

By: Representative Moody

To: Public Health and Welfare

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 DIRECT THE DEPARTMENT OF MENTAL HEALTH, THE
 6 STATE DEPARTMENT OF REHABILITATION SERVICES, THE DEPARTMENT OF
 7 HUMAN SERVICES, THE STATE DEPARTMENT OF EDUCATION, THE DIVISION OF
 8 MEDICAID, THE GOVERNOR'S COMMISSION ON DISABILITY AND THE
 9 MISSISSIPPI DEVELOPMENTAL DISABILITIES COUNCIL EACH TO PERFORM
 10 CERTAIN FUNCTIONS IN IMPLEMENTING THE MAC PLAN; TO ESTABLISH THE
 11 GOVERNOR'S COMMISSION ON DISABILITY TO PROMOTE AND FACILITATE FULL
 12 PARTICIPATION AND EQUAL OPPORTUNITIES FOR ALL PERSONS WITH
 13 DISABILITIES; TO PROVIDE FOR THE MEMBERSHIP AND APPOINTMENT OF THE
 14 COMMISSION AND PRESCRIBE ITS POWERS AND DUTIES; AND FOR RELATED
 15 PURPOSES.

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

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

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

23 (a) Six (6) members appointed by the Governor, at least
 24 five (5) of whom must be persons with disabilities;

25 (b) Four (4) members appointed by the Lieutenant
 26 Governor, at least three (3) of whom must be persons with
 27 disabilities;

28 (c) The executive directors of the Department of Mental
 29 Health, the State Department of Rehabilitation Services, the
 30 Department of Human Services and the Division of Medicaid, or
 31 their designees;

32 (d) A representative of the Governor's office;



33 (e) The Chairs and Vice Chairs of the Public Health and
34 Welfare Committee and the Appropriations Committee of the House of
35 Representatives, as nonvoting members; and

36 (f) The Chairs and Vice Chairs of the Public Health and
37 Welfare Committee and the Appropriations Committee of the Senate,
38 as nonvoting members.

39 (3) (a) Of the Governor's appointments, one (1) member
40 shall be appointed from each congressional district as constituted
41 on July 1, 2002, and two (2) members shall be appointed from the
42 state at large. The initial appointments of the Governor shall be
43 made as follows: one (1) member shall be appointed for a term
44 ending on June 30, 2003, two (2) members shall be appointed for
45 terms ending on June 30, 2004, one (1) member shall be appointed
46 for a term ending on June 30, 2005, and two (2) members shall be
47 appointed for terms ending on June 30, 2006. All subsequent
48 appointments shall be for terms of four (4) years from the
49 expiration date of the previous term. Any vacancy before the
50 expiration of a term shall be filled by appointment of the
51 Governor, and the person appointed to fill the vacancy shall serve
52 for the remainder of the unexpired term.

53 (b) Of the Lieutenant Governor's appointments, one (1)
54 member shall be appointed from each congressional district as
55 constituted on July 1, 2002. The initial appointments of the
56 Lieutenant Governor shall be made as follows: one (1) member
57 shall be appointed for a term ending on June 30, 2003, one (1)
58 member shall be appointed for a term ending on June 30, 2004, one
59 (1) member shall be appointed for a term ending on June 30, 2005,
60 and one (1) member shall be appointed for a term ending on June
61 30, 2006. All subsequent appointments shall be for terms of four
62 (4) years from the expiration date of the previous term. Any
63 vacancy before the expiration of a term shall be filled by
64 appointment of the Lieutenant Governor, and the person appointed



65 to fill the vacancy shall serve for the remainder of the unexpired
66 term.

67 (3) At the first meeting of the committee, the members shall
68 select one (1) member to serve as chair of the committee. The
69 committee shall select a chair once every two (2) years, and any
70 person who has previously served as chair may be reelected as
71 chair.

