

By: Representatives Creekmore IV, Lancaster,
Miles, Felsher, McCarty

To: Judiciary B; Ways and
Means

HOUSE BILL NO. 1222
(As Sent to Governor)

1 AN ACT TO CREATE "THE MISSISSIPPI COLLABORATIVE RESPONSE TO
2 MENTAL HEALTH ACT"; TO REQUIRE EACH MUNICIPAL AND COUNTY LAW
3 ENFORCEMENT AGENCY TO PROVIDE MENTAL HEALTH FIRST-AID TRAINING
4 THAT IS EVIDENCE-BASED AND APPROVED BY THE DEPARTMENT OF MENTAL
5 HEALTH; TO REQUIRE EACH MUNICIPAL AND COUNTY LAW ENFORCEMENT
6 AGENCY TO HAVE AT LEAST ONE CRISIS INTERVENTION TRAINED OFFICER BY
7 A CERTAIN DATE; TO PROVIDE THAT AN AGENCY WHICH EMPLOYS LESS THAN
8 FIVE LAW ENFORCEMENT OFFICERS MAY EXECUTE AN AGREEMENT WITH ONE OR
9 MORE LAW ENFORCEMENT AGENCIES TO HAVE A CRISIS INTERVENTION TEAM
10 OFFICER SERVE AS THE OFFICER FOR THAT AGENCY; TO CREATE NEW
11 SECTION 41-21-77.1, MISSISSIPPI CODE OF 1972, TO REQUIRE COURT
12 LIAISONS FOR CERTAIN COUNTIES; TO AMEND SECTION 41-4-3,
13 MISSISSIPPI CODE OF 1972, TO REVISE THE TERMS OF THE MEMBERS OF
14 THE STATE BOARD OF MENTAL HEALTH; TO AMEND SECTION 41-19-31,
15 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISION WHICH
16 REGULATED REGIONAL COMMISSIONS TO THIS ACT; TO AMEND SECTION
17 41-19-33, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH REGIONAL
18 COMMISSION TO EMPLOY OR CONTRACT WITH AN ACCOUNTANT TO MANAGE ITS
19 FINANCES; TO REQUIRE THE ACCOUNTANT TO PROVIDE AN ANNUAL AUDIT IN
20 ADDITION TO OTHER DUTIES; TO PROVIDE QUALIFICATIONS FOR MEMBERS OF
21 THE BOARD; TO AMEND SECTION 41-19-35, MISSISSIPPI CODE OF 1972, TO
22 PROVIDE THAT MEMBERS OF THE REGIONAL COMMISSION SHALL SERVE AT THE
23 WILL AND PLEASURE OF THE APPOINTING BOARD OF SUPERVISORS; TO
24 REQUIRE THE COMMISSIONERS TO ATTEND CERTAIN TRAININGS AS A
25 CONDITION TO REMAINING A COMMISSIONER; TO REQUIRE REMOVAL OF ANY
26 COMMISSIONER WHO FAILS TO ATTEND CERTAIN TRAININGS PROVIDED BY THE
27 DEPARTMENT OF MENTAL HEALTH UNLESS ALTERNATE ARRANGEMENTS ARE
28 MADE; TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972, TO
29 REQUIRE THE CHANCERY CLERK TO MAINTAIN A RECORD FOR THE NUMBER OF
30 PERSONS ORDERED FOR ADMISSION TO A TREATMENT FACILITY, THE NUMBER
31 OF HEARINGS TO DETERMINE WHETHER A PERSON SHOULD BE ADMITTED AND
32 THE NUMBER OF AFFIDAVITS FILED FOR PURPOSES OF ADMITTING A PERSON
33 TO A TREATMENT FACILITY; TO AMEND SECTION 41-4-7, MISSISSIPPI CODE
34 OF 1972, TO REVISE THE POWERS AND DUTIES OF THE STATE BOARD OF



35 MENTAL HEALTH; TO REQUIRE LAW ENFORCEMENT OFFICERS TO TRANSPORT
36 PERSONS IN CRISIS TO THE APPROPRIATE HEALTHCARE FACILITY AT THE
37 REQUEST OF THE CRISIS INTERVENTION TEAM; TO PROVIDE THAT ON OR
38 BEFORE DECEMBER 1, 2023, EACH COUNTY SHALL REPORT TO THE
39 DEPARTMENT OF MENTAL HEALTH DATA RELATING TO THE PLACEMENT OF
40 INDIVIDUALS BOTH BEFORE AN INVOLUNTARY CIVIL COMMITMENT
41 PROCEEDING, AND AFTER A HEARING WHERE AN INVOLUNTARY COMMITMENT
42 ORDER HAS BEEN ENTERED; TO PROVIDE THAT AFTER MAKING EXPENDITURES
43 OF AT LEAST \$2,500,000.00 EACH YEAR TO PROVIDE FUNDING FOR COUNTY
44 AND MUNICIPAL LAW ENFORCEMENT TRAINING AND COURT LIAISONS, THE
45 DEPARTMENT OF MENTAL HEALTH MAY EXPEND ANY ADDITIONAL FUNDS TO
46 PROVIDE GRANTS TO COMMUNITY MENTAL HEALTH CENTERS FOR THE PURPOSE
47 OF INCREASING HOUSING FOR PATIENTS; TO PROVIDE THAT THE DEPARTMENT
48 OF MENTAL HEALTH SHALL HAVE ALL POWERS NECESSARY TO IMPLEMENT AND
49 ADMINISTER THE PROGRAM, AND THE DEPARTMENT SHALL PROMULGATE RULES
50 AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE ACT; AND
51 FOR RELATED PURPOSES.

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

53 **SECTION 1.** This act shall be known and may be cited as "The
54 Mississippi Collaborative Response to Mental Health Act."

55 **SECTION 2.** (1) Each county and municipal law enforcement
56 agency shall provide Mental Health First Aid training that is
57 evidence-based and approved by the Department of Mental Health to
58 all law enforcement officers who are employed or contracted by the
59 agency by July 1, 2031.

60 (2) On or before July 1, 2025, each county and municipal law
61 enforcement agency shall employ at least one (1) law enforcement
62 officer who is a Crisis Intervention Team Officer, as defined in
63 Section 41-21-131. An agency which employs fewer than five (5)
64 law enforcement officers may execute an agreement with one or more
65 other law enforcement agencies to have a Crisis Intervention Team
66 officer to serve as the officer for that agency.

67 **SECTION 3.** The following shall be codified as Section
68 41-21-77.1, Mississippi Code of 1972:



69 41-21-77.1. Subject to appropriation by the Legislature, the
70 Department of Mental Health shall provide funding to each
71 community mental health center to allow the center to designate
72 court liaisons for the counties in its service area.

