

By: Representative Moody

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1070

1 AN ACT TO ESTABLISH THE MISSISSIPPI ACCESS TO CARE (MAC)
2 OVERSIGHT COMMITTEE TO COORDINATE THE IMPLEMENTATION, FUNDING AND
3 ANY NEEDED REVISIONS OF THE MAC PLAN; TO PROVIDE FOR THE
4 MEMBERSHIP AND APPOINTMENT OF THE COMMITTEE; TO SPECIFY THE DUTIES
5 OF THE COMMITTEE; TO PROVIDE THAT THE COMMITTEE AND THE DEPARTMENT
6 OF MENTAL HEALTH, THE STATE DEPARTMENT OF REHABILITATION SERVICES,
7 THE DEPARTMENT OF HUMAN SERVICES, THE STATE DEPARTMENT OF
8 EDUCATION AND THE DIVISION OF MEDICAID EACH SHALL PERFORM CERTAIN
9 FUNCTIONS IN IMPLEMENTING THE MAC PLAN; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) There is established the Mississippi Access
12 to Care (MAC) Oversight Committee to coordinate the
13 implementation, funding and any needed revisions of the MAC plan
14 dated September 30, 2001, that was prepared and submitted to the
15 Legislature as required under Sections 43-57-1 through 43-57-9.

16 (2) The MAC Oversight Committee shall be composed of:

17 (a) Two (2) members appointed by the Governor, each of
18 whom must be a person with a disability;

19 (b) A representative of the Governor's office;

20 (c) The Chairs and Vice Chairs of the Public Health and
21 Welfare Committee and the Appropriations Committee of the House of
22 Representatives; and

23 (d) The Chairs and Vice Chairs of the Public Health and
24 Welfare Committee and the Appropriations Committee of the Senate.

25 (3) Of the Governor's appointments, one (1) member shall be
26 appointed from the state at large for a term ending on June 30,
27 2004, and one (1) member shall be appointed from the state at
28 large for a term ending on June 30, 2006. All subsequent
29 appointments shall be for terms of four (4) years from the
30 expiration date of the previous term. Any vacancy before the



31 expiration of a term shall be filled by appointment of the
32 Governor, and the person appointed to fill the vacancy shall serve
33 for the remainder of the unexpired term.

34 (4) At the first meeting of the committee, the members shall
35 select one (1) of the legislative members to serve as chair of the
36 committee. The committee shall select a chair from among the
37 legislative members once every two (2) years, and the chair shall
38 alternate between the members from the House of Representatives
39 and the members from the Senate.

40 (5) The appointed members and the legislative members of the
41 committee shall receive a per diem in the amount provided under
42 Section 25-3-69 for each day engaged in the official business of
43 the committee. The appointed members of the committee shall
44 receive reimbursement for travel expenses incurred while engaged
45 in official business of the committee in accordance with Section
46 25-3-41, and the legislative members of the committee shall
47 receive the expense allowance provided for in Section 5-1-47.
48 However, the legislative members of the committee shall not
49 receive the per diem or expense allowance for any day that the
50 committee meets while the Legislature is in session.

51 **SECTION 2.** (1) The MAC Oversight Committee is ultimately
52 responsible for implementation of the MAC plan. The committee
53 shall continually review and assess the three-part test for states
54 and the three (3) risk zones for states to fulfill the state's
55 obligation to:

56 (a) Divert persons from initially being placed into
57 institutions;

58 (b) Review those persons already in institutions to
59 determine how many could be and want to be served in a home- and
60 community-based setting; and

61 (c) Respond to individual requests by institutionalized
62 persons to leave the institutional setting to go to a home- and
63 community-based setting.



