

By: Representatives Frierson, Mims, Arnold,
Barker, Bennett, Bounds, Brown, Currie,
Gipson, Holland, Mettetal, Myers, Read,
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To: Appropriations

HOUSE BILL NO. 1650

1 AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S
2 OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
3 ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
4 EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR
5 2017.

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

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is appropriated out of any money in the State General
9 Fund not otherwise appropriated, to the Governor's
10 Office - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2016, and ending June 30, 2017.....
15\$ 885,512,790.00.

16 **SECTION 2.** The following sum, or so much thereof as may be
17 necessary, is appropriated out of any money in the State Treasury
18 to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing



20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2016, and ending June 30, 2017.....
22\$ 408,319,013.00.

23 **SECTION 3.** The following sum, or so much thereof as may be
24 necessary, is appropriated out of any money in any special fund in
25 the State Treasury to the credit of the Governor's
26 Office - Division of Medicaid which is comprised of special source
27 funds collected by or otherwise available to the commission, for
28 the purpose of providing medical assistance under the Mississippi
29 Medicaid Law and defraying the expenses of the administration of
30 such law, for the fiscal year beginning July 1, 2016, and ending
31 June 30, 2017.....\$ 4,690,433,744.00.

32 Prior period recovery of funds may be maintained and expended
33 by the division when the recovery is received or finalized. Any
34 recoveries due to audits or third party recoveries may be used to
35 offset the cost of such audits and third party recoveries and as
36 such, the division may escalate Contractual Services as needed for
37 these purposes.

38 **SECTION 4.** The following sum, or so much thereof as may be
39 necessary, is appropriated out of any money in the State Treasury
40 to the credit of the Health Care Expendable Fund, for the purpose
41 of defraying the expenses of the Governor's Office - Division of
42 Medicaid for the fiscal year beginning July 1, 2016, and ending
43 June 30, 2017.....\$ 76,726,384.00.

44 The above funds shall be allocated as follows:



45	CHIP Program at 200% level of poverty.....	\$	2,879,024.00
46	Eyeglasses for adults.....	\$	699,191.00
47	Home and Community Waiver Program.....	\$	1,972,132.00
48	Disabled worker buy-in to the Medicaid		
49	program.....	\$	754,715.00
50	Dental fee increase.....	\$	904,837.00
51	Medical Program Matching Funds.....	\$	69,516,485.00

52 It is the intention of the Legislature that funds may be
53 shifted among the above allocated line items where needed in the
54 discretion of the Executive Director of the Division of Medicaid.

55 **SECTION 5.** Of the funds appropriated under the provisions of
56 this act, the following positions are authorized:

57 AUTHORIZED POSITIONS:

58	Permanent:	Full Time.....	935
59		Part Time.....	2
60	Time-Limited:	Full Time.....	30
61		Part Time.....	0

62 With the funds herein appropriated, it shall be the agency's
63 responsibility to make certain that funds required to be
64 appropriated for "Personal Services" for Fiscal Year 2018 do not
65 exceed Fiscal Year 2017 funds appropriated for that purpose,
66 unless programs or positions are added to the agency's Fiscal Year
67 2017 budget by the Mississippi Legislature. Based on data
68 provided by the Legislative Budget Office, the State Personnel
69 Board shall determine and publish the projected annual cost to



70 fully fund all appropriated positions in compliance with the
71 provisions of this act. It shall be the responsibility of the
72 agency head to ensure that no single personnel action increases
73 this projected annual cost and/or the Fiscal Year 2017
74 appropriations for "Personal Services" when annualized, with the
75 exception of escalated funds and the award of benchmarks. If, at
76 the time the agency takes any action to change "Personal
77 Services," the State Personnel Board determines that the agency
78 has taken an action which would cause the agency to exceed this
79 projected annual cost or the Fiscal Year 2017 "Personal Services"
80 appropriated level, when annualized, then only those actions which
81 reduce the projected annual cost and/or the appropriation
82 requirement will be processed by the State Personnel Board until
83 such time as the requirements of this provision are met.

