

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

HOUSE BILL NO. 1696 (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 2008.

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, 2007, and ending June 30, 2008.....

10 \$ 36,903,314.00.

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, 2007, and ending June 30, 2008.....

18 \$ 263,756,583.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Sections 1 and 2, Five Million Four Hundred Four Thousand Two
21 Hundred Seventy Dollars (\$5,404,270.00) shall be derived from the
22 State General Fund and Seven Million One Hundred Fifty-eight
23 Thousand Three Hundred Thirty-seven Dollars (\$7,158,337.00) shall
24 be derived from the Health Care Expendable Fund, created in
25 Section 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 in Section 2, Twenty
 55 Million Dollars (\$20,000,000.00) shall be derived from the Tobacco
 56 Control Program Fund, created in Senate Bill 2764, 2007 Regular
 57 Session, and shall be allocated as follows:

58 University of Mississippi Medical Center Cancer
 59 Institute.....\$ 5,000,000.00
 60 Department of Education - Mary Kirkpatrick

61 Haskell - Mary Sprayberry Public
62 School Nurse Program.....\$ 2,550,000.00
63 Attorney General's Office - Alcohol and
64 Tobacco Enforcement Unit.....\$ 800,000.00
65 Regional Medical Center at Memphis (Trauma Care)
66\$ 3,000,000.00
67 University of Mississippi Medical Center -
68 A Comprehensive Tobacco
69 Center\$ 650,000.00
70 Health Department Programs.....\$ 8,000,000.00

71 Of the funds appropriated in this section, the State
72 Department of Health is authorized to expend funds to create and
73 administer the Office of Tobacco Control within the department as
74 outlined and created in Senate Bill 2764, 2007 Regular Session.

75 **SECTION 5.** Of the funds appropriated under the provisions of
76 Sections 1 and 2, not more than the amounts set forth below shall
77 be expended for the respective major objects or purposes of
78 expenditure:

79 MAJOR OBJECTS OF EXPENDITURE:

80 Personal Services:

81 Salaries, Wages and Fringe Benefits.. \$ 113,933,806.00
82 Travel and Subsistence..... 5,861,626.00
83 Contractual Services..... 46,128,375.00
84 Commodities..... 66,191,597.00

85 Capital Outlay:

86 Other Than Equipment..... 0.00
87 Equipment..... 6,342,866.00
88 Vehicles..... 0.00
89 Wireless Communication Devices..... 1,500.00
90 Subsidies, Loans and Grants..... 62,200,127.00
91 Total..... \$ 300,659,897.00

92 FUNDING:

93 General Funds..... \$ 36,903,314.00

94	Special Funds.....	<u>263,756,583.00</u>
95	Total.....	\$ 300,659,897.00

96 AUTHORIZED POSITIONS:

97	Permanent: Full Time.....	1,603
98	Part Time.....	21
99	Time-Limited: Full Time.....	839
100	Part Time.....	11

101 Funds are provided herein to adjust the Variable Compensation
102 Plan to ensure that all full-time employees receive a pay increase
103 equal to the realignment component of the Variable Compensation
104 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
105 is greater, to be awarded on July 1, 2007.

106 With the funds herein appropriated, it is the intention of
107 the Legislature that it shall be the agency's responsibility to
108 make certain that funds required to be appropriated for "Personal
109 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
110 funds appropriated for that purpose, unless programs or positions
111 are added to the agency's Fiscal Year 2008 budget by the
112 Mississippi Legislature. Based on data provided by the
113 Legislative Budget Office, the State Personnel Board shall
114 determine and publish the projected annual cost to fully fund all
115 appropriated positions in compliance with the provisions of this
116 act. It shall be the responsibility of the agency head to insure
117 that no single personnel action increases this projected annual
118 cost and/or the Fiscal Year 2008 appropriations for "Personal
119 Services" when annualized, with the exception of escalated funds
120 and educational benchmarks. If, at the time the agency takes any
121 action to change "Personal Services", the State Personnel Board
122 determines that the agency has taken an action which would cause
123 the agency to exceed this projected annual cost or the Fiscal Year
124 2008 "Personal Services" appropriated level, when annualized, then
125 only those actions which reduce the projected annual cost and/or
126 the appropriation requirement will be processed by the State

127 Personnel Board until such time as the requirements of this
128 provision are met. On January 1, 2008, the State Personnel Board
129 will make adjustments to the structure side of the compliance
130 report based on data provided by the Legislative Budget Office in
131 order for agencies to award educational benchmarks.

