

By: Senator(s) Dawkins, Williamson

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2821

1 AN ACT TO ESTABLISH THE MISSISSIPPI COMMISSION ON SERVICES
 2 AND SUPPORTS FOR INDIVIDUALS WITH MENTAL ILLNESS, ALCOHOL AND
 3 OTHER DRUG ABUSE DISORDERS AND DUAL DIAGNOSES TO DEVELOP AN
 4 INTEGRATED STATE PLAN FOR TREATMENT AND SUPPORT FOR INDIVIDUALS
 5 WITH MENTAL ILLNESSES, SUBSTANCE ADDICTIONS AND CO-OCCURRING
 6 DISORDERS; TO PROVIDE THAT SUCH COMMISSION SHALL SERVE IN AN
 7 ADVISORY CAPACITY TO THE MISSISSIPPI BOARD OF MENTAL HEALTH IN
 8 COMPLIANCE WITH FEDERAL INITIATIVES; TO SPECIFY THE MEMBERSHIP OF
 9 THE COMMISSION; TO REQUIRE REPORTS; TO CREATE REGIONAL PLANNING
 10 COUNCILS THROUGH THE REGIONAL MENTAL HEALTH AND MENTAL RETARDATION
 11 COMMISSIONS; TO AMEND SECTION 41-19-33, MISSISSIPPI CODE OF 1972,
 12 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) The Legislature hereby finds and declares
 15 that:

16 (a) National initiatives, including the 1999 White
 17 House Conference on Mental Health and the 1999 United States
 18 Surgeon General's Report on Mental Health, have promoted the
 19 concept that mental health is fundamental to health care.

20 (b) It has been found that:

21 (i) The leading causes of disability for
 22 individuals age five (5) and older are mental disorders;

23 (ii) The current mental health and substance abuse
 24 system is lacking a comprehensive state plan that would improve
 25 the mental health status of the citizens of Mississippi; and

26 (iii) It is necessary to require long-range
 27 planning for mental health and substance abuse services.

28 (2) There is created the Mississippi Commission on Services
 29 and Supports for Individuals with Mental Illness, Alcohol and
 30 Other Drug Abuse Disorders and Dual Diagnoses. The "commission"
 31 shall consist of:

- 32 (a) The Executive Director of the Mississippi
33 Department for Mental Health, or his designee;
- 34 (b) The State Health Officer, or his designee;
- 35 (c) The Attorney General, or his designee;
- 36 (d) The Executive Director of Medicaid, or his
37 designee;
- 38 (e) The Commissioner of the Department of Corrections,
39 or his designee;
- 40 (f) The Executive Director of the Mississippi
41 Department of Human Services, or his designee;
- 42 (g) The State Superintendent of Education; or his
43 designee;
- 44 (h) The Executive Director of the Mississippi
45 Department of Rehabilitation Services, or his designee;
- 46 (i) An appointee of the Governor, who shall be a person
47 familiar with the issues of mental illness, mental retardation and
48 substance abuse, who shall serve a term concurrent with that of
49 the Governor;
- 50 (j) The Chairman of the Senate Committee on Public
51 Health and Welfare and the House Committee on Health and Human
52 Services.

53 (3) The Executive Director of the Mississippi Department of
54 Mental Health shall serve as chair of the commission. Members
55 shall serve during their terms of office.

56 (4) The commission created in Section 1 of this act shall
57 meet as often as necessary to accomplish its purpose but shall
58 meet at least quarterly during the 2005-2006 fiscal year, and the
59 first meeting shall be held within six (6) months of the effective
60 date of this act. The commission shall meet at least annually
61 thereafter, or upon the call of the chair, the request of four (4)
62 or more members, or the request of the Governor.