73 **SECTION 4.** Section 41-4-3, Mississippi Code of 1972, is
74 amended as follows:

75 41-4-3. (1) There is created a State Board of Mental
76 Health, referred to in this chapter as "board," consisting of nine
77 (9) members, to be appointed by the Governor, with the advice and
78 consent of the Senate, each of whom shall be a qualified elector.
79 One (1) member shall be appointed from each congressional district
80 as presently constituted; and four (4) members shall be appointed
81 from the state at large, one (1) of whom shall be a licensed
82 medical doctor who is a psychiatrist, one (1) of whom shall hold a
83 Ph.D. degree and be a licensed clinical psychologist, one (1) of
84 whom shall be a licensed medical doctor, and one (1) of whom shall
85 be a social worker with experience in the mental health field.

86 No more than two (2) members of the board shall be appointed
87 from any one (1) congressional district as presently constituted.

88 Each member of the initial board shall serve for a term of
89 years represented by the number of his congressional district; two
90 (2) state at large members shall serve for a term of six (6)
91 years; two (2) state at large members shall serve for a term of
92 seven (7) years; subsequent appointments shall be for seven-year



93 terms and the Governor shall fill any vacancy for the unexpired
94 term.

95 The board shall elect a chairman whose term of office shall
96 be one (1) year and until his successor shall be elected.

97 (2) Each board member shall be entitled to a per diem as is
98 authorized by law and all actual and necessary expenses, including
99 mileage as provided by law, incurred in the discharge of official
100 duties.

101 (3) The board shall hold regular meetings quarterly and such
102 special meetings deemed necessary, except that no action shall be
103 taken unless there is present a quorum of at least five (5)
104 members.

105 (4) No board member may be appointed for more than two (2)
106 consecutive terms. For purposes of counting terms of any board
107 member, when the term ends for any board member who is a member of
108 the board as of the effective date of this act, the end of such
109 term shall be considered the person's first term. If any person
110 who is a member of the board as of the effective date of this act
111 is re-appointed after the expiration of his or her term, such
112 succeeding term shall be considered the second term and such
113 person shall not be re-appointed to the board without a break in
114 service.

115 **SECTION 5.** Section 41-19-31, Mississippi Code of 1972, is
116 amended as follows:



117 41-19-31. For the purpose of authorizing the establishment
118 of mental illness and intellectual disability facilities and
119 services in the State of Mississippi, the boards of supervisors of
120 one or more counties are authorized to act singularly or as a
121 group in the selection of a regional district by spreading upon
122 their minutes by resolution such designation in conformity with
123 this act.

124 **SECTION 6.** Section 41-19-33, Mississippi Code of 1972, is
125 amended as follows:

126 41-19-33. (1) Each region so designated or established
127 under Section 41-19-31 shall establish a regional commission to be
128 composed of members appointed by the boards of supervisors of the
129 various counties in the region. Each regional commission shall
130 employ or contract with an accountant for the purpose of managing
131 the finances of the commission. The accountant shall provide an
132 annual audit to the commission in addition to his or her other
133 duties. It shall be the duty of such regional commission to
134 administer mental health/intellectual disability programs
135 certified and required by the State Board of Mental Health and as
136 specified in Section 41-4-1(2). In addition, once designated and
137 established as provided hereinabove, a regional commission shall
138 have the following authority and shall pursue and promote the
139 following general purposes:

140 (a) To establish, own, lease, acquire, construct,
141 build, operate and maintain mental illness, mental health,



142 intellectual disability, alcoholism and general rehabilitative
143 facilities and services designed to serve the needs of the people
144 of the region so designated, provided that the services supplied
145 by the regional commissions shall include those services
146 determined by the Department of Mental Health to be necessary and
147 may include, in addition to the above, services for persons with
148 developmental and learning disabilities; for persons suffering
149 from narcotic addiction and problems of drug abuse and drug
150 dependence; and for the aging as designated and certified by the
151 Department of Mental Health. Such regional mental health and
152 intellectual disability commissions and other community service
153 providers shall, on or before July 1 of each year, submit an
154 annual operational plan to the Department of Mental Health for
155 approval or disapproval based on the minimum standards and minimum
156 required services established by the department for certification
157 and itemize the services as specified in Section 41-4-1(2),
158 including financial statements. As part of the annual operation
159 plan required by Section 41-4-7(h) submitted by any regional
160 community mental health center or by any other reasonable
161 certification deemed acceptable by the department, the community
162 mental health center shall state those services specified in
163 Section 41-4-1(2) that it will provide and also those services
164 that it will not provide. If the department finds deficiencies in
165 the plan of any regional commission or community service provider
166 based on the minimum standards and minimum required services



167 established for certification, the department shall give the
168 regional commission or community service provider a six-month
169 probationary period to bring its standards and services up to the
170 established minimum standards and minimum required services. The
171 regional commission or community service provider shall develop a
172 sustainability business plan within thirty (30) days of being
173 placed on probation, which shall be signed by all commissioners
174 and shall include policies to address one or more of the
175 following: the deficiencies in programmatic services, clinical
176 service staff expectations, timely and appropriate billing,
177 processes to obtain credentialing for staff, monthly reporting
178 processes, third-party financial reporting and any other required
179 documentation as determined by the department. After the
180 six-month probationary period, if the department determines that
181 the regional commission or community service provider still does
182 not meet the minimum standards and minimum required services
183 established for certification, the department may remove the
184 certification of the commission or provider, and from and after
185 July 1, 2011, the commission or provider shall be ineligible for
186 state funds from Medicaid reimbursement or other funding sources
187 for those services. After the six-month probationary period, the
188 Department of Mental Health may identify an appropriate community
189 service provider to provide any core services in that county that
190 are not provided by a community mental health center. However,
191 the department shall not offer reimbursement or other



192 accommodations to a community service provider of core services
193 that were not offered to the decertified community mental health
194 center for the same or similar services.

195 (b) To provide facilities and services for the
196 prevention of mental illness, mental disorders, developmental and
197 learning disabilities, alcoholism, narcotic addiction, drug abuse,
198 drug dependence and other related handicaps or problems (including
199 the problems of the aging) among the people of the region so
200 designated, and for the rehabilitation of persons suffering from
201 such illnesses, disorders, handicaps or problems as designated and
202 certified by the Department of Mental Health.

203 (c) To promote increased understanding of the problems
204 of mental illness, intellectual disabilities, alcoholism,
205 developmental and learning disabilities, narcotic addiction, drug
206 abuse and drug dependence and other related problems (including
207 the problems of the aging) by the people of the region, and also
208 to promote increased understanding of the purposes and methods of
209 the rehabilitation of persons suffering from such illnesses,
210 disorders, handicaps or problems as designated and certified by
211 the Department of Mental Health.