132 Any transfers or escalations shall be made in accordance with
133 the terms, conditions and procedures established by law or
134 allowable under the terms set forth within this act. The State
135 Personnel Board shall not escalate positions without written
136 approval from the Department of Finance and Administration. The
137 Department of Finance and Administration shall not provide written
138 approval to escalate any funds for salaries and/or positions
139 without proof of availability of new or additional funds above the
140 appropriated level.

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

145 **SECTION 6.** It is the intention of the Legislature that the
146 State Department of Health shall maintain complete accounting and
147 personnel records related to the expenditure of all funds
148 appropriated under this act and that such records shall be in the
149 same format and level of detail as maintained for Fiscal Year
150 2007. It is further the intention of the Legislature that the
151 agency's budget request for Fiscal Year 2009 shall be submitted to
152 the Joint Legislative Budget Committee in a format and level of
153 detail comparable to the format and level of detail provided
154 during the Fiscal Year 2008 budget request process.

155 **SECTION 7.** In compliance with the "Mississippi Performance
156 Budget and Strategic Planning Act of 1994," it is the intent of
157 the Legislature that the funds provided herein shall be utilized
158 in the most efficient and effective manner possible to achieve the
159 intended mission of this agency. Based on the funding authorized,

160 this agency shall make every effort to attain the targeted
 161 performance measures provided below:

162	FY2008
163 <u>Performance Measures</u>	<u>Target</u>
164 Chronic Illness	
165 Home Health Patients Served (Persons)	984
166 Home Health Visits (Visits)	79,569
167 Hypertension Visits (Visits)	2,500
168 Diabetes Treatment Visits (Visits)	151
169 Maternal And Child Health	
170 Maternity Patients Served (Persons)	7,650
171 WIC Patients Served per Month (Persons)	105,000
172 Family Planning Patients Served (Persons)	72,011
173 Environmental Health	
174 General Sanitation Inspections (Actions)	23,299
175 Food Establishments Inspections (Actions)	29,000
176 Water Supplies Tested (Actions)	1,340
177 Disease Prevention	
178 Vaccinations Administered (Doses)	540,000
179 STD Diagnostic Treatment & Follow-up	
180 Services (Persons)	61,000
181 TB Cases & Contacts Investigated (Actions)	2,443
182 Health Care Planning And Licensure	
183 CON Declaratory Opinions Issued (Actions)	200
184 Ambulance Services Lic/Permitted (Entities)	650
185 Professional Licenses Issued (Actions)	5,185
186 Support Services	
187 Percentage of Total Budget (%)	5.98
188 Bioterrorism	
189 Number of Statewide Preparedness	
190 Exercises Conducted (Number of)	5
191 Number of Emergency Preparedness and	
192 Strategic National Stockpile Trainings	5

193 A reporting of the degree to which the performance targets
194 set above have been or are being achieved shall be provided in the
195 agency's budget request submitted to the Joint Legislative Budget
196 Committee for Fiscal Year 2009.

197 **SECTION 8.** It is the intent of the Legislature that the
198 Mississippi Department of Health shall have authority to escalate
199 the various budgets in both funds and positions, with the approval
200 of the State Fiscal Officer, from any special funds collected or
201 available, in the current fiscal year or any prior fiscal year,
202 not to exceed Five Million Dollars (\$5,000,000.00), to the agency
203 for expenditure. Upon such approval, the Mississippi Department
204 of Health may expend such funds in the manner authorized by law.

