

**Senate Amendments to House Bill No. 1401**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

5           **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is appropriated out of any money in the State General  
7 Fund not otherwise appropriated, for the purpose of defraying the  
8 expenses of the State Department of Health for the fiscal year  
9 beginning July 1, 2021, and ending June 30, 2022.....  
10 .....\$       30,764,155.00.

11           **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is appropriated out of any money in any special fund in  
13 the State Treasury to the credit of the State Department of Health  
14 which is comprised of special source funds collected by or  
15 otherwise available to the department, for the purpose of  
16 defraying the expenses of the department for the fiscal year  
17 beginning July 1, 2021, and ending June 30, 2022.....  
18 .....\$       395,576,435.00.

19           **SECTION 3.** Of the funds appropriated under the provisions of  
20 Sections 1 and 2, Five Hundred Twenty-six Thousand One Hundred Two  
21 Dollars (\$526,102.00) shall be derived from the State General Fund

22 and Nine Million One Hundred Seventy-eight Thousand Seven Hundred  
23 Eighty-three Dollars (\$9,178,783.00) shall be derived from the  
24 Health Care Expendable Fund, created in Section 43-13-407,  
25 Mississippi Code of 1972, for the support and maintenance of the  
26 State Department of Health. The funds provided in this section  
27 shall be allocated as follows:

28	Maternal and Child Health Care	
29	Program.....	\$ 1,242,943.00
30	Early Intervention Program and/or Child Therapeutic	
31	Services.....	\$ 188,661.00
32	Health Department Programs.....	\$ 8,273,281.00

33 **SECTION 4.** Of the funds appropriated in this act,  
34 Twenty-eight Million Dollars (\$28,000,000.00) is allocated to the  
35 Trauma Care System. Of the General Fund court assessments  
36 provided in Section 1, Seven Million Twenty-three Thousand One  
37 Hundred Ninety-seven Dollars (\$7,023,197.00) shall be allocated  
38 for Trauma Care Systems and One Million Eight Hundred Five  
39 Thousand Eight Hundred Fifty-nine Dollars (\$1,805,859.00) shall be  
40 allocated for Emergency Medical Services. All additional funds  
41 are appropriated in Section 2. The State Department of Health may  
42 transfer a portion of Trauma Care System funds to the Division of  
43 Medicaid for the development and implementation of an enhanced  
44 reimbursement fee program related to trauma care and services,  
45 used to match federal funds, under a cooperative agreement between  
46 the State Department of Health and the Division of Medicaid.

47 It is the intention of the Legislature that none of the funds  
48 authorized herein for the Trauma Care System shall be expended to  
49 the benefit of any hospital located outside the boundaries of the  
50 State of Mississippi, unless otherwise excepted in this paragraph.  
51 Funds shall be expended by the Mississippi Department of Health  
52 for distribution to the Regional Medical Center or Le Bonheur  
53 Children's Hospital at Memphis, located in Memphis, Tennessee, or  
54 the University of South Alabama Medical Center located in Mobile,  
55 Alabama, or the Joseph M. Still Burn Centers, Inc., located in  
56 Augusta, Georgia, or the Joseph M. Still Burn and Reconstruction  
57 Center at Merit Health Central or any affiliates or any other  
58 Level 1 Trauma Center, or Tertiary Pediatric Trauma Center that  
59 participates in the Mississippi Trauma Care System, as determined  
60 by the Mississippi Department of Health.