212 (d) To enter into contracts and to make such other
213 arrangements as may be necessary, from time to time, with the
214 United States government, the government of the State of
215 Mississippi and such other agencies or governmental bodies as may
216 be approved by and acceptable to the regional commission for the



217 purpose of establishing, funding, constructing, operating and
218 maintaining facilities and services for the care, treatment and
219 rehabilitation of persons suffering from mental illness, an
220 intellectual disability, alcoholism, developmental and learning
221 disabilities, narcotic addiction, drug abuse, drug dependence and
222 other illnesses, disorders, handicaps and problems (including the
223 problems of the aging) as designated and certified by the
224 Department of Mental Health.

225 (e) To enter into contracts and make such other
226 arrangements as may be necessary with any and all private
227 businesses, corporations, partnerships, proprietorships or other
228 private agencies, whether organized for profit or otherwise, as
229 may be approved by and acceptable to the regional commission for
230 the purpose of establishing, funding, constructing, operating and
231 maintaining facilities and services for the care, treatment and
232 rehabilitation of persons suffering from mental illness, an
233 intellectual disability, alcoholism, developmental and learning
234 disabilities, narcotic addiction, drug abuse, drug dependence and
235 other illnesses, disorders, handicaps and problems (including the
236 problems of the aging) relating to minimum services established by
237 the Department of Mental Health.

238 (f) To promote the general mental health of the people
239 of the region.

240 (g) To pay the administrative costs of the operation of
241 the regional commissions, including per diem for the members of



242 the commission and its employees, attorney's fees, if and when
243 such are required in the opinion of the commission, and such other
244 expenses of the commission as may be necessary. The Department of
245 Mental Health standards and audit rules shall determine what
246 administrative cost figures shall consist of for the purposes of
247 this paragraph. Each regional commission shall submit a cost
248 report annually to the Department of Mental Health in accordance
249 with guidelines promulgated by the department.

250 (h) To employ and compensate any personnel that may be
251 necessary to effectively carry out the programs and services
252 established under the provisions of the aforesaid act, provided
253 such person meets the standards established by the Department of
254 Mental Health.

255 (i) To acquire whatever hazard, casualty or workers'
256 compensation insurance that may be necessary for any property,
257 real or personal, owned, leased or rented by the commissions, or
258 any employees or personnel hired by the commissions.

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

263 (k) To provide and finance within their own facilities,
264 or through agreements or contracts with other local, state or
265 federal agencies or institutions, nonprofit corporations, or
266 political subdivisions or representatives thereof, programs and



267 services for persons with mental illness, including treatment for
268 alcoholics, and promulgating and administering of programs to
269 combat drug abuse and programs for services for persons with an
270 intellectual disability.

271 (l) To borrow money from private lending institutions
272 in order to promote any of the foregoing purposes. A commission
273 may pledge collateral, including real estate, to secure the
274 repayment of money borrowed under the authority of this paragraph.
275 Any such borrowing undertaken by a commission shall be on terms
276 and conditions that are prudent in the sound judgment of the
277 members of the commission, and the interest on any such loan shall
278 not exceed the amount specified in Section 75-17-105. Any money
279 borrowed, debts incurred or other obligations undertaken by a
280 commission, regardless of whether borrowed, incurred or undertaken
281 before or after March 15, 1995, shall be valid, binding and
282 enforceable if it or they are borrowed, incurred or undertaken for
283 any purpose specified in this section and otherwise conform to the
284 requirements of this paragraph.

285 (m) To acquire, own and dispose of real and personal
286 property. Any real and personal property paid for with state
287 and/or county appropriated funds must have the written approval of
288 the Department of Mental Health and/or the county board of
289 supervisors, depending on the original source of funding, before
290 being disposed of under this paragraph.



291 (n) To enter into managed care contracts and make such
292 other arrangements as may be deemed necessary or appropriate by
293 the regional commission in order to participate in any managed
294 care program. Any such contract or arrangement affecting more
295 than one (1) region must have prior written approval of the
296 Department of Mental Health before being initiated and annually
297 thereafter.

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

302 (p) To enter into contracts, agreements or other
303 arrangements with any person, payor, provider or other entity,
304 under which the regional commission assumes financial risk for the
305 provision or delivery of any services, when deemed to be necessary
306 or appropriate by the regional commission. Any action under this
307 paragraph affecting more than one (1) region must have prior
308 written approval of the Department of Mental Health before being
309 initiated and annually thereafter.

310 (q) To provide direct or indirect funding, grants,
311 financial support and assistance for any health maintenance
312 organization, preferred provider organization or other managed
313 care entity or contractor, where such organization, entity or
314 contractor is operated on a nonprofit basis. Any action under
315 this paragraph affecting more than one (1) region must have prior



316 written approval of the Department of Mental Health before being
317 initiated and annually thereafter.

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

325 (s) To meet at least annually with the board of
326 supervisors of each county in its region for the purpose of
327 presenting its total annual budget and total mental
328 health/intellectual disability services system. The commission
329 shall submit an annual report on the adult mental health services,
330 children mental health services and intellectual disability
331 services required by the State Board of Mental Health.

332 (t) To provide alternative living arrangements for
333 persons with serious mental illness, including, but not limited
334 to, group homes for persons with chronic mental illness.

335 (u) To make purchases and enter into contracts for
336 purchasing in compliance with the public purchasing law, Sections
337 31-7-12 and 31-7-13, with compliance with the public purchasing
338 law subject to audit by the State Department of Audit.

339 (v) To ensure that all available funds are used for the
340 benefit of persons with mental illness, persons with an



341 intellectual disability, substance abusers and persons with
342 developmental disabilities with maximum efficiency and minimum
343 administrative cost. At any time a regional commission, and/or
344 other related organization whatever it may be, accumulates surplus
345 funds in excess of one-half (1/2) of its annual operating budget,
346 the entity must submit a plan to the Department of Mental Health
347 stating the capital improvements or other projects that require
348 such surplus accumulation. If the required plan is not submitted
349 within forty-five (45) days of the end of the applicable fiscal
350 year, the Department of Mental Health shall withhold all state
351 appropriated funds from such regional commission until such time
352 as the capital improvement plan is submitted. If the submitted
353 capital improvement plan is not accepted by the department, the
354 surplus funds shall be expended by the regional commission in the
355 local mental health region on group homes for persons with mental
356 illness, persons with an intellectual disability, substance
357 abusers, children or other mental health/intellectual disability
358 services approved by the Department of Mental Health.

359 (w) Notwithstanding any other provision of law, to
360 fingerprint and perform a criminal history record check on every
361 employee or volunteer. Every employee or volunteer shall provide
362 a valid current social security number and/or driver's license
363 number that will be furnished to conduct the criminal history
364 record check. If no disqualifying record is identified at the



365 state level, fingerprints shall be forwarded to the Federal Bureau
366 of Investigation for a national criminal history record check.

