15,
202 2000, a recommendation for a comprehensive, multidisciplinary plan
203 for the care, treatment and placement of children identified in
204 Section 2 of this act. The advisory board shall submit to the
205 Governor and the Legislature, on or before September 15, 2000,
206 recommended rules and regulations for the operation of the
207 Juvenile Health Recovery Program.

208 SECTION 7. A special Joint Committee is created to Study and
209 Make Recommendations Concerning the Coordination of Necessary
210 Multiple Services to Children and Youth of the State and to
211 Recommend a Blended Funding Source for Such Programs. The joint
212 committee shall be composed of the Chairman of the Senate Public

213 Health and Welfare Committee, the Chairman of the House Public
214 Health and Welfare Committee, the Chairman of the Senate
215 Appropriations Committee, the Chairman of the House Appropriations
216 Committee, two (2) members of the Senate Public Health and Welfare
217 Committee and two (2) members of the Senate Appropriations
218 Committee to be appointed by the Lieutenant Governor, two (2)
219 members of the House Public Health and Welfare Committee and two
220 (2) members of the House Appropriations Committee to be appointed
221 by the Speaker of the House.

222 Within fifteen (15) days after sine die adjournment of the
223 2000 Regular Session of the Legislature, the Lieutenant Governor
224 and Speaker shall appoint the members of the committee. After the
225 members are appointed, the joint committee shall meet on a date
226 designated by the Lieutenant Governor in Jackson, Mississippi, to
227 select a chairman, organize the committee and establish rules for
228 transacting its business and keeping records. An affirmative vote
229 of a majority of the members shall be required in the adoption of
230 rules, resolutions and reports. All members of the joint
231 committee shall be notified in writing of all regular and special
232 meetings of the committee, which notices shall be mailed at least
233 five (5) days before the dates of the meetings.

234 The joint committee shall study and make recommendations to
235 the Legislature regarding the development and funding of a
236 coordinated interagency system of necessary services and care for
237 (a) children and youth up to age twenty-one (21) with serious
238 emotional/behavioral disturbance or mental illness who require
239 services from a multiple services and multiple programs system;
240 (b) children suspended or expelled from a local school district
241 for serious and chronic misconduct; (c) children with alcohol and
242 drug abuse problems; (d) children with co-occurring disorders
243 (mental illness and alcohol and drug abuse problems); (e)
244 neglected, abused or delinquent children with serious emotional or
245 behavioral problems that would be subject to the jurisdiction of
246 the Department of Human Services or the youth court; and (f) those
247 children with special mental health needs for whom the necessary

248 array of specialized services and supports is not available in the
249 state, in the most fiscally responsible (cost efficient) manner
250 possible, based on an individualized plan of care which takes into
251 account other available interagency programs, including, but not
252 limited to, Early Intervention Act of Infants and Toddlers,
253 Section 41-87-1 et seq., Early Periodic Screening Diagnosis and
254 Treatment, Section 43-13-117(5), and waived program for targeted
255 case management services for children with special needs, Section
256 43-13-117(31), and is tied to clinically appropriate outcomes.
257 Some of the outcomes are to reduce the number of inappropriate
258 out-of-home placements inclusive of those out-of-state and to
259 reduce the number of inappropriate school suspensions and
260 expulsions for this population of children.

261 The joint committee may establish any subcommittees that it
262 deems desirable to study and report to the committee with respect
263 to any matter that is within the scope of this resolution.

264 The joint committee shall make a written report of its
265 findings and recommendations, and shall mail copies of the report
266 to each member of the Legislature not later than December 1, 2000.

267 In carrying out the provisions of this resolution, the joint
268 committee may utilize the services, facilities and personnel of
269 all departments, agencies, offices and institutions of the state,
270 including the state universities and the community and junior
271 colleges. In particular, the joint committee shall consult with
272 the Mississippi Department of Mental Health, the Children's
273 Advisory Council, the Juvenile Health Recovery Board, the Division
274 of Medicaid, and each agency shall cooperate with the joint
275 committee and provide the committee with any information and other
276 assistance requested by the committee. The joint committee may
277 consult and seek advice from various groups in the state in order
278 to understand the effect of any existing laws or any changes in
279 law being considered by the committee.

280 For attending meetings of the joint committee, each member
281 shall be paid per diem compensation in the amount authorized by
282 Section 25-3-69 and a mileage allowance and an expense allowance

283 in the amount authorized by Section 5-1-47. Legislative members
284 shall be paid from the contingent expense fund of the member's
285 respective house, and nonlegislative members shall be paid from
286 funds made available by appropriation of the Legislature for the
287 purpose of this resolution. However, no per diem compensation,
288 mileage allowance or expense allowance shall be paid for attending
289 meetings of the joint committee while the Legislature is in
290 session, and no per diem compensation, mileage allowance or
291 expense allowance shall be paid without prior approval of the
292 proper committee in the member's respective house.

293 SECTION 8. This act shall take effect and be in force from
294 and after July 1, 2000.

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

1 AN ACT TO REENACT SECTIONS 43-14-1 THROUGH 43-14-7,
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE CHILDREN'S ADVISORY
3 COUNCIL AND PROVIDE FOR A PILOT PROGRAM OF SERVICES AND CARE FOR
4 CERTAIN CHILDREN; TO AMEND REENACTED SECTION 43-14-1, MISSISSIPPI
5 CODE OF 1972, TO REVISE CERTAIN DATES RELATING TO THE PILOT
6 PROGRAM; TO AMEND SECTION 43-14-9, MISSISSIPPI CODE OF 1972, TO
7 EXTEND THE DATE OF THE REPEALER; TO AMEND SECTION 43-27-307,
8 MISSISSIPPI CODE OF 1972, TO REVISE THE DATE FOR THE SUBMISSION OF
9 THE PLAN FOR COMPREHENSIVE CARE AND PLACEMENT OF CHILDREN TO BE
10 SUBMITTED BY THE JUVENILE HEALTH RECOVERY PROGRAM; TO ESTABLISH A
11 JOINT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS CONCERNING THE
12 COORDINATION OF NECESSARY MULTIPLE SERVICES TO CHILDREN AND YOUTH;
13 AND FOR RELATED PURPOSES.