63 (5) The commission shall receive, integrate and report, as
64 required by this section, the findings and recommendations of the

65 regional planning councils established under Section 2 of this
66 act. The commission shall serve in an advisory capacity to
67 accomplish the following:

68 (a) Assess the needs statewide of individuals with
69 mental illness, alcohol and other drug abuse disorders and dual
70 diagnoses;

71 (b) Assess the capabilities of the existing statewide
72 treatment delivery system including gaps in services and the
73 adequacy of a safety net system;

74 (c) Assess the coordination and collaboration of
75 efforts between public and private facilities and entities, and
76 the roles of the Mississippi Department of Mental Health and the
77 regional community mental health centers, state hospitals and
78 other providers;

79 (d) Identify funding needs and related fiscal impact,
80 including Medicaid reimbursement, limitations under government
81 programs and private insurance and adequacy of indigent care;

82 (e) Recommend comprehensive and integrated programs for
83 providing mental health and substance abuse services and
84 preventive education to children and youth utilizing community
85 resources;

86 (f) Develop recommendations to decrease the incidence
87 of multiple hospitalizations of individuals with mental illness,
88 alcohol and other drug abuse disorders, and dual diagnoses; and

89 (g) Recommend an effective quality assurance and
90 consumer satisfaction monitoring program that includes
91 recommendations as to the appropriate role of persons with mental
92 illness, alcohol and other drug abuse disorders, and dual
93 diagnoses, family members, providers and advocates in quality
94 assurance efforts.

95 (6) The commission shall develop a comprehensive state plan
96 that will provide a template for the decision making regarding
97 program development, funding and the use of state resources for

98 delivery of the most effective continuum of services in integrated
99 statewide settings appropriate to the needs of the individual with
100 mental illness, alcohol and other drug abuse disorders, and dual
101 diagnoses.

102 (7) The commission may apply for and expend federal funds
103 made available under the federal New Freedom Commission on Mental
104 Health for State Implementation activities. The Mississippi
105 Department of Mental Health shall provide necessary administrative
106 and fiscal support for the commission.

107 (8) Within six (6) months after receiving reports and
108 recommendations from the regional planning councils established
109 under Section 2 of this act, the chair of the commission shall
110 present the plan to the Governor and the members of the
111 Legislature. The state plans shall:

112 (a) Advise the Governor and the Legislature concerning
113 the needs statewide of individuals with mental illness, alcohol
114 and other drug disorders, and dual diagnoses; and

115 (b) Advise the Governor and the Legislature on whether
116 the recommendations should be implemented by administrative
117 regulations or proposed legislation for the 2006 Regular Session.

118 (9) The commission shall review the plan annually and shall
119 submit annual updates no later than October 1 to the Governor and
120 the Legislature.

121 **SECTION 2.** (1) The regional community mental health/mental
122 retardation commissions established under Section 41-19-33 shall
123 institute regional planning councils for the purpose of conducting
124 assessment and strategic planning. The councils shall be attached
125 to the community mental health/mental retardation commissions for
126 administrative purposes.

127 (2) A member of the regional community mental health/mental
128 retardation commission shall serve as chair of the regional
129 planning council.

130 (3) The commission shall issue invitations to join the
131 council to no less than two (2) representatives from each of the
132 following groups:

- 133 (a) Family members of adults and children with mental
134 illness, alcohol and other drug abuse disorders and dual
135 diagnoses;
- 136 (b) Consumers of mental health and substance abuse
137 services;
- 138 (c) County officials and business leaders;
- 139 (d) Health departments and primary care physicians;
- 140 (e) Advocates and community organizations;
- 141 (f) Educators and school personnel;
- 142 (g) Regional interagency councils;
- 143 (h) Law enforcement and court personnel;
- 144 (i) Public and private facilities that provide services
145 for mental health and substance abuse in the region representing
146 inpatient services, outpatient services, residential service and
147 community-based supportive housing programs; and
- 148 (j) Individuals who provide mental health and substance
149 abuse services in the region.

150 (4) The regional planning councils shall meet as often as
151 necessary to accomplish their purpose.