367 (x) Notwithstanding any other provisions of law, each
368 regional commission shall have the authority to create and operate
369 a primary care health clinic to treat (i) its patients; and (ii)
370 its patients' family members related within the third degree; and
371 (iii) its patients' household members or caregivers, subject to
372 the following requirements:

373 (i) The regional commission may employ and
374 compensate any personnel necessary and must satisfy applicable
375 state and federal laws and regulations regarding the
376 administration and operation of a primary care health clinic.

377 (ii) A Mississippi licensed physician must be
378 employed or under agreement with the regional commission to
379 provide medical direction and/or to carry out the physician
380 responsibilities as described under applicable state and/or
381 federal law and regulations.

382 (iii) The physician providing medical direction
383 for the primary care clinic shall not be certified solely in
384 psychiatry.

385 (iv) A sliding fee scale may be used by the
386 regional commission when no other payer source is identified.

387 (v) The regional commission must ensure services
388 will be available and accessible promptly and in a manner that
389 preserves human dignity and assures continuity of care.



390 (vi) The regional commission must provide a
391 semiannual report to the Chairmen of the Public Health Committees
392 in both the House of Representatives and Senate. At a minimum,
393 for each reporting period, these reports shall describe the number
394 of patients provided primary care services, the types of services
395 provided, and the payer source for the patients. Except for
396 patient information and any other information that may be exempt
397 from disclosure under the Health Information Portability and
398 Accountability Act (HIPAA) and the Mississippi Public Records Act,
399 the reports shall be considered public records.

400 (vii) The regional commission must employ or
401 contract with a core clinical staff that is multidisciplinary and
402 culturally and linguistically competent.

403 (viii) The regional commission must ensure that
404 its physician as described in subparagraph (ii) of this paragraph
405 (x) has admitting privileges at one or more local hospitals or has
406 an agreement with a physician who has admitting privileges at one
407 or more local hospitals to ensure continuity of care.

408 (ix) The regional commission must provide an
409 independent financial audit report to the State Department of
410 Mental Health and, except for patient information and any other
411 information that may be exempt from disclosure under HIPAA and the
412 Mississippi Public Records Act, the audit report shall be
413 considered a public record.



414 For the purposes of this paragraph (x), the term "caregiver"
415 means an individual who has the principal and primary
416 responsibility for caring for a child or dependent adult,
417 especially in the home setting.

418 (y) In general to take any action which will promote,
419 either directly or indirectly, any and all of the foregoing
420 purposes.

421 (z) All regional commissioners shall receive new
422 orientation training and annual training with continuing education
423 regarding the Mississippi mental health system and services as
424 developed by the State Department of Mental Health. Training
425 shall be provided at the expense of the department except for
426 travel expenses which shall be paid by the regional commission.

427 (2) The types of services established by the State
428 Department of Mental Health that must be provided by the regional
429 mental health/intellectual disability centers for certification by
430 the department, and the minimum levels and standards for those
431 services established by the department, shall be provided by the
432 regional mental health/intellectual disability centers to children
433 when such services are appropriate for children, in the
434 determination of the department.

435 (3) Each regional commission shall compile quarterly
436 financial statements and status reports from each individual
437 community health center. The compiled reports shall be submitted
438 to the coordinator quarterly. The reports shall contain a:



- 439 (a) Balance sheet;
440 (b) Statement of operations;
441 (c) Statement of cash flows; and
442 (d) Description of the status of individual community
443 health center's actions taken to increase access to and
444 availability of community mental health services.

445 **SECTION 7.** Section 41-19-35, Mississippi Code of 1972, is
446 amended as follows:

447 41-19-35. Except as otherwise provided in this section, the
448 board of supervisors of each participating county in the program
449 shall appoint one (1) member to represent its county on the
450 regional commission in its respective region for a term of four
451 (4) years who shall serve at the will and pleasure of the
452 appointing board of supervisors, who may be a clerk, sheriff or
453 deputy. In addition, the chancery clerks of the counties in each
454 region shall select a chancery clerk or a deputy clerk to serve as
455 a nonvoting liaison to the commission, and the sheriffs of the
456 counties in each region shall select a sheriff or a deputy sheriff
457 to serve as a nonvoting liaison to the commission. Any
458 compensation of such members shall be paid by the regional
459 commission, in its discretion, from any funds available. Each
460 member of the commission shall attend the orientation training for
461 new commissioners and the annual training for all commissioners held
462 by the Department of Mental Health. The Department of Mental Health
463 shall notify the board of supervisors when a commissioner does not



464 attend either the orientation training or annual training. Upon
465 notice from the Department of Mental Health that a commissioner has
466 failed to attend the required meetings, the appointing board of
467 supervisors shall remove the commissioner, unless the department and
468 the commission agree to an alternate arrangement to allow the
469 commissioner to continue to serve until the next opportunity to
470 attend the orientation meeting and/or the annual training.

471 **SECTION 8.** On or before December 1, 2023, each county shall
472 report to the Department of Mental Health data relating to the
473 placement of individuals both before an involuntary civil
474 commitment proceeding, and after a hearing where an involuntary
475 commitment order has been entered. The data shall include
476 information concerning individuals held in jails and the cost of
477 holding such individuals. The Department of Mental Health is
478 authorized to determine the specific data to be submitted.

479 **SECTION 9.** Section 41-21-77, Mississippi Code of 1972, is
480 amended as follows:

481 41-21-77. (1) If admission is ordered at a treatment
482 facility, the sheriff, his or her deputy or any other person
483 appointed or authorized by the court shall immediately deliver the
484 respondent to the director of the appropriate facility. Neither
485 the Board of Mental Health or its members, nor the Department of
486 Mental Health or its related facilities, nor any employee of the
487 Department of Mental Health or its related facilities, shall be
488 appointed, authorized or ordered to deliver the respondent for



489 treatment, and no person shall be so delivered or admitted until
490 the director of the admitting institution determines that
491 facilities and services are available. Persons who have been
492 ordered committed and are awaiting admission may be given any such
493 treatment in the facility by a licensed physician as is indicated
494 by standard medical practice. Any county facility used for
495 providing housing, maintenance and medical treatment for
496 involuntarily committed persons pending their transportation and
497 admission to a state treatment facility shall be certified by the
498 State Department of Mental Health under the provisions of Section
499 41-4-7(kk). No person shall be delivered or admitted to any
500 non-Department of Mental Health treatment facility unless the
501 treatment facility is licensed and/or certified to provide the
502 appropriate level of psychiatric care for persons with mental
503 illness. It is the intent of this Legislature that county-owned
504 hospitals work with regional community mental health/intellectual
505 disability centers in providing care to local patients. The clerk
506 shall provide the director of the admitting institution with a
507 certified copy of the court order, a certified copy of the
508 appointed examiners' certificates, a certified copy of the
509 affidavit, and any other information available concerning the
510 physical and mental condition of the respondent. Upon
511 notification from the United States Veterans Administration or
512 other agency of the United States government, that facilities are
513 available and the respondent is eligible for care and treatment in



514 those facilities, the court may enter an order for delivery of the
515 respondent to or retention by the Veterans Administration or other
516 agency of the United States government, and, in those cases the
517 chief officer to whom the respondent is so delivered or by whom he
518 is retained shall, with respect to the respondent, be vested with
519 the same powers as the director of the Mississippi State Hospital
520 at Whitfield, or the East Mississippi State Hospital at Meridian,
521 with respect to retention and discharge of the respondent.