84 Any transfers or escalations shall be made in accordance with
85 the terms, conditions and procedures established by law or
86 allowable under the terms set forth within this act. The State
87 Personnel Board shall not escalate positions without written
88 approval from the Department of Finance and Administration. The
89 Department of Finance and Administration shall not provide written
90 approval to escalate any funds for salaries and/or positions
91 without proof of availability of new or additional funds above the
92 appropriated level.

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



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

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

101 **SECTION 6.** It is the intention of the Legislature that the
102 Governor's Office - Division of Medicaid shall maintain complete
103 accounting and personnel records related to the expenditure of all
104 funds appropriated under this act and that such records shall be
105 in the same format and level of detail as maintained for Fiscal
106 Year 2016. It is further the intention of the Legislature that
107 the agency's budget request for Fiscal Year 2018 shall be
108 submitted to the Joint Legislative Budget Committee in a format
109 and level of detail comparable to the format and level of detail
110 provided during the Fiscal Year 2017 budget request process with
111 the Children's Health Insurance Program (CHIP) being separated
112 from the Medical Services Program and submitted as a separate
113 program. In addition, the performance measures reported for the
114 Medical Services Program shall include an unduplicated case count
115 of individuals served by eligibility status, and the number and
116 the costs of emergency room visits.

117 **SECTION 7.** In compliance with the "Mississippi Performance
118 Budget and Strategic Planning Act of 1994," it is the intent of
119 the Legislature that the funds provided herein shall be utilized



120 in the most efficient and effective manner possible to achieve the
 121 intended mission of this agency. Based on the funding authorized,
 122 this agency shall make every effort to attain the targeted
 123 performance measures provided below:

	FY2017
<u>Performance Measures</u>	<u>Target</u>
126 Administrative Services	
127 Administration as a Percent of	
128 Total Budget (%)	3.66
129 Third Party Funds Recovered (\$)	30,855,121.00
130 Clean Claims Percent - 30 Days	
131 from Receipt (%)	99.00
132 Clean Claims Percent - 90 Days	
133 from Receipt (%)	100.00
134 Providers Submitting Electronic	
135 Claims (Number of)	22,350.00
136 Third Party Liability Costs	
137 Avoided (\$)	1,386,109.00
138 Percentage of Applications Processed Within	
139 Standard of Promptness - Medicaid (%)	90.00
140 Turnover Rate of Employees (%)	11.00
141 Medical Services	
142 Recipients Enrolled (Persons)	731,855
143 Percent Change in Number of Recipients	
144 Enrolled from Prior Year (%)	1.20



145	Elderly & Disabled - Persons Served	
146	Emergency Room Visits (\$)	62,898,058.00
147	Emergency Room Visits (Number of)	372,996
148	Child Physical Exams	316,890
149	Adult Physical Exams	1,733
150	Number of Fraud & Abuse Cases	
151	Investigated	175
152	Kidney Dialysis (Number of Trips)	493,552
153	MSCAN Diabetic Members Aged 17-75	
154	Receiving HBA1c Test (%)	82.10
155	MSCAN Members with Persistent	
156	Asthma are Appropriately	
157	Prescribed Medication (%)	75.66
158	Number of Medicaid Providers	35,000
159	Percent Change in Number of Providers from	
160	Prior Year (%)	2.00
161	Rate of EPSDT Well Child Screening	75.00
162	Medicaid Beneficiaries Assigned to a	
163	PCP (Primary Care Physician)	585,000
164	Percent of Medicaid Beneficiaries Assigned	
165	to a PCP (Primary Care Physician) (%)	70.00
166	Number of Medicaid Beneficiaries Assigned	
167	to a Managed Care Company	585,000
168	Percent Change in Number of Beneficiaries	
169	Assigned to a Managed Care Company (%)	5.00



