MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Representatives Holland, Barnett, Davis, Flaggs, Gibbs, Malone, Markham, Read, Shows, Stevens, Scott

To: Appropriations

HOUSE BILL NO. 1735

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR 2005.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Health for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... ..... $ 26,836,178.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... ..... $ 213,277,095.00.

SECTION 3. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Health Care Expendable Fund, for the purpose of defraying the expenses of the State Board of Health for the fiscal year beginning July 1, 2004, and ending June 30, 2005. ..... $ 13,488,785.00.

The above funds shall be allocated as follows:

Maternal and Child Health Care

Program.....$1,334,579.00

Early Intervention Program.....$ 238,318.00

Health Department Programs.....$2,383,170.00

Mississippi Qualified Health

Center Grant Program.....$3,813,084.00

Trauma Care System.....$5,719,626.00

It is the intention of the Legislature that none of the Five Million Seven Hundred Nineteen Thousand Six Hundred Twenty-six Dollars ($5,719,626.00) authorized herein for the Trauma Care System shall be expended to the benefit of any hospital located outside the boundaries of the State of Mississippi, unless otherwise excepted in this paragraph. Further, unless otherwise excepted in this paragraph, no such out-of-state hospital shall be authorized to receive such funds until such time as the amount appropriated for such purpose shall reach an amount of Eight Million Dollars ($8,000,000.00) or more. Funds shall be expended by the Mississippi Department of Health for distribution to the Regional Medical Center at Memphis, located in Memphis, Tennessee, for their participation in the Trauma Care System.

SECTION 4. Of the funds appropriated under the provisions of Sections 1, 2 and 3, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure:

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits.. $	89,605,330.00
Travel and Subsistence.....	7,050,257.00
Contractual Services.....	43,512,340.00
Commodities.....	62,845,477.00
Capital Outlay:	
Other Than Equipment.....	823,000.00
Equipment.....	6,544,349.00
Subsidies, Loans and Grants.....	43,221,305.00
Total..... $	253,602,058.00

FUNDING:

General Funds..... $ 26,836,178.00

Special Funds..... 226,765,880.00

Total..... $ 253,602,058.00

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	1,681
	Part Time.....	22
Time-Limited:	Full Time.....	510
	Part Time.....	11

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2006 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2005 appropriation for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2005 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or

allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 5. The funds authorized herein shall be used to fund all operations of the agency with the following prohibitions:

(1) The agency shall not fill any current or future vacant positions;

(2) The agency shall not take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, education benchmark, career ladder, or any other means to increase salaries of employees or positions except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session;

(3) The agency shall not expend funds for out-of-state travel except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session;

(4) The agency shall not expend funds for the purchase of or contract for cellular phones, two-way radios or pagers, except for support of employees in the Department of Public Safety and the Bureau of Narcotics as recommended by Information Technology Services or as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session;

(5) The agency shall not expend funds to publish or distribute any annual reports or other publications;

(6) The agency shall not expend funds for public relation activities regarding the functions, programs or services of the agency except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session;

(7) The agency shall not advertise the functions, programs or services of the agency except that the Mississippi Development Authority is authorized to expend funds for advertising to carry out the purposes of key programs administered by the authority;

(8) The agency shall not expend funds for staff development or training services;

(9) The agency shall not expend funds for the purchase of new or replacement equipment or furniture, excluding lease purchase payments on agreements in effect upon passage of this appropriation bill, except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session.

SECTION 6. It is the intention of the Legislature that none of the funds appropriated above shall be expended unless members of the Mississippi House of Representatives and Mississippi Senate are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature."

SECTION 7. It is the intention of the Legislature that the State Department of Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2004. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2006 shall be submitted to

the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2005 budget request process.

SECTION 8. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
Chronic Illness	
Patients Served (Persons)	300
Home Health Visits (Visits)	2,700
Hypertension Visits (Visits)	2,399
Diabetes Treatment Visits (Visits)	377
Maternal & Child Health	
Maternity Patients Served (Persons)	6,500
WIC Patients Served per Month (Persons)	10,300
Family Planning Patients Served (Persons)	97,233
Environmental Health	
General Sanitation Inspections (Actions)	30,100
Food Establishments Inspected (Sites)	30,000
Water Supplies Tested (Actions)	1,400
Disease Prevention	
Vaccinations Administered (Doses)	550,000
STD Diagnostic Treatment & Follow-up Services (Persons)	26,000
TB Cases & Contacts Investigated (Actions)	1,500
H Care Planning & Licensure	
Declaratory for CON Reviews (Actions)	400
Ambulance Services Lic/Permitted (Entities)	667

Nurse's Aides Certified (Persons) 6,418

Professional Licenses Issued (Actions) 6,418

Support Services

Percentage of Total Budget (%) 6.97

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2006.

