

By: Representatives Holland, Barnett, Banks, Davis, Flaggs, Gibbs, Malone, Markham, Read, Shows, Stevens To: Appropriations

HOUSE BILL NO. 1564 (As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR
3 2007.

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

5 SECTION 1. The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the purpose of
8 defraying the expenses of the State Department of Health for the
9 fiscal year beginning July 1, 2006, and ending June 30, 2007.....
10 \$ 32,664,735.00.

11 SECTION 2. The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the State Department
14 of Health which is comprised of special source funds collected by
15 or otherwise available to the department, for the purpose of
16 defraying the expenses of the department for the fiscal year
17 beginning July 1, 2006, and ending June 30, 2007.....
18 \$ 237,803,382.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Sections 1 and 2, Two Million Seven Hundred Three Thousand
21 Ninety-four Dollars (\$2,703,094.00) shall be derived from the
22 State General Fund and Nine Million Eight Hundred Fifty-nine
23 Thousand Five Hundred Thirteen Dollars (\$9,859,513.00) shall be
24 derived from the Health Care Expendable Fund, created in Section
25 43-13-407, Mississippi Code of 1972, for the support and
26 maintenance of the State Department of Health. The funds provided
27 in this section shall be allocated as follows:

28 Maternal and Child Health Care
 29 Program.....\$1,242,943.00
 30 Early Intervention Program.....\$ 221,954.00
 31 Health Department Programs.....\$2,219,542.00
 32 Mississippi Qualified Health
 33 Center Grant Program.....\$3,551,267.00
 34 Trauma Care System.....\$5,326,901.00

35 The State Department of Health may transfer a portion of
 36 Trauma Care System funds to the Division of Medicaid for the
 37 development and implementation of an enhanced reimbursement fee
 38 program related to trauma care and services, used to match federal
 39 funds, under a cooperative agreement between the State Department
 40 of Health and the Division of Medicaid.

41 It is the intention of the Legislature that none of the Five
 42 Million Three Hundred Twenty-six Thousand Nine Hundred One Dollars
 43 (\$5,326,901.00) authorized herein for the Trauma Care System shall
 44 be expended to the benefit of any hospital located outside the
 45 boundaries of the State of Mississippi, unless otherwise excepted
 46 in this paragraph. Further, unless otherwise excepted in this
 47 paragraph, no such out-of-state hospital shall be authorized to
 48 receive such funds until such time as the amount appropriated for
 49 such purpose shall reach an amount of Eight Million Dollars
 50 (\$8,000,000.00) or more. Funds shall be expended by the
 51 Mississippi Department of Health for distribution to the Regional
 52 Medical Center at Memphis, located in Memphis, Tennessee, for
 53 their participation in the Trauma Care System.

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

58 MAJOR OBJECTS OF EXPENDITURE:

59 Personal Services:

60 Salaries, Wages and Fringe Benefits.. \$ 102,080,841.00

61	Travel and Subsistence.....	5,801,626.00
62	Contractual Services.....	44,433,508.00
63	Commodities.....	61,611,188.00
64	Capital Outlay:	
65	Other Than Equipment.....	0.00
66	Equipment.....	6,527,620.00
67	Subsidies, Loans and Grants.....	<u>50,013,334.00</u>
68	Total.....	\$ 270,468,117.00

69 FUNDING:

70	General Funds.....	\$ 32,664,735.00
71	Special Funds.....	<u>237,803,382.00</u>
72	Total.....	\$ 270,468,117.00

73 AUTHORIZED POSITIONS:

74	Permanent: Full Time.....	1,694
75	Part Time.....	25
76	Time-Limited: Full Time.....	919
77	Part Time.....	15

78 Funds are provided herein to adjust the Variable Compensation
79 Plan to ensure that all full-time employees receive a pay increase
80 equal to the realignment component of the Variable Compensation
81 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
82 with not more than one-half (1/2) to be awarded on July 1, 2006,
83 with the remainder to be awarded on January 1, 2007.