72 (4) Eight (8) of the voting members of the committee shall
73 constitute a quorum for the transaction of any business of the
74 committee. The committee shall meet at least once each quarter,
75 and may meet at other times as necessary for the purpose of
76 conducting any business that may be required. All meetings shall
77 be called by the chair or by a majority of the voting members of
78 the committee, except the first meeting, which shall be called by
79 the Governor.

80 (5) The appointed members and the legislative members of the
81 committee shall receive a per diem in the amount provided under
82 Section 25-3-69 for each day engaged in the official business of
83 the committee. The appointed members of the committee other than
84 the legislative members shall receive reimbursement for travel
85 expenses incurred while engaged in official business of the
86 committee in accordance with Section 25-3-41, and the legislative
87 members of the committee shall receive the expense allowance
88 provided for in Section 5-1-47. However, the legislative members
89 of the committee shall not receive the per diem or expense
90 allowance for any day that the committee meets while the
91 Legislature is in session.

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



97 (a) Divert persons from initially being placed into
98 institutions;

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

102 (c) Respond to individual requests by institutionalized
103 persons to leave the institutional setting to go to a home- and
104 community-based setting.

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

106 (a) Identify, collect, and disburse data regarding the
107 number and status of persons with disabilities and the
108 availability and quality of community services and supports;

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

111 (c) Actively and continuously review and recommend
112 modifications to the MAC plan;

113 (d) Provide persons with disabilities a process for
114 independent review and appeal of decisions made by treating
115 professionals;

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

120 (f) Hold periodic public meetings to provide
121 information and opportunities for input;

122 (g) In conjunction with the Governor's Commission on
123 Disability, establish a single point of intake for persons with
124 disabilities to provide an independent identifying, screening and
125 referring process;

126 (h) Identify specific steps for the provision of a
127 comprehensive system of support services to persons once they are
128 identified; and



129 (i) Establish a baseline for the existing waiting time
130 for each service, define what constitutes a "reasonable pace" for
131 providing community services, and design and implement a plan to
132 move from the current waiting time to a time that is "reasonable."

133 SECTION 3. (1) In implementing the MAC plan, the Department
134 of Mental Health, the State Department of Rehabilitation Services,
135 the Department of Human Services, the State Department of
136 Education and the Division of Medicaid each shall:

137 (a) Develop and maintain an ongoing, comprehensive data
138 collection system for identifying persons with disabilities who
139 are receiving or are in need of services and supports from that
140 agency;

141 (b) Develop and implement a comprehensive evaluation
142 procedure ensuring that, where appropriate, each person with
143 disabilities and/or the person's guardian will be involved in the
144 assessment and planning process and that the assessment will be
145 directed toward providing services in the "least restricted, most
146 integrated setting possible" based upon professional
147 recommendations and the choice of the person and his or her
148 family; and

149 (c) Provide to the MAC Oversight Committee with reports
150 specifying the agency's budgetary and program implementation
151 response to the MAC plan. Each agency shall provide the reports
152 to the committee at least twice annually, and at other times as
153 required by the committee.

154 (i) The first report required by this paragraph
155 shall be provided to the committee after the development of the
156 agency's budget and before the beginning of the Joint Legislative
157 Budget Committee's hearings on agency budget requests in the fall
158 of the year. That report shall detail the portions of the
159 agency's budget request that would be directed toward the
160 implementation of the MAC plan, including the number of citizens
161 to be served and the specific services to be provided, the amount



162 of money required to provide the services and the source of the
163 funding.

164 (ii) The second report required by this paragraph
165 shall be provided to the committee not later than thirty (30) days
166 after the end of the regular session of the Legislature. That
167 report shall include the same information as in the first report,
168 except that it shall detail the portions of the agency's proposed
169 budget that the Legislature funded. The second report also shall
170 include a more detailed narrative of the services that must be
171 carried forward to the next budgetary cycle and the services that
172 require amendment due to the funding that was made available.