205 The Executive Director of the Mississippi Department of
206 Health shall submit to the Department of Finance and
207 Administration a certified statement providing a detailed
208 explanation for any escalation, including a justification for the
209 establishment of any new positions or reclassification of existing
210 positions and the existence of any required matching funds for
211 those positions, and an assessment of the impact on the agency's
212 General Fund Budget for the three (3) fiscal years following the
213 fiscal year in which the escalation is requested.

214 **SECTION 9.** It is the intention of the Legislature that with
215 the funds provided herein, the State Department of Health may
216 provide and administer without charge, Hepatitis B vaccinations to
217 Emergency Medical Services (EMS) personnel who are in need of such
218 vaccinations through job related exposure.

219 **SECTION 10.** In addition to all other sums heretofore
220 appropriated, the following sum, or so much thereof as may be
221 necessary, is hereby appropriated out of any money in the State
222 Treasury to the credit of the Local Governments and Rural Water
223 Systems Emergency Loan Fund, and the Local Governments and Rural
224 Water System Improvements Revolving Loan Fund as authorized in
225 Chapter 521, Laws of 1995, to the State Department of Health for

226 the purpose of defraying the expenses of the Local Governments and
227 Rural Water Systems Improvements Board, for the fiscal year
228 beginning July 1, 2007, and ending June 30, 2008.....
229 \$ 28,000,000.00.

230 **SECTION 11.** Of the funds appropriated in Section 2, One
231 Million Dollars (\$1,000,000.00) shall come from the Department of
232 Human Services, Child Care Development Fund or other appropriate
233 special funds for the purpose of child care licensure. These
234 funds are to be transferred to the State Department of Health no
235 later than July 31, 2007. The State Department of Health shall
236 make a complete accounting of the uses of these funds to the
237 Department of Human Services.

238 **SECTION 12.** It is the intention of the Legislature that the
239 State Department of Health shall expend not more than Fifty
240 Thousand Dollars (\$50,000.00) of the funds appropriated in Section
241 1 and allocated in Section 5 for providing the oil known as
242 "Lorenzo's Oil" for the treatment of the genetic disorder
243 adrenoleukodystrophy (ALD), to children and Mississippi residents
244 over the age of twenty-one (21) who have the genetic disorder
245 adrenoleukodystrophy and for whom Medicaid does not reimburse the
246 cost of providing the oil. The department may also provide needed
247 pathology and biannual MRI exams.

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

252 **SECTION 14.** Of the funds appropriated in Section 2, One
253 Million Nine Hundred Sixty Thousand Eight Hundred Eighty-one
254 Dollars (\$1,960,881.00) is provided for the Ryan White Care Grant
255 program.

256 **SECTION 15.** Of the funds appropriated in Section 1,
257 Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the
258 Southern AIDS Commission, Inc., for the purpose of providing

259 technical assistance, and providing for the expansion of education
260 on causes and prevention of HIV/AIDS, and providing delivery
261 services to persons infected with HIV. The Southern AIDS
262 Commission, Inc., shall report by February 1, 2008, to the Board
263 of Health and the Chairmen of the House and Senate Public Health
264 Committees the status of the project and all services provided.

265 **SECTION 16.** Of the funds appropriated in Section 1,
266 Twenty-Five Thousand Dollars (\$25,000.00) shall be provided to the
267 Tupelo Regional AIDS Inter-Faith Network, Inc., for the purpose of
268 providing technical assistance, providing for the expansion of
269 education on causes and prevention of HIV/AIDS, and providing
270 delivery services to persons infected with HIV. The Southern AIDS
271 Commission, Inc., shall report by February 1, 2008, to the Board
272 of Health and the Chairmen of the House and Senate Public Health
273 Committees the status of the project and all services provided.