84 With the funds herein appropriated, it is the intention of
85 the Legislature that it shall be the agency's responsibility to
86 make certain that funds required to be appropriated for "Personal
87 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
88 funds appropriated for that purpose, unless programs or positions
89 are added to the agency's Fiscal Year 2008 budget by the
90 Mississippi Legislature. Based on data provided by the
91 Legislative Budget Office, the State Personnel Board shall
92 determine and publish the projected annual cost to fully fund all
93 appropriated positions in compliance with the provisions of this

94 act. It shall be the responsibility of the agency head to insure
95 that no single personnel action increases this projected annual
96 cost and/or the Fiscal Year 2007 appropriation for "Personal
97 Services" when annualized, with the exception of escalated funds.
98 If, at the time the agency takes any action to change "Personal
99 Services," the State Personnel Board determines that the agency
100 has taken an action which would cause the agency to exceed this
101 projected annual cost or the Fiscal Year 2007 "Personal Services"
102 appropriated level, when annualized, then only those actions which
103 reduce the projected annual cost and/or the appropriation
104 requirement will be processed by the State Personnel Board until
105 such time as the requirements of this provision are met.

106 Any transfers or escalations shall be made in accordance with
107 the terms, conditions and procedures established by law or
108 allowable under the terms set forth within this act. The State
109 Personnel Board shall not escalate positions without written
110 approval from the Department of Finance and Administration. The
111 Department of Finance and Administration shall not provide written
112 approval to escalate any funds for salaries and/or positions
113 without proof of availability of new or additional funds above the
114 appropriated level.

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

119 **SECTION 5.** It is the intention of the Legislature that the
120 State Department of Health shall maintain complete accounting and
121 personnel records related to the expenditure of all funds
122 appropriated under this act and that such records shall be in the
123 same format and level of detail as maintained for Fiscal Year
124 2006. It is further the intention of the Legislature that the
125 agency's budget request for Fiscal Year 2008 shall be submitted to
126 the Joint Legislative Budget Committee in a format and level of

127 detail comparable to the format and level of detail provided
128 during the Fiscal Year 2007 budget request process.

129 **SECTION 6.** In compliance with the "Mississippi Performance
130 Budget and Strategic Planning Act of 1994," it is the intent of
131 the Legislature that the funds provided herein shall be utilized
132 in the most efficient and effective manner possible to achieve the
133 intended mission of this agency. Based on the funding authorized,
134 this agency shall make every effort to attain the targeted
135 performance measures provided below:

136		FY2007
137	<u>Performance Measures</u>	<u>Target</u>
138	Chronic Illness	
139	Home Health Patients Served (Persons)	1,769
140	Home Health Visits (Visits)	102,540
141	Hypertension Visits (Visits)	3,100
142	Diabetes Treatment Visits (Visits)	151
143	Maternal & Child Health	
144	Maternity Patients Served (Persons)	7,650
145	WIC Patients Served per Month (Persons)	105,000
146	Family Planning Patients Served (Persons)	90,000
147	Environmental Health	
148	General Sanitation Inspections (Actions)	18,070
149	Food Establishments Inspections (Actions)	28,500
150	Water Supplies Tested (Actions)	1,390
151	Disease Prevention	
152	Vaccinations Administered (Doses)	520,000
153	STD Diagnostic Treatment & Follow-up	
154	Services (Persons)	26,000
155	TB Cases & Contacts Investigated (Actions)	3,000
156	H Care Planning & Licensure	
157	CON Declaratory Opinions Issued (Actions)	200
158	Ambulance Services Lic/Permitted (Entities)	650
159	Professional Licenses Issued (Actions)	5,179

160	Support Services	
161	Percentage of Total Budget (%)	6.21
162	Bioterrorism	
163	Number of Statewide Preparedness	
164	Exercises Conducted (Number of)	5
165	Number of Emergency Preparedness and	
166	Strategic National Stockpile Trainings	5

167 A reporting of the degree to which the performance targets
168 set above have been or are being achieved shall be provided in the
169 agency's budget request submitted to the Joint Legislative Budget
170 Committee for Fiscal Year 2008.