152 (5) The regional planning councils shall:

- 153 (a) Assess in the region the needs of individuals with
154 mental illness, alcohol and other drug abuse disorders, and dual
155 diagnoses;
- 156 (b) (i) Study the regional mental health and substance
157 abuse treatment delivery system.
- 158 (ii) Assess the capacity of and gaps in the
159 existing system, including the adequacy of a safety net system;
160 and
- 161 (iii) Assess the coordination and collaboration of
162 efforts between public and private facilities and entities;

163 (c) Develop a regional strategy to increase access to
164 community-based services and supports for individuals with mental
165 illness, alcohol and other drug abuse disorders and dual
166 diagnoses. The strategies may include:

167 (i) Exploration of the use of community-based
168 treatment programs;

169 (ii) Access to funding for the most effective
170 medications;

171 (iii) Promotion of family and consumer support
172 groups statewide; and

173 (iv) Reduction of instances of criminalization of
174 individuals with mental illness, alcohol and other drug abuse
175 disorders and dual diagnoses;

176 (d) Identify funding needs;

177 (e) Evaluate the access of children and youth to mental
178 health and substance abuse services and preventive programs within
179 the region, including, but not limited to, those provided by
180 schools, family resource and youth services centers, public and
181 private mental health and substance abuse providers and
182 facilities, physical health care providers and facilities, the
183 faith community and community agencies;

184 (f) Collect and evaluate data regarding individuals
185 with mental illness, alcohol and other drug abuse disorders and
186 dual diagnoses who experience repeated hospital admissions,
187 involvement with law enforcement, courts, and the judicial system,
188 and
189 repeated referrals from hospitals to community-based services;

190 (g) Recommend an effective quality assurance and
191 consumer satisfaction monitoring program; and

192 (h) Make recommendations on each subsection of this
193 section to the commission established under Section 1 of the act
194 within eight (8) months of the effective date of this act. These

195 recommendations may be incorporated into the regional annual
196 plans.

197 **SECTION 3.** Section 41-19-33, Mississippi Code of 1972, is
198 amended as follows:

199 41-19-33. (1) Each region so designated or established
200 under Section 41-19-31 shall establish a regional commission to be
201 composed of members appointed by the boards of supervisors of the
202 various counties in said region. It shall be the duty of such
203 regional commission to administer mental health/retardation
204 programs certified by the State Board of Mental Health. In
205 addition, once designated and established as provided hereinabove,
206 a regional commission shall have the following authority and shall
207 pursue and promote the following general purposes:

208 (a) To establish, own, lease, acquire, construct,
209 build, operate and maintain mental illness, mental health, mental
210 retardation, alcoholism and general rehabilitative facilities and
211 services designed to serve the needs of the people of the region
212 so designated; provided that the services supplied by said
213 regional commissions shall include those services determined by
214 the Department of Mental Health to be necessary and may include,
215 in addition to the above, services for persons with developmental
216 and learning disabilities; for persons suffering from narcotic
217 addiction and problems of drug abuse and drug dependence; and for
218 the aging as designated and certified by the Department of Mental
219 Health.

220 (b) To provide facilities and services for the
221 prevention of mental illness, mental disorders, developmental and
222 learning disabilities, alcoholism, narcotic addiction, drug abuse,
223 drug dependence and other related handicaps or problems (including
224 the problems of the aging) among the people of the region so
225 designated, and for the rehabilitation of persons suffering from
226 such illnesses, disorders, handicaps or problems as designated and
227 certified by the Department of Mental Health.

228 (c) To promote increased understanding of the problems
229 of mental illness, mental retardation, alcoholism, developmental
230 and learning disabilities, narcotic addiction, drug abuse and drug
231 dependence and other related problems (including the problems of
232 the aging) by the people of the region, and also to promote
233 increased understanding of the purposes and methods of the
234 rehabilitation of persons suffering from such illnesses,
235 disorders, handicaps or problems as designated and certified by
236 the Department of Mental Health.