522 (2) (a) When admission to a treatment facility is ordered
523 by the court, the chancery clerk shall make record of the
524 admission. Each chancery clerk shall maintain a record of the
525 number of persons ordered by the court to be admitted to a
526 treatment facility, the number of hearings held by the court to
527 determine whether a person should be admitted to a treatment
528 facility and the number of affidavits filed to admit a person to a
529 treatment facility under Section 41-21-61 etc.

530 (b) The chancery clerk shall maintain a record each
531 time such clerk receives a denial for admission to a community
532 mental health center crisis stabilization bed, the reason provided
533 to the clerk for such denial, and the subsequent action taken by
534 the clerk upon receiving the denial.

535 (c) Each chancery clerk shall provide the records
536 required by paragraphs (a) and (b) of this subsection (2) to the
537 Department of Mental Health within thirty (30) days of the end of
538 each calendar quarter. Within sixty (60) days of receipt of the



539 chancery clerk records, the Department of Mental Health shall
540 provide a summary to the Chairpersons of the Appropriations,
541 Public Health and Judiciary A and B Committees for the Mississippi
542 House of Representatives and the Mississippi Senate, the
543 Coordinator of Mental Health and the President of the Mississippi
544 Association of Community Mental Health Centers.

545 **SECTION 10.** Section 41-4-7, Mississippi Code of 1972, is
546 amended as follows:

547 41-4-7. The State Board of Mental Health shall have the
548 following powers and duties:

549 (a) To appoint a full-time Executive Director of the
550 Department of Mental Health, who shall be employed by the board
551 and shall serve as executive secretary to the board. The first
552 director shall be a duly licensed physician with special interest
553 and competence in psychiatry, and shall possess a minimum of three
554 (3) years' experience in clinical and administrative psychiatry.
555 Subsequent directors shall possess at least a master's degree or
556 its equivalent, and shall possess at least ten (10) years'
557 administrative experience in the field of mental health. The
558 salary of the executive director shall be determined by the board;

559 (b) To appoint a Medical Director for the Department of
560 Mental Health. The medical director shall provide clinical
561 oversight in the implementation of evidence-based and best
562 practices; provide clinical leadership in the integration of
563 mental health, intellectual disability and addiction services with



564 community partners in the public and private sectors; and provide
565 oversight regarding standards of care. The medical director shall
566 serve at the will and pleasure of the board, and will undergo an
567 annual review of job performance and future service to the
568 department;

569 (c) To * * * establish and implement its state
570 strategic plan;

571 (d) To develop a strategic plan for the development of
572 services for persons with mental illness, persons with
573 developmental disabilities and other clients of the public mental
574 health system. Such strategic planning program shall require that
575 the board, acting through the Strategic Planning and Best
576 Practices Committee, perform the following functions respecting
577 the delivery of services:

578 (i) Establish measures for determining the
579 efficiency and effectiveness of the services specified in Section
580 41-4-1(2);

581 (ii) Conducting studies of community-based care in
582 other jurisdictions to determine which services offered in these
583 jurisdictions have the potential to provide the citizens of
584 Mississippi with more effective and efficient community-based
585 care;

586 (iii) Evaluating the efficiency and effectiveness
587 of the services specified in Section 41-4-1(2);



588 (iv) Recommending to the Legislature by January 1,
589 2014, any necessary additions, deletions or other changes
590 necessary to the services specified in Section 41-4-1(2);

591 (v) Implementing by July 1, 2012, a system of
592 performance measures for the services specified in Section
593 41-4-1(2);

594 (vi) Recommending to the Legislature any changes
595 that the department believes are necessary to the current laws
596 addressing civil commitment;

597 (vii) Conducting any other activities necessary to
598 the evaluation and study of the services specified in Section
599 41-4-1(2);

600 (viii) Assisting in conducting all necessary
601 strategic planning for the delivery of all other services of the
602 department. Such planning shall be conducted so as to produce a
603 single strategic plan for the services delivered by the public
604 mental health system and shall establish appropriate mission
605 statements, goals, objectives and performance indicators for all
606 programs and services of the public mental health system. For
607 services other than those specified in Section 41-4-1(2), the
608 committee shall recommend to the State Board of Mental Health a
609 strategic plan that the board may adopt or modify;

610 (e) To set up state plans for the purpose of
611 controlling and treating any and all forms of mental and emotional
612 illness, alcoholism, drug misuse and developmental disabilities;



613 (f) [Repealed]

614 (g) To enter into contracts with any other state or
615 federal agency, or with any private person, organization or group
616 capable of contracting, if it finds such action to be in the
617 public interest;

618 (h) To collect reasonable fees for its services;
619 however, if it is determined that a person receiving services is
620 unable to pay the total fee, the department shall collect * * * no
621 more than the amount such person is able to pay;

622 (i) To certify, coordinate and establish minimum
623 standards and establish minimum required services, as specified in
624 Section 41-4-1(2), for regional mental health and intellectual
625 disability commissions and other community service providers for
626 community or regional programs and services in adult mental
627 health, children and youth mental health, intellectual
628 disabilities, alcoholism, drug misuse, developmental disabilities,
629 compulsive gambling, addictive disorders and related programs
630 throughout the state. Such regional mental health and
631 intellectual disability commissions and other community service
632 providers shall, on or before July 1 of each year, submit an
633 annual operational plan to the State Department of Mental Health
634 for approval or disapproval based on the minimum standards and
635 minimum required services established by the department for
636 certification and itemize the services specified in Section
637 41-4-1(2), including financial statements. As part of the annual