61 **SECTION 5.** Of the funds appropriated in Section 2, Twenty  
62 Million Dollars (\$20,000,000.00) shall be derived from the Tobacco  
63 Control Program Fund, created in Section 41-113-11, Mississippi  
64 Code of 1972, and shall be allocated as follows:

65 University of Mississippi Medical Center Cancer  
66 Institute.....\$ 4,250,000.00  
67 Department of Education - Mary Kirkpatrick Haskell -  
68 Mary Sprayberry Public School  
69 Nurse Program.....\$ 3,060,000.00  
70 Attorney General's Office - Alcohol and  
71 Tobacco Enforcement Unit.....\$ 680,000.00  
72 University of Mississippi Medical Center -

73           A Comprehensive Tobacco  
74           Center.....\$    595,000.00  
75       Mississippi Health Care Alliance - ST Elevated  
76           Myocardial Infarction Program (STEMI).....\$    382,500.00  
77       Mississippi Qualified Health  
78           Center Grant Program.....\$  3,400,000.00  
79       Mississippi Health Care Alliance for the  
80           Stroke System of Care Plan.....\$    212,500.00  
81       Mississippi Health Department Programs.....\$  7,420,000.00

82       Of the funds appropriated in this section, the State  
83       Department of Health is authorized to expend funds to create and  
84       administer the Office of Tobacco Control within the department as  
85       outlined and created in Section 41-113-3, Mississippi Code of  
86       1972.

87       **SECTION 6.** Of the funds appropriated in Section 1, Five  
88       Hundred Fifty-eight Thousand Seven Hundred Ninety-five Dollars  
89       (\$558,795.00) shall be allocated as follows:

90       Mississippi Health Care Alliance - ST  
91           Elevated Myocardial Infarction  
92           Program (STEMI).....\$    139,700.00.  
93       Mississippi Health Care Alliance for  
94           the Stroke System of Care Plan.....\$    139,700.00.  
95       Mississippi Qualified Health Center  
96           Grant Program.....\$     55,880.00.  
97       Mississippi Health Department Programs.....\$    223,515.00.

98           **SECTION 7.** Of the funds appropriated under the provisions of  
99 this act, the following positions are authorized:

100       AUTHORIZED POSITIONS:

101	Permanent:	Full Time.....	893
102		Part Time.....	4
103	Time-Limited:	Full Time.....	1,209
104		Part Time.....	4

105           With the funds herein appropriated, it shall be the agency's  
106 responsibility to make certain that funds required to be  
107 appropriated for "Personal Services" for Fiscal Year 2023 do not  
108 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
109 programs or positions are added to the agency's Fiscal Year 2022  
110 budget by the Mississippi Legislature. Based on data provided by  
111 the Legislative Budget Office, the State Personnel Board shall  
112 determine and publish the projected annual cost to fully fund all  
113 appropriated positions in compliance with the provisions of this  
114 act. Absent a special situation or circumstance approved by the  
115 State Personnel Board, or unless otherwise authorized by this act,  
116 no state agency shall take any action to promote or otherwise  
117 award salary increases through reallocation or realignment. If  
118 the State Personnel Board determines a special situation or  
119 circumstance exists and approves an action, then the agency and  
120 the State Personnel Board shall provide a monthly report of each  
121 action approved by the State Personnel Board to the chairmen of  
122 the Accountability, Efficiency and Transparency Committees of the  
123 Senate and House of Representatives and the chairmen of the

124 Appropriations Committees of the Senate and House of  
125 Representatives. It shall be the responsibility of the agency  
126 head to ensure that no single personnel action increases this  
127 projected annual cost and/or the Fiscal Year 2022 appropriations  
128 for "Personal Services" when annualized, with the exception of  
129 escalated funds and the award of benchmarks. If, at the time the  
130 agency takes any action to change "Personal Services," the State  
131 Personnel Board determines that the agency has taken an action  
132 which would cause the agency to exceed this projected annual cost  
133 or the Fiscal Year 2022 "Personal Services" appropriated level,  
134 when annualized, then only those actions which reduce the  
135 projected annual cost and/or the appropriation requirement will be  
136 processed by the State Personnel Board until such time as the  
137 requirements of this provision are met.

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

147 No general funds authorized to be expended herein shall be  
148 used to replace federal funds and/or other special funds which are

149 being used for salaries authorized under the provisions of this  
150 act and which are withdrawn and no longer available.