237 (d) To enter into contracts and to make such other
238 arrangements as may be necessary, from time to time, with the
239 United States government, the government of the State of
240 Mississippi and such other agencies or governmental bodies as may
241 be approved by and acceptable to the regional commission for the
242 purpose of establishing, funding, constructing, operating and
243 maintaining facilities and services for the care, treatment and
244 rehabilitation of persons suffering from mental illness, mental
245 retardation, alcoholism, developmental and learning disabilities,
246 narcotic addiction, drug abuse, drug dependence and other
247 illnesses, disorders, handicaps and problems (including the
248 problems of the aging) as designated and certified by the
249 Department of Mental Health.

250 (e) To enter into contracts and make such other
251 arrangements as may be necessary with any and all private
252 businesses, corporations, partnerships, proprietorships or other
253 private agencies, whether organized for profit or otherwise, as
254 may be approved by and acceptable to the regional commission for
255 the purpose of establishing, funding, constructing, operating and
256 maintaining facilities and services for the care, treatment and
257 rehabilitation of persons suffering from mental illness, mental
258 retardation, alcoholism, developmental and learning disabilities,
259 narcotic addiction, drug abuse, drug dependence and other
260 illnesses, disorders, handicaps and problems (including the

261 problems of the aging) relating to minimum services established by
262 the Department of Mental Health.

263 (f) To promote the general mental health of the people
264 of the region.

265 (g) To pay the administrative costs of the operation of
266 said regional commissions, including per diem for the members of
267 said commission and its employees, attorney's fees, if and when
268 such are required in the opinion of said commission, and such
269 other expenses of the commission as may be necessary. The
270 Department of Mental Health standards and audit rules shall
271 determine what administrative cost figures shall consist of for
272 the purposes of this paragraph. Each regional commission shall
273 submit a cost report annually to the Department of Mental Health
274 in accordance with guidelines promulgated by the department.

275 (h) To employ and compensate any personnel that may be
276 necessary to effectively carry out the programs and services
277 established pursuant to the provisions of the aforesaid act,
278 provided such person meets the standards established by the
279 Department of Mental Health.

280 (i) To acquire whatever hazard, casualty or workers'
281 compensation insurance that may be necessary for any property,
282 real or personal, owned, leased or rented by said commissions, or
283 any employees or personnel hired by the said commissions.

284 (j) To acquire professional liability insurance on all
285 employees as may be deemed necessary and proper by the commission,
286 and to pay, out of the funds of the commission, all premiums due
287 and payable on account thereof.

288 (k) To provide and finance within their own facilities,
289 or through agreements or contracts with other local, state or
290 federal agencies or institutions, nonprofit corporations, or
291 political subdivisions or representatives thereof, programs and
292 services for the mentally ill, including treatment for alcoholics

293 and promulgating and administering of programs to combat drug
294 abuse and the mentally retarded.

295 (l) To borrow money from private lending institutions
296 in order to promote any of the foregoing purposes. A commission
297 may pledge collateral, including real estate, to secure the
298 repayment of money borrowed under the authority of this paragraph.
299 Any such borrowing undertaken by a commission shall be on terms
300 and conditions that are prudent in the sound judgment of the
301 members of the commission, and the interest on any such loan shall
302 not exceed the amount specified in Section 75-17-105. Any money
303 borrowed, debts incurred or other obligations undertaken by a
304 commission, regardless of whether borrowed, incurred or undertaken
305 before or after the effective date of this act, shall be valid,
306 binding and enforceable if it or they are borrowed, incurred or
307 undertaken for any purpose specified in this section and otherwise
308 conform to the requirements of this paragraph.

309 (m) To acquire, own and dispose of real and personal
310 property. Any real and personal property paid for with state
311 and/or county appropriated funds must have the written approval of
312 the Department of Mental Health and/or the county board of
313 supervisors, depending on the original source of funding, before
314 being disposed of under this paragraph.

315 (n) To enter into managed care contracts and make such
316 other arrangements as may be deemed necessary or appropriate by
317 the regional commission in order to participate in any managed
318 care program. Any such contract or arrangement affecting more
319 than one (1) region must have prior written approval of the
320 Department of Mental Health before being initiated and annually
321 thereafter.