638 operation plan required by this paragraph (i) submitted by any
639 regional community mental health center or by any other reasonable
640 certification deemed acceptable by the department, the community
641 mental health center shall state those services specified in
642 Section 41-4-1(2) that it will provide and also those services
643 that it will not provide. If the department finds deficiencies in
644 the plan of any regional commission or community service provider
645 based on the minimum standards and minimum required services
646 established for certification, the department shall give the
647 regional commission or community service provider a six-month
648 probationary period to bring its standards and services up to the
649 established minimum standards and minimum required services. The
650 regional commission or community service provider shall develop a
651 sustainability business plan within thirty (30) days of being
652 placed on probation, which shall be signed by all commissioners
653 and shall include policies to address one or more of the
654 following: the deficiencies in programmatic services, clinical
655 service staff expectations, timely and appropriate billing,
656 processes to obtain credentialing for staff, monthly reporting
657 processes, third-party financial reporting and any other required
658 documentation as determined by the department. After the
659 six-month probationary period, if the department determines that
660 the regional commission or community service provider still does
661 not meet the minimum standards and minimum required services
662 established for certification, the department may remove the



663 certification of the commission or provider and from and after
664 July 1, 2011, the commission or provider shall be ineligible for
665 state funds from Medicaid reimbursement or other funding sources
666 for those services. However, the department shall not mandate a
667 standard or service, or decertify a regional commission or
668 community service provider for not meeting a standard or service,
669 if the standard or service does not have funding appropriated by
670 the Legislature or have a state, federal or local funding source
671 identified by the department. No county shall be required to levy
672 millage to provide a mandated standard or service above the
673 minimum rate required by Section 41-19-39. After the six-month
674 probationary period, the department may identify an appropriate
675 community service provider to provide any core services in that
676 county that are not provided by a community mental health center.
677 However, the department shall not offer reimbursement or other
678 accommodations to a community service provider of core services
679 that were not offered to the decertified community mental health
680 center for the same or similar services. The State Board of
681 Mental Health shall promulgate rules and regulations necessary to
682 implement the provisions of this paragraph (i), in accordance with
683 the Administrative Procedures Law (Section 25-43-1.101 et seq.);
684 (j) To establish and promulgate reasonable minimum
685 standards for the construction and operation of state and all
686 Department of Mental Health certified facilities, including
687 reasonable minimum standards for the admission, diagnosis, care,



688 treatment, transfer of patients and their records, and also
689 including reasonable minimum standards for providing day care,
690 outpatient care, emergency care, inpatient care and follow-up
691 care, when such care is provided for persons with mental or
692 emotional illness, an intellectual disability, alcoholism, drug
693 misuse and developmental disabilities;

694 (k) To implement best practices for all services
695 specified in Section 41-4-1(2), and to establish and implement all
696 other services delivered by the Department of Mental Health. To
697 carry out this responsibility, the board shall require the
698 department to establish a division responsible for developing best
699 practices based on a comprehensive analysis of the mental health
700 environment to determine what the best practices for each service
701 are. In developing best practices, the board shall consider the
702 cost and benefits associated with each practice with a goal of
703 implementing only those practices that are cost-effective
704 practices for service delivery. Such best practices shall be
705 utilized by the board in establishing performance standards and
706 evaluations of the community mental health centers' services
707 required by paragraph (d) of this section;

708 (l) To assist community or regional programs consistent
709 with the purposes of this chapter by making grants and contracts
710 from available funds;



711 (m) To establish and collect reasonable fees for
712 necessary inspection services incidental to certification or
713 compliance;

714 (n) To accept gifts, trusts, bequests, grants,
715 endowments or transfers of property of any kind;

716 (o) To receive monies coming to it by way of fees for
717 services or by appropriations;

718 (p) To serve as the single state agency in receiving
719 and administering any and all funds available from any source for
720 the purpose of service delivery, training, research and education
721 in regard to all forms of mental illness, intellectual
722 disabilities, alcoholism, drug misuse and developmental
723 disabilities, unless such funds are specifically designated to a
724 particular agency or institution by the federal government, the
725 Mississippi Legislature or any other grantor;

726 (q) To establish mental health holding centers for the
727 purpose of providing short-term emergency mental health treatment,
728 places for holding persons awaiting commitment proceedings or
729 awaiting placement in a state mental health facility following
730 commitment, and for diverting placement in a state mental health
731 facility. These mental health holding facilities shall be readily
732 accessible, available statewide, and be in compliance with
733 emergency services' minimum standards. They shall be
734 comprehensive and available to triage and make appropriate
735 clinical disposition, including the capability to access inpatient



736 services or less restrictive alternatives, as needed, as
737 determined by medical staff. Such facility shall have medical,
738 nursing and behavioral services available on a
739 twenty-four-hour-a-day basis. The board may provide for all or
740 part of the costs of establishing and operating the holding
741 centers in each district from such funds as may be appropriated to
742 the board for such use, and may participate in any plan or
743 agreement with any public or private entity under which the entity
744 will provide all or part of the costs of establishing and
745 operating a holding center in any district;

746 (r) To certify/license case managers, mental health
747 therapists, intellectual disability therapists, mental
748 health/intellectual disability program administrators, addiction
749 counselors and others as deemed appropriate by the board. Persons
750 already professionally licensed by another state board or agency
751 are not required to be certified/licensed under this section by
752 the Department of Mental Health. The department shall not use
753 professional titles in its certification/licensure process for
754 which there is an independent licensing procedure. Such
755 certification/licensure shall be valid only in the state mental
756 health system, in programs funded and/or certified by the
757 Department of Mental Health, and/or in programs certified/licensed
758 by the State Department of Health that are operated by the state
759 mental health system serving persons with mental illness, an



760 intellectual disability, a developmental disability or addictions,
761 and shall not be transferable;

762 (s) To develop formal mental health worker
763 qualifications for regional mental health and intellectual
764 disability commissions and other community service providers. The
765 State Personnel Board shall develop and promulgate a recommended
766 salary scale and career ladder for all regional mental
767 health/intellectual disability center therapists and case managers
768 who work directly with clients. The State Personnel Board shall
769 also develop and promulgate a career ladder for all direct care
770 workers employed by the State Department of Mental Health;

771 (t) The employees of the department shall be governed
772 by personnel merit system rules and regulations, the same as other
773 employees in state services;

774 (u) To establish such rules and regulations as may be
775 necessary in carrying out the provisions of this chapter,
776 including the establishment of a formal grievance procedure to
777 investigate and attempt to resolve consumer complaints;

778 (v) To grant easements for roads, utilities and any
779 other purpose it finds to be in the public interest;

780 (w) To survey statutory designations, building markers
781 and the names given to mental health/intellectual disability
782 facilities and proceedings in order to recommend deletion of
783 obsolete and offensive terminology relative to the mental
784 health/intellectual disability system. Based upon a



785 recommendation of the executive director, the board shall have the
786 authority to name/rename any facility operated under the auspices
787 of the Department of Mental Health for the sole purpose of
788 deleting such terminology;

789 (x) To ensure an effective case management system
790 directed at persons who have been discharged from state and
791 private psychiatric hospitals to ensure their continued well-being
792 in the community;