171 **SECTION 7.** It is the intent of the Legislature that the
172 Mississippi Department of Health shall have authority to escalate
173 the various budgets in both funds and positions, with the approval
174 of the State Fiscal Officer, from any special funds collected or
175 available, in the current fiscal year or any prior fiscal year,
176 not to exceed Five Million Dollars (\$5,000,000.00), to the agency
177 for expenditure. Upon such approval, the Mississippi Department
178 of Health may expend such funds in the manner authorized by law.

179 The Executive Director of the Mississippi Department of
180 Health shall submit to the Department of Finance and
181 Administration a certified statement providing a detailed
182 explanation for any escalation, including a justification for the
183 establishment of any new positions or reclassification of existing
184 positions and the existence of any required matching funds for
185 those positions, and an assessment of the impact on the agency's
186 General Fund Budget for the three (3) fiscal years following the
187 fiscal year in which the escalation is requested.

188 **SECTION 8.** It is the intention of the Legislature that with
189 the funds provided herein, the State Department of Health may
190 provide and administer without charge, Hepatitis B vaccinations to
191 Emergency Medical Services (EMS) personnel who are in need of such
192 vaccinations through job related exposure.

193 **SECTION 9.** In addition to all other sums heretofore
194 appropriated, the following sum, or so much thereof as may be
195 necessary, is hereby appropriated out of any money in the State
196 Treasury to the credit of the Local Governments and Rural Water
197 Systems Emergency Loan Fund, and the Local Governments and Rural
198 Water System Improvements Revolving Loan Fund as authorized in
199 Chapter 521, Laws of 1995, to the State Department of Health for
200 the purpose of defraying the expenses of the Local Governments and
201 Rural Water Systems Improvements Board, for the fiscal year
202 beginning July 1, 2006, and ending June 30, 2007.....
203 \$ 28,000,000.00.

204 **SECTION 10.** Of the funds appropriated in Section 2, One
205 Million Dollars (\$1,000,000.00) shall come from the Department of
206 Human Services, Child Care Development Fund or other appropriate
207 special funds for the purpose of child care licensure. These
208 funds are to be transferred to the State Department of Health no
209 later than July 31, 2006. The State Department of Health shall
210 make a complete accounting of the uses of these funds to the
211 Department of Human Services.

212 **SECTION 11.** It is the intention of the Legislature that the
213 State Department of Health shall expend not more than Fifty
214 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
215 1 and allocated in Section 4 for providing the oil known as
216 "Lorenzo's Oil" for the treatment of the genetic disorder
217 adrenoleukodystrophy (ALD), to children and Mississippi residents
218 over the age of twenty-one (21) who have the genetic disorder
219 adrenoleukodystrophy and for whom Medicaid does not reimburse the
220 cost of providing the oil. The department may also provide needed
221 pathology and biannual MRI exams.

222 **SECTION 12.** In addition to all other funds heretofore
223 appropriated, the following sum, or so much thereof as may be
224 necessary, is hereby appropriated out of any money deposited in
225 the State Treasury from the Mississippi Tobacco Pilot Program as

226 authorized in the case Mike Moore Attorney General ex rel. State
227 of Mississippi v. The American Tobacco Company et al. (Chancery
228 Court of Jackson County, Mississippi, Cause No. 94-1429) to the
229 State Department of Health for the fiscal year beginning
230 July 1, 2006, and ending June 30, 2007..... \$ 5,000,000.00.

231 It is the intention of the Legislature that of the funds
232 appropriated in this section, an amount not less than Two Million
233 Five Hundred Thousand Dollars (\$2,500,000.00) is provided to fund
234 the School Tobacco Nurse Program.

235 **SECTION 13.** Of the funds appropriated in Section 1, Seven
236 Hundred Thousand Dollars (\$700,000.00) are provided for the
237 purpose of purchasing AIDS drugs and other necessary AIDS related
238 medical services.

239 **SECTION 14.** Of the funds appropriated in Section 1,
240 Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the
241 Southern AIDS Commission, Inc., for the purpose of providing
242 technical assistance, and providing for the expansion of education
243 on causes and prevention of HIV/AIDS, and providing delivery
244 services to persons infected with HIV. The Southern AIDS
245 Commission, Inc. shall report by February 1, 2007, to the Board of
246 Health and the Chairmen of the House and Senate Public Health
247 Committees the status of the project and all services provided.