322 (o) To provide facilities and services on a discounted
323 or capitated basis. Any such action when affecting more than one
324 (1) region must have prior written approval of the Department of
325 Mental Health before being initiated and annually thereafter.

326 (p) To enter into contracts, agreements or other
327 arrangements with any person, payor, provider or other entity,
328 pursuant to which the regional commission assumes financial risk
329 for the provision or delivery of any services, when deemed to be
330 necessary or appropriate by the regional commission. Any action
331 under this paragraph affecting more than one (1) region must have
332 prior written approval of the Department of Mental Health before
333 being initiated and annually thereafter.

334 (q) To provide direct or indirect funding, grants,
335 financial support and assistance for any health maintenance
336 organization, preferred provider organization or other managed
337 care entity or contractor, where such organization, entity or
338 contractor is operated on a nonprofit basis. Any action under
339 this paragraph affecting more than one (1) region must have prior
340 written approval of the Department of Mental Health before being
341 initiated and annually thereafter.

342 (r) To form, establish, operate, and/or be a member of
343 or participant in, either individually or with one or more other
344 regional commissions, any managed care entity as defined in
345 Section 83-41-403(c). Any action under this paragraph affecting
346 more than one (1) region must have prior written approval of the
347 Department of Mental Health before being initiated and annually
348 thereafter.

349 (s) To meet at least annually with the board of
350 supervisors of each county in its region for the purpose of
351 presenting its total annual budget and total mental
352 health/retardation services system.

353 (t) To provide alternative living arrangements for
354 persons with serious mental illness, including, but not limited
355 to, group homes for the chronically mentally ill.

356 (u) To make purchases and enter into contracts for
357 purchasing in compliance with the public purchasing law, Sections

358 31-7-12 and 31-7-13, with compliance with the public purchasing
359 law subject to audit by the State Department of Audit.

360 (v) To insure that all available funds are used for the
361 benefit of the mentally ill, mentally retarded, substance abusers
362 and developmentally disabled with maximum efficiency and minimum
363 administrative cost. At any time a regional commission, and/or
364 other related organization whatever it may be, accumulates surplus
365 funds in excess of one-half (1/2) of its annual operating budget,
366 the entity must submit a plan to the Department of Mental Health
367 stating the capital improvements or other projects that require
368 such surplus accumulation. If the required plan is not submitted
369 within forty-five (45) days of the end of the applicable fiscal
370 year, the Department of Mental Health shall withhold all state
371 appropriated funds from such regional commission until such time
372 as the capital improvement plan is submitted. If the submitted
373 capital improvement plan is not accepted by the department, the
374 said surplus funds shall be expended by the regional commission in
375 the local mental health region on group homes for the mentally
376 ill, mentally retarded, substance abusers, children or other
377 mental health/retardation services approved by the Department of
378 Mental Health.

379 (w) Notwithstanding any other provision of law, to
380 fingerprint and perform a criminal history record check on every
381 employee or volunteer. Every employee or volunteer shall provide
382 a valid current social security number and/or driver's license
383 number that will be furnished to conduct the criminal history
384 record check. If no disqualifying record is identified at the
385 state level, fingerprints shall be forwarded to the Federal Bureau
386 of Investigation for a national criminal history record check.

387 (x) In general to take any action which will promote,
388 either directly or indirectly, any and all of the foregoing
389 purposes.

390 (y) To appoint regional community mental
391 health/retardation planning councils for the purpose of conducting
392 assessment and strategic planning pursuant to the provisions of
393 Section 2 of Senate Bill No. 2821, 2005 Regular Session, and in
394 compliance with federal initiatives.

395 (2) The types of services established by the State
396 Department of Mental Health that must be provided by the regional
397 mental health/retardation centers for certification by the
398 department, and the minimum levels and standards for those
399 services established by the department, shall be provided by the
400 regional mental health/retardation centers to children when such
401 services are appropriate for children, in the determination of the
402 department.

403 **SECTION 4.** This act shall take effect and be in force from
404 and after July 1, 2005, and shall stand repealed from and after
405 July 1 2009.