793 (y) To develop formal service delivery standards
794 designed to measure the quality of services delivered to community
795 clients, as well as the timeliness of services to community
796 clients provided by regional mental health/intellectual disability
797 commissions and other community services providers;

798 (z) To establish regional state offices to provide
799 mental health crisis intervention centers and services available
800 throughout the state to be utilized on a case-by-case emergency
801 basis. The regional services director, other staff and delivery
802 systems shall meet the minimum standards of the Department of
803 Mental Health;

804 (aa) To require performance contracts with community
805 mental health/intellectual disability service providers to contain
806 performance indicators to measure successful outcomes, including
807 diversion of persons from inpatient psychiatric hospitals,
808 rapid/timely response to emergency cases, client satisfaction with
809 services and other relevant performance measures;



810 (bb) To enter into interagency agreements with other
811 state agencies, school districts and other local entities as
812 determined necessary by the department to ensure that local mental
813 health service entities are fulfilling their responsibilities to
814 the overall state plan for behavioral services;

815 (cc) To establish and maintain a toll-free grievance
816 reporting telephone system for the receipt and referral for
817 investigation of all complaints by clients of state and community
818 mental health/intellectual disability facilities;

819 (dd) To establish a peer review/quality assurance
820 evaluation system that assures that appropriate assessment,
821 diagnosis and treatment is provided according to established
822 professional criteria and guidelines;

823 (ee) To develop and implement state plans for the
824 purpose of assisting with the care and treatment of persons with
825 Alzheimer's disease and other dementia. This plan shall include
826 education and training of service providers, caregivers in the
827 home setting and others who deal with persons with Alzheimer's
828 disease and other dementia, and development of adult day care,
829 family respite care and counseling programs to assist families who
830 maintain persons with Alzheimer's disease and other dementia in
831 the home setting. No agency shall be required to provide any
832 services under this section until such time as sufficient funds
833 have been appropriated or otherwise made available by the



834 Legislature specifically for the purposes of the treatment of
835 persons with Alzheimer's and other dementia;

836 (ff) Working with the advice and consent of the
837 administration of Ellisville State School, to enter into
838 negotiations with the Economic Development Authority of Jones
839 County for the purpose of negotiating the possible exchange, lease
840 or sale of lands owned by Ellisville State School to the Economic
841 Development Authority of Jones County. It is the intent of the
842 Mississippi Legislature that such negotiations shall ensure that
843 the financial interest of the persons with an intellectual
844 disability served by Ellisville State School will be held
845 paramount in the course of these negotiations. The Legislature
846 also recognizes the importance of economic development to the
847 citizens of the State of Mississippi and Jones County, and
848 encourages fairness to the Economic Development Authority of Jones
849 County. Any negotiations proposed which would result in the
850 recommendation for exchange, lease or sale of lands owned by
851 Ellisville State School must have the approval of the State Board
852 of Mental Health. The State Board of Mental Health may and has
853 the final authority as to whether or not these negotiations result
854 in the exchange, lease or sale of the properties it currently
855 holds in trust for persons with an intellectual disability served
856 at Ellisville State School.

857 If the State Board of Mental Health authorizes the sale of
858 lands owned by Ellisville State School, as provided for under this



859 paragraph (ff), the monies derived from the sale shall be placed
860 into a special fund that is created in the State Treasury to be
861 known as the "Ellisville State School Client's Trust Fund." The
862 principal of the trust fund shall remain inviolate and shall never
863 be expended. Any interest earned on the principal may be expended
864 solely for the benefits of clients served at Ellisville State
865 School. The State Treasurer shall invest the monies of the trust
866 fund in any of the investments authorized for the Mississippi
867 Prepaid Affordable College Tuition Program under Section 37-155-9,
868 and those investments shall be subject to the limitations
869 prescribed by Section 37-155-9. Unexpended amounts remaining in
870 the trust fund at the end of a fiscal year shall not lapse into
871 the State General Fund, and any interest earned on amounts in the
872 trust fund shall be deposited to the credit of the trust fund.
873 The administration of Ellisville State School may use any interest
874 earned on the principal of the trust fund, upon appropriation by
875 the Legislature, as needed for services or facilities by the
876 clients of Ellisville State School. Ellisville State School shall
877 make known to the Legislature, through the Legislative Budget
878 Committee and the respective Appropriations Committees of the
879 House and Senate, its proposed use of interest earned on the
880 principal of the trust fund for any fiscal year in which it
881 proposes to make expenditures thereof. The State Treasurer shall
882 provide Ellisville State School with an annual report on the
883 Ellisville State School Client's Trust Fund to indicate the total



884 monies in the trust fund, interest earned during the year,
885 expenses paid from the trust fund and such other related
886 information.

887 Nothing in this section shall be construed as applying to or
888 affecting mental health/intellectual disability services provided
889 by hospitals as defined in Section 41-9-3(a), and/or their
890 subsidiaries and divisions, which hospitals, subsidiaries and
891 divisions are licensed and regulated by the Mississippi State
892 Department of Health unless such hospitals, subsidiaries or
893 divisions voluntarily request certification by the Mississippi
894 State Department of Mental Health.

895 All new programs authorized under this section shall be
896 subject to the availability of funds appropriated therefor by the
897 Legislature;

898 (gg) Working with the advice and consent of the
899 administration of Boswell Regional Center, to enter into
900 negotiations with the Economic Development Authority of Simpson
901 County for the purpose of negotiating the possible exchange, lease
902 or sale of lands owned by Boswell Regional Center to the Economic
903 Development Authority of Simpson County. It is the intent of the
904 Mississippi Legislature that such negotiations shall ensure that
905 the financial interest of the persons with an intellectual
906 disability served by Boswell Regional Center will be held
907 paramount in the course of these negotiations. The Legislature
908 also recognizes the importance of economic development to the



909 citizens of the State of Mississippi and Simpson County, and
910 encourages fairness to the Economic Development Authority of
911 Simpson County. Any negotiations proposed which would result in
912 the recommendation for exchange, lease or sale of lands owned by
913 Boswell Regional Center must have the approval of the State Board
914 of Mental Health. The State Board of Mental Health may and has
915 the final authority as to whether or not these negotiations result
916 in the exchange, lease or sale of the properties it currently
917 holds in trust for persons with an intellectual disability served
918 at Boswell Regional Center. In any such exchange, lease or sale
919 of such lands owned by Boswell Regional Center, title to all
920 minerals, oil and gas on such lands shall be reserved, together
921 with the right of ingress and egress to remove same, whether such
922 provisions be included in the terms of any such exchange, lease or
923 sale or not.