SECTION 9. It is the intention of the Legislature that the State Department of Health may escalate any special funds and positions not to exceed Four Million Dollars ($4,000,000.00). Such escalation shall be submitted to and approved by the Department of Finance and Administration in the manner consistent with the escalation of federal funds.

SECTION 10. It is the intention of the Legislature that the Department of Health shall have the authority to expend any special funds collected or otherwise available, notwithstanding any restrictions in the general law or statutes earmarking said funds for a particular use, that are in excess of the amounts needed for the purpose of such fund, for the purpose of providing maternal and child health, family planning and disease control services.

SECTION 11. It is the intention of the Legislature that with the funds provided herein, the State Department of Health may provide and administer without charge, Hepatitis B vaccinations to Emergency Medical Services (EMS) personnel who are in need of such vaccinations through job related exposure.

SECTION 12. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Local Governments and Rural Water Systems Emergency Loan Fund, and the Local Governments and Rural Water System Improvements Revolving Loan Fund as authorized in

Chapter 521, Laws of 1995, to the State Department of Health for the purpose of defraying the expenses of the Local Governments and Rural Water Systems Improvements Board, for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... ..... $ 33,278,291.00.

SECTION 13. It is the intention of the Legislature that in the event that there are insufficient Child Care Development Block Grant Funds, then the Department of Health shall maintain the Child Care Licensure Program at the same level that the program was in Fiscal Year 1993 using any other funds.

SECTION 14. Of the funds appropriated in Section 2, One Million Dollars ($1,000,000.00) shall come from the Department of Human Services, Child Care Development Fund or other appropriate special funds for the purpose of child care licensure. These funds are to be transferred to the State Department of Health no later than July 31, 2004. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Human Services.

SECTION 15. It is the intention of the Legislature that the State Department of Health shall expend not more than Fifty Thousand Dollars ($50,000.00) of the funds appropriated in Section 1 and allocated in Section 4 for providing the oil known as "Lorenzo's Oil" for the treatment of the genetic disorder adrenoleukodystrophy (ALD), to children and Mississippi residents over the age of twenty-one (21) who have the genetic disorder adrenoleukodystrophy and for whom Medicaid does not reimburse the cost of providing the oil. The department may also provide needed pathology and biannual MRI exams.

SECTION 16. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money deposited in the State Treasury from the Mississippi Tobacco Pilot Program as authorized in the case Mike Moore Attorney General ex rel. State

of Mississippi v. The American Tobacco Company et al. (Chancery Court of Jackson County, Mississippi, Cause No. 94-1429) to the State Department of Health for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... $ 8,000,000.00.

It is the intention of the Legislature that of the funds appropriated in this section, an amount of Two Million Five Hundred Thousand Dollars ($2,500,000.00) is provided to fund the School Tobacco Nurse Program.

SECTION 17. Of the funds appropriated in Section 1, Seven Hundred Fifty Thousand Dollars ($750,000.00) are provided for the purpose of purchasing AIDS drugs and other necessary AIDS related medical services.

SECTION 18. Of the funds appropriated in Section 3, the amounts of One Hundred Twenty-five Thousand Dollars ($125,000.00) shall be allocated to the T. K. Martin Center at Mississippi State University and One Hundred Twenty-five Thousand Dollars ($125,000.00) shall be allocated to the Regional Rehabilitation Center in Tupelo for the Early Intervention Program.

SECTION 19. Of the funds appropriated herein, Fifty Thousand Dollars ($50,000.00) is provided for the Osteoporosis Program.

SECTION 20. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of funding the Federal Bioterrorism Preparedness Program to the State Department of Health for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... $ 16,217,101.00.

SECTION 21. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal

Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 22. This act shall take effect and be in force from and after July 1, 2004.