

By: Senator(s) Hickman, Butler

To: Medicaid; Public Health
and WelfareSENATE BILL NO. 2392
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 41-19-33, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE REGIONAL COMMISSIONS, AS ESTABLISHED IN SECTION
3 41-19-33, TO PROVIDE SERVICES THROUGH ENHANCED CERTIFICATION AS A
4 CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC (CCBHC); TO CLARIFY
5 RESPONSIBILITIES OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS;
6 TO AUTHORIZE AND DIRECT THE MISSISSIPPI DEPARTMENT OF MENTAL
7 HEALTH AND THE DIVISION OF MEDICAID TO SUBMIT AN APPLICATION TO
8 THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
9 ADMINISTRATION (SAMHSA) TO JOIN THE CCBHC DEMONSTRATION GRANT AT
10 THE NEXT AVAILABLE APPLICATION PERIOD; TO REQUIRE THAT THE CCBHC
11 SYSTEM BE CONSISTENT WITH THE DEMONSTRATION PROGRAM ESTABLISHED BY
12 SECTION 223 OF THE PROTECTING ACCESS TO MEDICARE ACT (PAMA) OF
13 2014 AND OTHER APPLICABLE FEDERAL LAWS GOVERNING THE CCBHC MODEL;
14 TO PROVIDE THAT THE DEPARTMENT OF MENTAL HEALTH SHALL BE
15 RESPONSIBLE FOR CERTIFYING AND MONITORING COMPLIANCE OF CCBHC
16 CLINICS AND THAT THE DIVISION OF MEDICAID SHALL BE RESPONSIBLE FOR
17 ESTABLISHING A PROSPECTIVE PAYMENT SYSTEM (PPS) TO FUND THE CCBHC
18 PROGRAM; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 41-19-33, Mississippi Code of 1972, is
21 amended as follows:

22 41-19-33. (1) Each region so designated or established
23 under Section 41-19-31 shall establish a regional commission to be
24 composed of members appointed by the boards of supervisors of the
25 various counties in the region. Each regional commission shall
26 employ or contract with an accountant for the purpose of managing



27 the finances of the commission. The accountant shall provide an
28 annual audit to the commission in addition to his or her other
29 duties. It shall be the duty of such regional commission to
30 administer mental health/intellectual disability programs
31 certified and required by the State Board of Mental Health and as
32 specified in Section 41-4-1(2). In addition, once designated and
33 established as provided hereinabove, a regional commission shall
34 have the following authority and shall pursue and promote the
35 following general purposes:

36 (a) To establish, own, lease, acquire, construct,
37 build, operate and maintain mental illness, mental health,
38 intellectual disability, alcoholism and general rehabilitative
39 facilities and services designed to serve the needs of the people
40 of the region so designated, provided that the services supplied
41 by the regional commissions shall include those services
42 determined by the Department of Mental Health to be necessary and
43 may include, in addition to the above, services for persons with
44 developmental and learning disabilities; for persons suffering
45 from narcotic addiction and problems of drug abuse and drug
46 dependence; and for the aging as designated and certified by the
47 Department of Mental Health. Such regional mental health and
48 intellectual disability commissions and other community service
49 providers shall, on or before July 1 of each year, submit an
50 annual operational plan to the Department of Mental Health for
51 approval or disapproval based on the minimum standards and minimum



52 required services established by the department for certification
53 and itemize the services as specified in Section 41-4-1(2),
54 including financial statements. As part of the annual operation
55 plan required by Section 41-4-7(h) submitted by any regional
56 community mental health center or by any other reasonable
57 certification deemed acceptable by the department, the community
58 mental health center shall state those services specified in
59 Section 41-4-1(2) that it will provide and also those services
60 that it will not provide. If the department finds deficiencies in
61 the plan of any regional commission or community service provider
62 based on the minimum standards and minimum required services
63 established for certification, the department shall give the
64 regional commission or community service provider a six-month
65 probationary period to bring its standards and services up to the
66 established minimum standards and minimum required services. The
67 regional commission or community service provider shall develop a
68 sustainability business plan within thirty (30) days of being
69 placed on probation, which shall be signed by all commissioners
70 and shall include policies to address one or more of the
71 following: the deficiencies in programmatic services, clinical
72 service staff expectations, timely and appropriate billing,
73 processes to obtain credentialing for staff, monthly reporting
74 processes, third-party financial reporting and any other required
75 documentation as determined by the department. After the
76 six-month probationary period, if the department determines that



77 the regional commission or community service provider still does
78 not meet the minimum standards and minimum required services
79 established for certification, the department may remove the
80 certification of the commission or provider, and from and after
81 July 1, 2011, the commission or provider shall be ineligible for
82 state funds from Medicaid reimbursement or other funding sources
83 for those services. After the six-month probationary period, the
84 Department of Mental Health may identify an appropriate community
85 service provider to provide any core services in that county that
86 are not provided by a community mental health center. However,
87 the department shall not offer reimbursement or other
88 accommodations to a community service provider of core services
89 that were not offered to the decertified community mental health
90 center for the same or similar services.

