

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1070
(As Passed the House)

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) Four (4) 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 each of the four (4) congressional districts as
27 constituted on July 1, 2002. The initial appointments by the
28 Governor shall be as follows: Two (2) members shall be appointed
29 for terms ending on June 30, 2004, and two (2) members shall be
30 appointed for terms ending on June 30, 2006. All subsequent



31 appointments shall be for terms of four (4) years from the
32 expiration date of the previous term. Any vacancy before the
33 expiration of a term shall be filled by appointment of the
34 Governor, and the person appointed to fill the vacancy shall serve
35 for the remainder of the unexpired term.

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

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

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

58 (a) Divert persons from initially being placed into
59 institutions;

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



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

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

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

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

72 (c) Actively and continuously review and recommend
73 modifications to the MAC plan;

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

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

81 (f) Hold periodic public meetings to provide
82 information and opportunities for input;

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

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

90 **SECTION 3.** In implementing the MAC plan, the MAC Oversight
91 Committee shall:

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



96 (b) Act as the lead entity responsible for developing
97 and coordinating a comprehensive housing plan for persons with all
98 types of disabilities. The plan shall address the following
99 components:

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

102 (ii) Support services needed by persons with
103 disabilities to live independently; and

104 (iii) Funding assistance for housing;

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

109 (d) Establish creative transportation initiatives and
110 demonstration projects;

111 (e) Develop a transportation guide for all persons with
112 disabilities; and

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

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

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

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



129 integrated setting possible" based upon professional
130 recommendations and the choice of the person and his or her
131 family; and

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

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

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

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