173 **SECTION 4.** In implementing the MAC plan, the Governor's
174 Commission on Disability created under Sections 6 through 8 of
175 this act shall:

176 (a) In conjunction with the MAC Oversight Committee,
177 establish a consumer friendly, single point of entry referral
178 system for persons with disabilities who need assistance
179 identifying and/or accessing appropriate and desired services, and
180 an evaluation/assessment procedure working in together with the
181 referral system;

182 (b) Identify those persons with disabilities currently
183 in nursing facilities, advise them of the home- and community-
184 based alternatives available and allow them the option to choose
185 the most integrated setting of their choice; and

186 (c) Act as the lead agency responsible for developing
187 and coordinating a comprehensive housing plan for persons with all
188 types of disabilities. The plan shall address the following
189 components:

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

192 (ii) Support services needed by persons with
193 disabilities to live independently; and

194 (iii) Funding assistance for housing.



195 **SECTION 5.** In implementing the MAC plan, the Mississippi
196 Developmental Disabilities Council shall:

197 (a) Act as the lead entity responsible for developing
198 and implementing a comprehensive transportation plan for all
199 persons with disabilities that will maximize existing resources
200 and develop future funding requests;

201 (b) Establish creative transportation initiatives and
202 demonstration projects;

203 (c) Develop a transportation guide for all persons with
204 disabilities; and

205 (d) Perform a feasibility study in fiscal year 2004 to
206 determine options for an interagency, consolidated transportation
207 plan.

208 **SECTION 6.** As used in Sections 6 through 8 of this act, the
209 following terms shall have the meanings in this section, unless
210 the context otherwise requires:

211 (a) "Commission" means the Governor's Commission on
212 Disability.

213 (b) "Persons with disabilities" means persons who have
214 physical, sensory, cognitive or mental characteristics such as
215 those listed under the definition of "handicapped person" in the
216 regulation 28 CFR 41.31(b) for the implementation of Section 504
217 of the Rehabilitation Act of 1973, as amended (Public Law 93-112).

218 **SECTION 7.** (1) There is created the Governor's Commission
219 on Disability within the Office of the Governor to promote and
220 facilitate the full participation of, and the creation and
221 assurance of equal opportunities for, all persons with
222 disabilities.

223 (2) The goals and objectives of the commission shall
224 include, but are not limited to or provided in any priority order,
225 the following:

226 (a) To be a comprehensive clearinghouse of information
227 for persons with disabilities related to potential service



228 programs (including contact points, eligibility criteria, service
229 scope, budgets, waiting lists), disability rights and relevant
230 events;

231 (b) To serve as a disability minority advocate to
232 identify the issues and concerns pertaining to the rights, needs
233 and capabilities of all persons with disabilities, and shall work
234 to empower those persons to take as much control of their own
235 lives as possible;

236 (c) To act as the state representative and contact
237 point for the President's Committee on Employment of People with
238 Disabilities, the ADA branch of the United States Justice
239 Department, the National Council on Disability and any other
240 similar disability-related government entities;

241 (d) To collect, analyze and synthesize
242 disability-related data (e.g., numbers and types of disability in
243 the state, their economic/school/employment/long-term care status)
244 for use by state agencies, universities and colleges, disability
245 organizations and private citizens;

246 (e) To advise the Governor, the Legislature, the
247 Mississippi congressional delegation, state agencies, the business
248 community, organized labor and other public and private groups and
249 the general public on disability issues and concerns, and to make
250 recommendations to address those identified matters, with emphasis
251 on increasing opportunities for independence and employment;

252 (f) To coordinate and conduct public relations
253 activities to spotlight the skills and capabilities of persons
254 with disabilities to emphasize the actual and potential
255 contributions of these citizens;

256 (g) To establish relationships with state agencies,
257 especially those that serve the disability community,
258 consumer/advocacy groups, local governments, private industry,
259 educational institutions, labor and other private organizations,