151 None of the funds herein appropriated shall be used in  
152 violation of Internal Revenue Service's Publication 15-A relating  
153 to the reporting of income paid to contract employees, as  
154 interpreted by the Office of the State Auditor.

155 **SECTION 8.** It is the intention of the Legislature that the  
156 State Department of Health shall maintain complete accounting and  
157 personnel records related to the expenditure of all funds  
158 appropriated under this act and that such records shall be in the  
159 same format and level of detail as maintained for Fiscal Year  
160 2021. It is further the intention of the Legislature that the  
161 agency's budget request for Fiscal Year 2023 shall be submitted to  
162 the Joint Legislative Budget Committee in a format and level of  
163 detail comparable to the format and level of detail provided  
164 during the Fiscal Year 2022 budget request process.

165 **SECTION 9.** In compliance with the "Mississippi Performance  
166 Budget and Strategic Planning Act of 1994," it is the intent of  
167 the Legislature that the funds provided herein shall be utilized  
168 in the most efficient and effective manner possible to achieve the  
169 intended mission of this agency. Based on the funding authorized,  
170 this agency shall make every effort to attain the targeted  
171 performance measures provided below:

172		FY2022
173	<u>Performance Measures</u>	<u>Target</u>
174	Health Services	

175	State infant mortality rate (per 1,000	
176	live births)	8.20
177	Percentage of women who received	
178	prenatal care in first trimester	73.40
179	Percentage of live births delivered	
180	prior to 37 weeks of gestation	12.00
181	Teenage birth rate age 15-19 years (live	
182	births per 1,000 women age 15-19)	22.90
183	Percentage of newborns with positive and	
184	inconclusive genetic screens who	
185	received recommended follow-up	100.00
186	Percentage of adults who are obese (Body	
187	Mass Index of 30 or more, regardless of	
188	sex)	42.20
189	Health Protection	
190	Percentage of Mississippi population	
191	receiving water from a public water	
192	supply	92.00
193	Percentage of Mississippi population	
194	receiving optimally fluoridated water	59.00
195	Transfer time of Level III and IV trauma	
196	centers to appropriate facilities for	
197	treatment (minutes)	130
198	Communicable Disease	
199	Primary and Secondary Syphilis: Case	
200	rate per 100,000	23.50



201	Tuberculosis: Number of cases	55
202	Tuberculosis: Case rate per 100,000	1.75
203	HIV Disease: Number of cases	450
204	HIV Disease: Case rate per 100,000	15.10
205	Rate of two year old children fully	
206	immunized (National Immunization Survey:	
207	4:3:1:3:3:1:4 series - 19 to 35 months)	76.00
208	Tobacco Control	
209	Percentage of current smokers among	
210	public middle school students	2.60
211	Percentage of current smokers among	
212	public high school students	6.10
213	Percentage of current smokers among	
214	adults 18 years and older	19.80
215	Public Health Emerg Prep/resp	
216	Time required for command staff to	
217	report to Emergency Operations Center in	
218	response to a national or man-made	
219	disaster (minutes)	20
220	Admin & Support Services	
221	Percentage of Mississippi population	
222	living in an area designated as a Health	
223	Professional Shortage Area: Mental	
224	Health	79.00
225	Percentage of Mississippi population	
226	living in an area designated as a Health	

227 Professional Shortage Area: Dental 46.00  
 228 Percentage of Mississippi population  
 229 living in an area designated as a Health  
 230 Professional Shortage Area: Primary  
 231 Care 46.00

232 A reporting of the degree to which the performance targets  
 233 set above have been or are being achieved shall be provided in the  
 234 agency's budget request submitted to the Joint Legislative Budget  
 235 Committee for Fiscal Year 2023.