248 **SECTION 15.** Of the funds appropriated in Sections 1 and 2,
249 and allocated in Section 3, the amounts of One Hundred Ten
250 Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be
251 allocated to the T.K. Martin Center at Mississippi State
252 University and One Hundred Ten Thousand Nine Hundred Seventy-seven
253 Dollars (\$110,977.00) shall be allocated to the Regional
254 Rehabilitation Center in Tupelo for the Early Intervention
255 Program.

256 **SECTION 16.** Of the funds appropriated herein, Fifty Thousand
257 Dollars (\$50,000.00) is provided for the Breast and Cervical
258 Cancer Program.

259 **SECTION 17.** It is the intention of the Legislature that the
260 Executive Director of the State Department of Health may authorize
261 increases in major objects of expenditure in total amounts not to
262 exceed twenty-five percent (25%) of the appropriated amount of
263 each major object of expenditure, provided that other major
264 objects of expenditure are decreased by a corresponding dollar
265 amount. However, no transfers shall be authorized which increase
266 the major object of expenditure "Salaries, Wages and Fringe
267 Benefits."

268 **SECTION 18.** In addition to all other funds heretofore
269 appropriated, the following sum, or so much thereof as may be
270 necessary, is hereby appropriated out of any money in the State
271 Treasury to the credit of the Mississippi Burn Care Fund which is
272 comprised of special source funds collected by or otherwise
273 available to the department, for the purpose of funding the
274 development of a plan for delivery of services and of providing
275 reimbursement for uncompensated medical care to Mississippi burn
276 victims through the trauma care system, for the fiscal year
277 beginning July 1, 2006, and ending June 30, 2007.....
278 \$3,000,000.00.

279 The State Department of Health shall issue any certificates
280 of need necessary to any person proposing the construction of,
281 addition of, or conversion of any beds or the expansion of any
282 health care facility for use exclusively for the treatment of burn
283 victims, and such beds shall be classified and limited to use for
284 such treatment of burn victims and may not be converted to any
285 other use and are not to be classified or included in the acute
286 care bed inventory of the state for health planning purposes. Any
287 such beds shall participate in the statewide trauma care system as
288 provided by Section 41-59-5 and be entitled to an allocation of
289 funds from the Mississippi Burn Care Fund as established by
290 Section 7-9-70. For purposes of this subsection, the provisions
291 of Section 41-7-193(1) requiring substantial compliance with the

292 projection of need as reported in the current State Health Plan
293 are waived.

294 **SECTION 19.** Of the funds appropriated in Section 1,
295 Twenty-Five Thousand Dollars (\$25,000.00) shall be provided to the
296 North Mississippi Prevention Center, for the purpose of providing
297 technical assistance, and providing for the expansion of education
298 on causes and prevention of HIV/AIDS, and providing delivery
299 services to persons infected with HIV. The North Mississippi
300 Prevention Center, shall report by February 1, 2007, to the Board
301 of Health and the Chairmen of the House and Senate Public Health
302 Committees the status of the project and all services provided.

303 **SECTION 20.** It is the intention of the Legislature that
304 whenever two (2) or more bids are received by this agency for the
305 purchase of commodities or equipment, and whenever all things
306 stated in such received bids are equal with respect to price,
307 quality and service, the Mississippi Industries for the Blind
308 shall be given preference. A similar preference shall be given to
309 the Mississippi Industries for the Blind whenever purchases are
310 made without competitive bids.

311 **SECTION 21.** The money herein appropriated shall be paid by
312 the State Treasurer out of any money in the State Treasury to the
313 credit of the proper fund or funds as set forth in this act, upon
314 warrants issued by the State Fiscal Officer; and the State Fiscal
315 Officer shall issue his warrants upon requisitions signed by the
316 proper person, officer or officers, in the manner provided by law.

317 **SECTION 22.** This act shall take effect and be in force from
318 and after July 1, 2006.