260 that may be needed to enhance equal opportunities for persons with
261 disabilities;

262 (h) To submit an annual report to the Governor and the
263 Legislature with recommendations that address disability issues
264 such as the following: the status of public and private sector
265 employment opportunities; an assessment of program and equal
266 access to goods and services and the availability of appropriate
267 education options at all levels (e.g., public, postsecondary,
268 adult); an analysis of relevant state agency budgets and data
269 related to the economic and social status of the disability
270 community; and an overall state government/private sector service
271 overview; and

272 (i) To carry out activities assigned by the Governor,
273 to further the mission of the commission and the quality of life
274 of our citizens with disabilities.

275 **SECTION 8.** (1) The Governor's Commission on Disability
276 shall consist of eleven (11) members appointed by the Governor,
277 two (2) from each Mississippi congressional district as
278 constituted on July 1, 2002, and one (1) from each Supreme Court
279 district. The membership of the commission shall at all times
280 constitute at least a majority of persons with disabilities.
281 Members who are disabled shall be selected so as to represent a
282 wide variety of physical, sensory, mental/emotional, cognitive
283 disability characteristics. Two (2) members of the full
284 commission membership must be the immediate family members of
285 persons with disabilities, with a minimum of one (1) of those
286 persons being a parent. In addition to the previous
287 qualifications, the overall makeup of the commission shall be
288 diverse in terms of race, geography, occupation, sex, age,
289 socioeconomic status and other relevant diversity viewpoints.

290 The appointed members of the commission shall serve terms of
291 office as follows:



292 (a) The term of the members from the First
293 Congressional District shall expire on July 1, 2003;
294 (b) The term of the members from the Second
295 Congressional District shall expire on July 1, 2004;
296 (c) The term of the members from the Third
297 Congressional District shall expire on July 1, 2005;
298 (d) The term of the members from the Fourth
299 Congressional District shall expire on July 1, 2006;
300 (e) The term of the member from the First Supreme Court
301 District shall expire on July 1, 2004;
302 (f) The term of the member from the Second Supreme
303 Court District shall expire on July 1, 2005; and
304 (g) The term of the member from the Third Supreme Court
305 District shall expire on July 1, 2006.

306 After the expiration of the initial terms, the term of office
307 of each subsequent member shall be four (4) years from the
308 expiration date of the previous term. Any appointment to fill a
309 vacancy shall be for the balance of the unexpired term, and shall
310 be from the congressional district or Supreme Court district in
311 which the vacancy occurred. No member shall, during his term of
312 office, serve as an officer or committee member of any political
313 party organization.

314 (2) The commission shall elect a chair from its membership
315 at the first meeting of the initial commission members and every
316 two (2) years thereafter in July of the year. Six (6) members of
317 the commission constitute a quorum for the transaction of any
318 business, and the commission shall meet at least quarterly and
319 hold other meetings as are necessary for the purpose of conducting
320 required business. All meetings of the commission shall be called
321 by the chair, except the first meeting of the initial commission
322 members, which shall be called by the Governor.

323 (3) The appointed members of the commission shall be
324 compensated at a per diem rate as authorized by Section 25-3-69,



325 plus actual and necessary expenses as authorized by Section
326 25-3-41.

327 (4) The commission shall have a director appointed by the
328 Governor, an administrative assistant, a clerical support staff
329 member and at least two (2) full-time and one (1) part-time
330 information technicians. The staffing of the commission may also
331 be supplemented by use of interns and volunteers from the
332 community.

333 (5) Representatives from the State Department of
334 Rehabilitation Services, the Department of Human Services and the
335 State Department of Education and advocates necessary to enable
336 the commission to carry out its work may participate on the
337 commission as nonvoting members. These representatives may
338 provide the commission with data, input and resources to
339 facilitate their planning and coordinating efforts.

340 **SECTION 9.** This act shall take effect and be in force from
341 and after July 1, 2002.