64 (2) The duties of the MAC Oversight Committee are to:

65 (a) Identify, collect, and disburse data regarding the
66 number and status of persons with disabilities and the
67 availability and quality of community services and supports;

68 (b) Monitor the development and expansion of community
69 services and the movement on the waiting list;

70 (c) Actively and continuously review and recommend
71 modifications to the MAC plan;

72 (d) Provide persons with disabilities a process for
73 independent review and appeal of decisions made by treating
74 professionals;

75 (e) Develop the specific criteria and tools to measure
76 the effectiveness of the MAC plan strategies, submit them to the
77 responsible agency or agencies for concurrence, and make an annual
78 report to the Legislature of the outcomes;

79 (f) Hold periodic public meetings to provide
80 information and opportunities for input;

81 (g) Identify specific steps for the provision of a
82 comprehensive system of support services to persons once they are
83 identified; and

84 (h) Establish a baseline for the existing waiting time
85 for each service, define what constitutes a "reasonable pace" for
86 providing community services, and design and implement a plan to
87 move from the current waiting time to a time that is "reasonable."

88 **SECTION 3.** In implementing the MAC plan, the MAC Oversight
89 Committee shall:

90 (a) Identify those persons with disabilities currently
91 in nursing facilities, advise them of the home- and
92 community-based alternatives available and allow them the option
93 to choose the most integrated setting of their choice;

94 (b) Act as the lead entity responsible for developing
95 and coordinating a comprehensive housing plan for persons with all



96 types of disabilities. The plan shall address the following
97 components:

98 (i) Identification of persons with disabilities
99 needing or wanting community-based housing;

100 (ii) Support services needed by persons with
101 disabilities to live independently; and

102 (iii) Funding assistance for housing;

103 (c) Act as the lead entity responsible for developing
104 and implementing a comprehensive transportation plan for all
105 persons with disabilities that will maximize existing resources
106 and develop future funding requests;

107 (d) Establish creative transportation initiatives and
108 demonstration projects;

109 (e) Develop a transportation guide for all persons with
110 disabilities; and

111 (f) Perform a feasibility study in fiscal year 2004 to
112 determine options for an interagency, consolidated transportation
113 plan.

114 **SECTION 4.** In implementing the MAC plan, the Department of
115 Mental Health, the State Department of Rehabilitation Services,
116 the Department of Human Services, the State Department of
117 Education and the Division of Medicaid each shall:

118 (a) Develop and maintain an ongoing, comprehensive data
119 collection system for identifying persons with disabilities who
120 are receiving or are in need of services and supports from that
121 agency;

122 (b) Develop and implement a comprehensive evaluation
123 procedure ensuring that, where appropriate, each person with
124 disabilities and/or the person's guardian will be involved in the
125 assessment and planning process and that the assessment will be
126 directed toward providing services in the "least restricted, most
127 integrated setting possible" based upon professional



128 recommendations and the choice of the person and his or her
129 family; and

130 (c) Provide to the MAC Oversight Committee with reports
131 specifying the agency's budgetary and program implementation
132 response to the MAC plan. Each agency shall provide the reports
133 to the committee at least twice annually, and at other times as
134 required by the committee.

135 (i) The first report required by this paragraph
136 shall be provided to the committee after the development of the
137 agency's budget and before the beginning of the Joint Legislative
138 Budget Committee's hearings on agency budget requests in the fall
139 of the year. That report shall detail the portions of the
140 agency's budget request that would be directed toward the
141 implementation of the MAC plan, including the number of citizens
142 to be served and the specific services to be provided, the amount
143 of money required to provide the services and the source of the
144 funding.

145 (ii) The second report required by this paragraph
146 shall be provided to the committee not later than thirty (30) days
147 after the end of the regular session of the Legislature. That
148 report shall include the same information as in the first report,
149 except that it shall detail the portions of the agency's proposed
150 budget that the Legislature funded. The second report also shall
151 include a more detailed narrative of the services that must be
152 carried forward to the next budgetary cycle and the services that
153 require amendment due to the funding that was made available.

154 **SECTION 5.** This act shall take effect and be in force from
155 and after July 1, 2002.