236 **SECTION 10.** It is the intention of the Legislature that with  
 237 the funds provided herein, the State Department of Health may  
 238 provide and administer without charge, Hepatitis B vaccinations to  
 239 Emergency Medical Services (EMS) personnel who are in need of such  
 240 vaccinations through job related exposure.

241 **SECTION 11.** In addition to all other sums heretofore  
 242 appropriated, the following sum, or so much thereof as may be  
 243 necessary, is appropriated out of any money in the State Treasury  
 244 to the credit of the Local Governments and Rural Water Systems  
 245 Emergency Loan Fund, and the Local Governments and Rural Water  
 246 System Improvements Revolving Loan Fund as authorized in Chapter  
 247 521, Laws of 1995, to the State Department of Health for the  
 248 purpose of defraying the expenses of the Local Governments and  
 249 Rural Water Systems Improvements Board, for the fiscal year  
 250 beginning July 1, 2021, and ending June 30, 2022.....  
 251 .....\$ 34,342,704.00.

252           **SECTION 12.** Of the funds appropriated in Section 2, One  
253 Million Dollars (\$1,000,000.00) shall come from the Department of  
254 Human Services, Child Care Development Fund or other appropriate  
255 special funds for the purpose of child care licensure. These  
256 funds are to be transferred to the State Department of Health no  
257 later than July 31, 2021. The State Department of Health shall  
258 make a complete accounting of the uses of these funds to the  
259 Department of Human Services.

260           **SECTION 13.** It is the intention of the Legislature that the  
261 State Department of Health shall expend not more than Fifty  
262 Thousand Dollars (\$50,000.00) of the funds appropriated herein for  
263 providing the oil known as "Lorenzo's Oil" for the treatment of  
264 the genetic disorder adrenoleukodystrophy (ALD), to children and  
265 Mississippi residents over the age of twenty-one (21) who have the  
266 genetic disorder adrenoleukodystrophy and for whom Medicaid does  
267 not reimburse the cost of providing the oil. The department may  
268 also provide needed pathology and biannual MRI exams.

269           **SECTION 14.** Of the funds appropriated in Section 1, Seven  
270 Hundred Thousand Dollars (\$700,000.00) are provided for the  
271 purpose of purchasing AIDS drugs and other necessary AIDS related  
272 medical services.

273           **SECTION 15.** Of the funds appropriated herein, Twenty-one  
274 Thousand Two Hundred Fifty Dollars (\$21,250.00) shall be provided  
275 to the Southern AIDS Commission, Inc., for the purpose of  
276 providing technical assistance, and providing for the expansion of  
277 education on causes and prevention of HIV/AIDS, and providing

278 delivery services to persons infected with HIV. The Southern AIDS  
279 Commission, Inc., shall report by February 1, 2022, to the Board  
280 of Health and the Chairmen of the House and Senate Public Health  
281 Committees the status of the project and all services provided.

282       **SECTION 16.** Of the funds appropriated herein, Twenty-one  
283 Thousand Two Hundred Fifty Dollars (\$21,250.00) shall be provided  
284 to the North Mississippi Health Care Foundation Restricted Fund,  
285 for the purpose of providing technical assistance, providing for  
286 the expansion of education on causes and prevention of HIV/AIDS,  
287 and providing delivery services to persons infected with HIV. The  
288 North Mississippi Health Care Foundation shall report by February  
289 1, 2022, to the Board of Health and the Chairmen of the House and  
290 Senate Public Health Committees the status of the project and all  
291 services provided.

292       **SECTION 17.** Of the funds appropriated herein, Eight Thousand  
293 Five Hundred Dollars (\$8,500.00) shall be provided to the AIDS  
294 Services Coalition, Inc., for the purpose of providing housing  
295 assistance, outreach, prevention services and supportive services  
296 to persons infected with HIV. The AIDS Service Coalition, Inc.,  
297 shall report by February 1, 2022, to the Board of Health and the  
298 Chairmen of the House and Senate Public Health Committees the  
299 status of the project and all services provided.