91 (b) To provide facilities and services for the
92 prevention of mental illness, mental disorders, developmental and
93 learning disabilities, alcoholism, narcotic addiction, drug abuse,
94 drug dependence and other related handicaps or problems (including
95 the problems of the aging) among the people of the region so
96 designated, and for the rehabilitation of persons suffering from
97 such illnesses, disorders, handicaps or problems as designated and
98 certified by the Department of Mental Health.

99 (c) To promote increased understanding of the problems
100 of mental illness, intellectual disabilities, alcoholism,
101 developmental and learning disabilities, narcotic addiction, drug



102 abuse and drug dependence and other related problems (including
103 the problems of the aging) by the people of the region, and also
104 to promote increased understanding of the purposes and methods of
105 the rehabilitation of persons suffering from such illnesses,
106 disorders, handicaps or problems as designated and certified by
107 the Department of Mental Health.

108 (d) To enter into contracts and to make such other
109 arrangements as may be necessary, from time to time, with the
110 United States government, the government of the State of
111 Mississippi and such other agencies or governmental bodies as may
112 be approved by and acceptable to the regional commission for the
113 purpose of establishing, funding, constructing, operating and
114 maintaining facilities and services for the care, treatment and
115 rehabilitation of persons suffering from mental illness, an
116 intellectual disability, alcoholism, developmental and learning
117 disabilities, narcotic addiction, drug abuse, drug dependence and
118 other illnesses, disorders, handicaps and problems (including the
119 problems of the aging) as designated and certified by the
120 Department of Mental Health.

121 (e) To enter into contracts and make such other
122 arrangements as may be necessary with any and all private
123 businesses, corporations, partnerships, proprietorships or other
124 private agencies, whether organized for profit or otherwise, as
125 may be approved by and acceptable to the regional commission for
126 the purpose of establishing, funding, constructing, operating and



maintaining facilities and services for the care, treatment and rehabilitation of persons suffering from mental illness, an intellectual disability, alcoholism, developmental and learning disabilities, narcotic addiction, drug abuse, drug dependence and other illnesses, disorders, handicaps and problems (including the problems of the aging) relating to minimum services established by the Department of Mental Health.

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

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

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



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

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

159 (k) To provide and finance within their own facilities,
160 or through agreements or contracts with other local, state or
161 federal agencies or institutions, nonprofit corporations, or
162 political subdivisions or representatives thereof, programs and
163 services for persons with mental illness, including treatment for
164 alcoholics, and promulgating and administering of programs to
165 combat drug abuse and programs for services for persons with an
166 intellectual disability.

167 (l) To borrow money from private lending institutions
168 in order to promote any of the foregoing purposes. A commission
169 may pledge collateral, including real estate, to secure the
170 repayment of money borrowed under the authority of this paragraph.
171 Any such borrowing undertaken by a commission shall be on terms
172 and conditions that are prudent in the sound judgment of the
173 members of the commission, and the interest on any such loan shall
174 not exceed the amount specified in Section 75-17-105. Any money
175 borrowed, debts incurred or other obligations undertaken by a



commission, regardless of whether borrowed, incurred or undertaken before or after March 15, 1995, shall be valid, binding and enforceable if it or they are borrowed, incurred or undertaken for any purpose specified in this section and otherwise conform to the requirements of this paragraph.

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

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

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

(p) To enter into contracts, agreements or other arrangements with any person, payor, provider or other entity, under which the regional commission assumes financial risk for the



201 provision or delivery of any services, when deemed to be necessary
202 or appropriate by the regional commission. Any action under this
203 paragraph affecting more than one (1) region must have prior
204 written approval of the Department of Mental Health before being
205 initiated and annually thereafter.

206 (q) To provide direct or indirect funding, grants,
207 financial support and assistance for any health maintenance
208 organization, preferred provider organization or other managed
209 care entity or contractor, where such organization, entity or
210 contractor is operated on a nonprofit basis. Any action under
211 this paragraph affecting more than one (1) region must have prior
212 written approval of the Department of Mental Health before being
213 initiated and annually thereafter.