924 If the State Board of Mental Health authorizes the sale of
925 lands owned by Boswell Regional Center, as provided for under this
926 paragraph (gg), the monies derived from the sale shall be placed
927 into a special fund that is created in the State Treasury to be
928 known as the "Boswell Regional Center Client's Trust Fund." The
929 principal of the trust fund shall remain inviolate and shall never
930 be expended. Any earnings on the principal may be expended solely
931 for the benefits of clients served at Boswell Regional Center.
932 The State Treasurer shall invest the monies of the trust fund in
933 any of the investments authorized for the Mississippi Prepaid



934 Affordable College Tuition Program under Section 37-155-9, and
935 those investments shall be subject to the limitations prescribed
936 by Section 37-155-9. Unexpended amounts remaining in the trust
937 fund at the end of a fiscal year shall not lapse into the State
938 General Fund, and any earnings on amounts in the trust fund shall
939 be deposited to the credit of the trust fund. The administration
940 of Boswell Regional Center may use any earnings on the principal
941 of the trust fund, upon appropriation by the Legislature, as
942 needed for services or facilities by the clients of Boswell
943 Regional Center. Boswell Regional Center shall make known to the
944 Legislature, through the Legislative Budget Committee and the
945 respective Appropriations Committees of the House and Senate, its
946 proposed use of the earnings on the principal of the trust fund
947 for any fiscal year in which it proposes to make expenditures
948 thereof. The State Treasurer shall provide Boswell Regional
949 Center with an annual report on the Boswell Regional Center
950 Client's Trust Fund to indicate the total monies in the trust
951 fund, interest and other income earned during the year, expenses
952 paid from the trust fund and such other related information.

953 Nothing in this section shall be construed as applying to or
954 affecting mental health/intellectual disability services provided
955 by hospitals as defined in Section 41-9-3(a), and/or their
956 subsidiaries and divisions, which hospitals, subsidiaries and
957 divisions are licensed and regulated by the Mississippi State
958 Department of Health unless such hospitals, subsidiaries or



959 divisions voluntarily request certification by the Mississippi
960 State Department of Mental Health.

961 All new programs authorized under this section shall be
962 subject to the availability of funds appropriated therefor by the
963 Legislature;

964 (hh) Notwithstanding any other section of the code, the
965 Board of Mental Health shall be authorized to fingerprint and
966 perform a criminal history record check on every employee or
967 volunteer. Every employee and volunteer shall provide a valid
968 current social security number and/or driver's license number
969 which shall be furnished to conduct the criminal history record
970 check. If no disqualifying record is identified at the state
971 level, fingerprints shall be forwarded to the Federal Bureau of
972 Investigation for a national criminal history record check;

973 (ii) The Department of Mental Health shall have the
974 authority for the development of a consumer friendly single point
975 of intake and referral system within its service areas for persons
976 with mental illness, an intellectual disability, developmental
977 disabilities or alcohol or substance abuse who need assistance
978 identifying or accessing appropriate services. The department
979 will develop and implement a comprehensive evaluation procedure
980 ensuring that, where appropriate, the affected person or their
981 parent or legal guardian will be involved in the assessment and
982 planning process. The department, as the point of intake and as
983 service provider, shall have the authority to determine the



984 appropriate institutional, hospital or community care setting for
985 persons who have been diagnosed with mental illness, an
986 intellectual disability, developmental disabilities and/or alcohol
987 or substance abuse, and may provide for the least restrictive
988 placement if the treating professional believes such a setting is
989 appropriate, if the person affected or their parent or legal
990 guardian wants such services, and if the department can do so with
991 a reasonable modification of the program without creating a
992 fundamental alteration of the program. The least restrictive
993 setting could be an institution, hospital or community setting,
994 based upon the needs of the affected person or their parent or
995 legal guardian;

996 (jj) To have the sole power and discretion to enter
997 into, sign, execute and deliver long-term or multiyear leases of
998 real and personal property owned by the Department of Mental
999 Health to and from other state and federal agencies and private
1000 entities deemed to be in the public's best interest. Any monies
1001 derived from such leases shall be deposited into the funds of the
1002 Department of Mental Health for its exclusive use. Leases to
1003 private entities shall be approved by the Department of Finance
1004 and Administration and all leases shall be filed with the
1005 Secretary of State;

1006 (kk) To certify and establish minimum standards and
1007 minimum required services for county facilities used for housing,
1008 feeding and providing medical treatment for any person who has



1009 been involuntarily ordered admitted to a treatment center by a
1010 court of competent jurisdiction. The minimum standard for the
1011 initial assessment of those persons being housed in county
1012 facilities is for the assessment to be performed by a physician,
1013 preferably a psychiatrist, or by a nurse practitioner, preferably
1014 a psychiatric nurse practitioner. If the department finds
1015 deficiencies in any such county facility or its provider based on
1016 the minimum standards and minimum required services established
1017 for certification, the department shall give the county or its
1018 provider a six-month probationary period to bring its standards
1019 and services up to the established minimum standards and minimum
1020 required services. After the six-month probationary period, if
1021 the department determines that the county or its provider still
1022 does not meet the minimum standards and minimum required services,
1023 the department may remove the certification of the county or
1024 provider and require the county to contract with another county
1025 having a certified facility to hold those persons for that period
1026 of time pending transportation and admission to a state treatment
1027 facility. Any cost incurred by a county receiving an
1028 involuntarily committed person from a county with a decertified
1029 holding facility shall be reimbursed by the home county to the
1030 receiving county; and

1031 (11) To provide orientation training to all new
1032 commissioners of regional commissions and annual training for all
1033 commissioners with continuing education regarding the Mississippi



1034 mental health system and services as developed by the State
1035 Department of Mental Health. Training shall be provided at the
1036 expense of the department except for travel expenses which shall
1037 be paid by the regional commission.

1038 **SECTION 11.** A law enforcement officer shall transport the
1039 mental health person who is in crisis to the appropriate health
1040 care facility at the request of the crisis intervention team or
1041 mobile crisis response team.

1042 **SECTION 12.** (1) After making expenditures of at least Two
1043 Million Five Hundred Thousand Dollars (\$2,500,000.00) each year to
1044 provide funding for county and municipal law enforcement training
1045 and court liaisons as authorized by this section, the Department
1046 of Mental Health is authorized to expend any additional funds to
1047 provide grants to community mental health centers for the purpose
1048 of increasing housing for patients. A community mental health
1049 center may apply to the Department of Mental Health for a grant to
1050 pay for the cost of patient housing. A community mental health
1051 center desiring assistance under this section must submit an
1052 application to the Department of Mental Health. The application
1053 must include any information required by the Department.

1054 (2) The Department of Mental Health shall have all powers
1055 necessary to implement and administer the program established
1056 under this section, and the department shall promulgate rules and
1057 regulations, in accordance with the Mississippi Administrative
1058 Procedures Law, necessary for the implementation of this section.



1059 **SECTION 13.** This act shall take effect and be in force from
1060 and after July 1, 2023.