274 **SECTION 17.** Of the funds appropriated in Sections 1 and 2,
275 and allocated in Section 3, the amounts of One Hundred Ten
276 Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be
277 allocated to the T.K. Martin Center at Mississippi State
278 University and One Hundred Ten Thousand Nine Hundred Seventy-seven
279 Dollars (\$110,977.00) shall be allocated to the Regional
280 Rehabilitation Center in Tupelo for the Early Intervention
281 Program.

282 **SECTION 18.** Of the funds appropriated herein, One Hundred
283 Fifty Thousand Dollars (\$150,000.00) is provided for the Breast
284 and Cervical Cancer Program.

285 **SECTION 19.** Of the funds appropriated in Section 2, Seven
286 Hundred Fifteen Thousand Four Hundred Seventy-five Dollars
287 (\$715,475.00) is provided for the Tuberculosis Program and Eight
288 Hundred Five Thousand One Hundred Twenty-three Dollars
289 (\$805,123.00) is provided for the Epidemiology program.

290 **SECTION 20.** It is the intention of the Legislature that the
291 Executive Director of the State Department of Health may authorize

292 increases in major objects of expenditure in total amounts not to
293 exceed twenty-five percent (25%) of the appropriated amount of
294 each major object of expenditure, provided that other major
295 objects of expenditure are decreased by a corresponding dollar
296 amount. However, no transfers shall be authorized which increase
297 the major object of expenditure "Salaries, Wages and Fringe
298 Benefits."

299 **SECTION 21.** In addition to all other funds heretofore
300 appropriated, the following sum, or so much thereof as may be
301 necessary, is hereby appropriated out of any money in the State
302 Treasury to the credit of the Mississippi Burn Care Fund which is
303 comprised of special source funds collected by or otherwise
304 available to the department, for the purpose of funding the
305 development of a plan for delivery of services and of providing
306 reimbursement for uncompensated medical care to Mississippi burn
307 victims through the trauma care system, for the fiscal year
308 beginning July 1, 2007, and ending June 30, 2008.....
309 \$3,000,000.00.

310 The State Department of Health shall issue any certificates
311 of need necessary to any person proposing the construction of,
312 addition of, or conversion of any beds or the expansion of any
313 health care facility for use exclusively for the treatment of burn
314 victims, and such beds shall be classified and limited to use for
315 such treatment of burn victims and may not be converted to any
316 other use and are not to be classified or included in the acute
317 care bed inventory of the state for health planning purposes. Any
318 such beds shall participate in the statewide trauma care system as
319 provided by Section 41-59-5 and be entitled to an allocation of
320 funds from the Mississippi Burn Care Fund as established by
321 Section 7-9-70. For purposes of this subsection, the provisions
322 of Section 41-7-193(1) requiring substantial compliance with the
323 projection of need as reported in the current State Health Plan
324 are waived.

325 **SECTION 22.** It is the intention of the Legislature that
326 whenever two (2) or more bids are received by this agency for the
327 purchase of commodities or equipment, and whenever all things
328 stated in such received bids are equal with respect to price,
329 quality and service, the Mississippi Industries for the Blind
330 shall be given preference. A similar preference shall be given to
331 the Mississippi Industries for the Blind whenever purchases are
332 made without competitive bids.

333 **SECTION 23.** Of the funds appropriated herein, the State
334 Department of Health shall review the State Health Plan using
335 current technology and data and make a report with their
336 recommendations to the Legislature by December 15, 2007. This
337 report shall be provided to the Speaker of the House and the
338 Lieutenant Governor; the Chairmen of the Senate and House
339 Appropriations Committees; and the Chairmen of the Senate Public
340 Health and Welfare Committee and the House Public Health and Human
341 Services Committee.

342 **SECTION 24.** The money herein appropriated shall be paid by
343 the State Treasurer out of any money in the State Treasury to the
344 credit of the proper fund or funds as set forth in this act, upon
345 warrants issued by the State Fiscal Officer; and the State Fiscal
346 Officer shall issue his warrants upon requisitions signed by the
347 proper person, officer or officers, in the manner provided by law.

348 **SECTION 25.** This act shall take effect and be in force from
349 and after July 1, 2007.