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

221 (s) To meet at least annually with the board of
222 supervisors of each county in its region for the purpose of
223 presenting its total annual budget and total mental
224 health/intellectual disability services system. The commission
225 shall submit an annual report on the adult mental health services,



children mental health services and intellectual disability
services required by the State Board of Mental Health.

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

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

(v) To ensure that all available funds are used for the
benefit of persons with mental illness, persons with an
intellectual disability, substance abusers and persons with
developmental disabilities with maximum efficiency and minimum
administrative cost. At any time a regional commission, and/or
other related organization whatever it may be, accumulates surplus
funds in excess of one-half (1/2) of its annual operating budget,
the entity must submit a plan to the Department of Mental Health
stating the capital improvements or other projects that require
such surplus accumulation. If the required plan is not submitted
within forty-five (45) days of the end of the applicable fiscal
year, the Department of Mental Health shall withhold all state
appropriated funds from such regional commission until such time
as the capital improvement plan is submitted. If the submitted
capital improvement plan is not accepted by the department, the
surplus funds shall be expended by the regional commission in the



251 local mental health region on group homes for persons with mental
252 illness, persons with an intellectual disability, substance
253 abusers, children or other mental health/intellectual disability
254 services approved by the Department of Mental Health.

255 (w) Notwithstanding any other provision of law, to
256 fingerprint and perform a criminal history record check on every
257 employee or volunteer. Every employee or volunteer shall provide
258 a valid current social security number and/or driver's license
259 number that will be furnished to conduct the criminal history
260 record check. If no disqualifying record is identified at the
261 state level, fingerprints shall be forwarded to the Federal Bureau
262 of Investigation for a national criminal history record check.

263 (x) Notwithstanding any other provisions of law, each
264 regional commission shall have the authority to create and operate
265 a primary care health clinic to treat (i) its patients; and (ii)
266 its patients' family members related within the third degree; and
267 (iii) its patients' household members or caregivers, subject to
268 the following requirements:

269 (i) The regional commission may employ and
270 compensate any personnel necessary and must satisfy applicable
271 state and federal laws and regulations regarding the
272 administration and operation of a primary care health clinic.

273 (ii) A Mississippi licensed physician must be
274 employed or under agreement with the regional commission to
275 provide medical direction and/or to carry out the physician



responsibilities as described under applicable state and/or federal law and regulations.

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

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

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

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

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

(viii) The regional commission must ensure that its physician as described in subparagraph (ii) of this paragraph



(x) has admitting privileges at one or more local hospitals or has an agreement with a physician who has admitting privileges at one or more local hospitals to ensure continuity of care.

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

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

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

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

(aa) To establish a community mental health center to provide mental health services in its region.



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

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

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

(4) (a) The community mental health center shall submit a written quarterly report to the board of supervisors of each county in its region. The report shall include the following information for the prior quarter:

- (i) The number of occupancy percentages reported by the crisis stabilization unit in the region;



(ii) The number of individuals held in jail after the commitment process has been initiated and the number of individuals the community mental health center provided treatment to while they were in jail, as required by Section 41-21-67;

(iii) The number of pre-affidavit screenings conducted;

(iv) The number of individuals diverted to a lesser restrictive alternative from commitment;

(v) The number of crisis stabilization unit denials and the reason for denial;

(vi) Summary report of Medicaid claims, including denials; and

(vii) Cash balance as of the date of the end of the quarter.

(b) The community mental health center shall provide the Department of Mental Health, local sheriffs and chancery court judges with a copy of the community mental health center's report each quarter.

(5) (a) In order to improve quality, access, and innovation in the provision of mental health and substance use services to individuals treated at Community Mental Health Centers, regional commissions, as established in Section 41-19-33, are authorized to provide services through enhanced certification as a Certified Community Behavioral Health Clinic (CCBHC). CCBHCs shall provide comprehensive, holistic services, respond to local needs,



incorporate evidence-based practices, and establish care coordination as a center for service delivery, including effective community partnerships with law enforcement, schools, hospitals, primary care providers, veterans' groups and other organizations to improve care, reduce recidivism, and address health disparities.

(b) The Department of Mental Health and the Division of Medicaid are authorized and directed to submit an application to the federal Substance Abuse and Mental Health Services Administration (SAMHSA) to join the Certified Community Behavioral Health Clinic (CCBHC) Demonstration Grant at the next available application period.

(c) The CCBHC system shall be consistent with the demonstration program established by Section 223 of the Protecting Access to Medicare Act (PAMA) of 2014 and other applicable federal laws governing the CCBHC model. The Department of Mental Health shall be the entity charged with certifying and monitoring compliance of CCBHC clinics, and the Division of Medicaid shall be responsible for establishing a prospective payment system (PPS) to fund the CCBHC program.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