300       **SECTION 18.** Of the funds appropriated herein, the amounts of  
301 Ninety-four Thousand Three Hundred Thirty Dollars (\$94,330.00)  
302 shall be allocated to the T.K. Martin Center at Mississippi State  
303 University and Ninety-four Thousand Three Hundred Thirty Dollars

304 (\$94,330.00) shall be allocated to the Regional Rehabilitation  
305 Center in Tupelo for the Early Intervention Program and/or Child  
306 Therapeutic Services.

307 **SECTION 19.** Of the funds appropriated herein, Two Hundred  
308 Thousand Dollars (\$200,000.00) is provided for the Breast and  
309 Cervical Cancer Program.

310 **SECTION 20.** In addition to all other funds heretofore  
311 appropriated, the following sum, or so much thereof as may be  
312 necessary, is appropriated out of any money in the State Treasury  
313 to the credit of the Mississippi Burn Care Fund which is comprised  
314 of special source funds collected by or otherwise available to the  
315 department, for the purpose of funding reimbursement for  
316 uncompensated medical care to Mississippi burn victims through the  
317 trauma care system at in-state burn facilities including the  
318 Joseph M. Still Burn and Reconstruction Center at Merit Health  
319 Central or for uncompensated aero medical transportation to  
320 out-of-state qualified United States Burn Care facilities, and  
321 such other provisions necessary to provide burn care for  
322 Mississippi residents, including reimbursement for travel,  
323 lodgings, meals and other reasonable travel-related expenses  
324 incurred by burn victims, family members and/or caregivers, for  
325 the fiscal year beginning July 1, 2021, and ending June 30, 2022..  
326 .....\$ 1,000,000.00.

327 **SECTION 21.** Of the funds appropriated in Section 20, the  
328 Mississippi Department of Health may provide upon mutual agreement  
329 Twenty-five Thousand Dollars (\$25,000.00) for the Mississippi

330 Firefighters Memorial Burn Association. These funds are to be  
331 used for monetary support of Mississippi burn victims for travel  
332 and other expenses to the Joseph M. Still Burn Center in Georgia,  
333 or the Joseph M. Still Burn and Reconstruction Center at Merit  
334 Health Central.

335 **SECTION 22.** It is the intention of the Legislature that  
336 whenever two (2) or more bids are received by this agency for the  
337 purchase of commodities or equipment, and whenever all things  
338 stated in such received bids are equal with respect to price,  
339 quality and service, the Mississippi Industries for the Blind  
340 shall be given preference. A similar preference shall be given to  
341 the Mississippi Industries for the Blind whenever purchases are  
342 made without competitive bids.

343 **SECTION 23.** It is the intention of the Legislature that the  
344 Mississippi Department of Health shall implement same day service  
345 to receive birth and death certificates.

346 **SECTION 24.** It is the intention of the Legislature that the  
347 Mississippi State Department of Health shall provide the Joint  
348 Legislative Budget Committee a report of all grants received by  
349 September 15, 2021. This notification will consist of the name of  
350 the grant and agency or nonprofit making the award, the award  
351 amount, and a short list of goals to be achieved.

352 **SECTION 25.** It is the intention of the Legislature that the  
353 Mississippi State Department of Health shall be the fiscal agent  
354 in all allowable grants awarded.

355           **SECTION 26.** Of the funds appropriated in Section 2, Seven  
356 Hundred Thousand Dollars (\$700,000.00) shall come from the  
357 Department of Education for the purpose of maintenance of effort  
358 for the Early Intervention Program. These funds are to be  
359 transferred to the State Department of Health no later than  
360 December 31, 2021. The State Department of Health shall make a  
361 complete accounting of the uses of these funds to the Department  
362 of Education.

363           **SECTION 27.** The Mississippi Department of Health is  
364 authorized to obtain a line of credit through the State Treasurer  
365 from the Working Cash-Stabilization Fund or any other special  
366 source funds maintained in the State Treasury in an amount not  
367 exceeding Ten Million Dollars (\$10,000,000.00) to fund shortfalls  
368 which, from time to time, may occur due to insufficient working  
369 cash spent in anticipation of receiving federal reimbursement.  
370 The length of indebtedness under this provision shall not carry  
371 past the end of the quarter following the loan origination. Loan  
372 proceeds shall be received by the State Treasurer and shall be  
373 placed in a Mississippi Department of Health designated special  
374 fund account. The division may pledge as security for such  
375 interim financing future funds that will be received by the  
376 division. Any such loans shall be repaid from the first available  
377 funds received by the department in the manner of and subject to  
378 the same terms provided in this section.

379           **SECTION 28.** It is the intention of the Legislature that the  
380 funds herein appropriated shall be expended in compliance with

381 Section 27-104-25, Mississippi Code of 1972, that no state agency  
382 shall incur obligations or indebtedness in excess of their  
383 appropriation and that the responsible officers, either personally  
384 or upon their official bonds, shall be held responsible for  
385 actions contrary to this provision.

386         **SECTION 29.** With the funds appropriated herein, it is the  
387 intention of the Legislature that the Mississippi Department of  
388 Health is authorized to set the compensation of all nurse PINs,  
389 Epidemiologists and Disease Intervention Specialist Series based  
390 on the education and experience of the incumbent not to exceed the  
391 end salary as established by the State Personnel Board.

392         **SECTION 30.** It is the intent of the Legislature that the  
393 Chairman of the Board of Health may appoint an official  
394 replacement or representative with voting privileges to the  
395 Advisory Board of the Office of Mississippi Physician Workforce.

396         **SECTION 31.** It is the intention of the Legislature that the  
397 State Health Officer shall have the authority to transfer cash  
398 from one special fund treasury fund to another special fund  
399 treasury fund under the control of the Department of Health. It  
400 is further the intention of the Legislature that the State Health  
401 Officer shall submit written justification for the transfer to the  
402 Legislative Budget Office and the Department of Finance and  
403 Administration on or before the fifteenth of the month prior to  
404 the effective date of the transfer.

405         **SECTION 32.** Of the funds appropriated in Section 1, it is  
406 the intention of the Legislature that Eight Hundred Fifty-nine



407 Thousand Nine Hundred Three Dollars (\$859,903.00) shall be  
408 allocated to the Domestic Violence program that is supported from  
409 General Fund court assessments.

410 **SECTION 33.** It is the intent of the Legislature that the  
411 Mississippi State Department of Health shall have authority to  
412 escalate the various budgets in both funds and positions, with the  
413 approval of the State Fiscal Officer, from any special funds  
414 collected or available for HIV medical or support services,  
415 clinical quality management, and administrative expenses not to  
416 exceed Five Million Dollars (\$5,000,000.00), to the agency for  
417 expenditure. Upon such approval, the Mississippi State Department  
418 of Health may expend such funds in the manner authorized by law.

419 The Executive Director of the Mississippi State Department of  
420 Health shall submit to the Department of Finance and  
421 Administration a certified statement providing a detailed  
422 explanation for any escalation, including a justification for the  
423 establishment of any new positions or reclassification of existing  
424 positions.

425 **SECTION 34.** The money herein appropriated shall be paid by  
426 the State Treasurer out of any money in the State Treasury to the  
427 credit of the proper fund or funds as set forth in this act, upon  
428 warrants issued by the State Fiscal Officer; and the State Fiscal  
429 Officer shall issue his warrants upon requisitions signed by the  
430 proper person, officer or officers, in the manner provided by law.

431 **SECTION 35.** This act shall take effect and be in force from  
432 and after July 1, 2021, and shall stand repealed June 29, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 2022.

SS15\HB1401A.J

Eugene S. Clarke  
Secretary of the Senate