170	Child's Health Ins Prg (chip)	
171	CHIP Enrollees (Number of)	49,983
172	Percentage of Applications Processed Within	
173	Standard of Promptness - CHIP (%)	90.00
174	Home & Com Based Waiver Prg	
175	Elderly & Disabled - Persons Served	20,000
176	Elderly & Disabled - Funded Slots	17,300
177	Elderly & Disabled - Total Auth Slots	21,000
178	(E&D) Change in Persons on Waiting List (%)	3.00
179	Assisted Living - Persons Served	630
180	Assisted Living - Funded Slots	625
181	Assisted Living - Total Auth Slots	1,000
182	(AL) Change in Persons on Waiting List (%)	20.00
183	Independent Living - Persons Served	2,850
184	Independent Living - Funded Slots	2,850
185	Independent Living - Total Auth Slots	5,500
186	(IL) Change in Persons on Waiting List (%)	5.00
187	Traumatic Brain Inj - Persons Served	900
188	Traumatic Brain Inj - Funded Slots	900
189	Traumatic Brain Inj - Total Auth Slots	2,700
190	(TBI) Change in Persons on Waiting List (%)	76.00
191	Intellectual Disab - Persons Served	2,700
192	Intellectual Disab - Funded Slots	2,200
193	Intellectual Disab - Total Auth Slots	2,900
194	(ID) Change in Persons on Waiting List (%)	10.00



195 A reporting of the degree to which the performance targets
196 set above have been or are being achieved shall be provided in the
197 agency's budget request submitted to the Joint Legislative Budget
198 Committee for Fiscal Year 2018.

199 **SECTION 8.** It is the intention of the Legislature that
200 whenever two (2) or more bids are received by this agency for the
201 purchase of commodities or equipment, and whenever all things
202 stated in such received bids are equal with respect to price,
203 quality and service, the Mississippi Industries for the Blind
204 shall be given preference. A similar preference shall be given to
205 the Mississippi Industries for the Blind whenever purchases are
206 made without competitive bids.

207 **SECTION 9.** Of the funds appropriated herein, an amount not
208 to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is
209 provided to implement an Adult Foster Care program for Medicaid
210 recipients as authorized by Section 43-13-117, Mississippi Code of
211 1972.

212 **SECTION 10.** The division shall provide statistical and
213 financial reports on a monthly basis to the Legislative Budget
214 Office. These reports shall include, but are not limited to, an
215 accounting of all funds spent and participant statistics medical
216 program, the CHIP program, the Dialysis Transportation program,
217 and each of the Home- and Community-Based Waiver programs, and an
218 accounting of all funds spent in the administrative program.



219 The Division of Medicaid shall perform its cash flow
220 projections on a predetermined monthly schedule and make this and
221 any other information requested available, upon request, to the
222 Chair of the Senate Public Health and Welfare Committee, the House
223 Public Health and Human Services Committee, the House Medicaid
224 Committee, the House and Senate Appropriations Committees as well
225 as the Legislative Budget Office.

226 **SECTION 11.** Of the funds appropriated in this act, the
227 Division of Medicaid shall pay the maximum per diem rate allowed
228 by federal law or regulation to providers of adult day services
229 for each day of service provided to an eligible beneficiary. In
230 order to receive this per diem rate of reimbursement, providers of
231 adult day services shall participate in the Elderly and Disabled
232 Waiver Program for Home- and Community-Based Services.

233 **SECTION 12.** In the division's Fiscal Year 2018 budget
234 submission, all Medicaid 1915 (C) Home- and Community-Based
235 Waivers shall be presented as a budget program separate from the
236 Medical Services Program.

237 **SECTION 13.** The Division shall transfer One Million Dollars
238 (\$1,000,000.00) of State Support Funds to the Department of
239 Rehabilitation Services for the support of the Independent Living
240 Home- and Community-Based Waiver program and shall transfer One
241 Million Dollars (\$1,000,000.00) of State Support Funds to the
242 Department of Human Services to support the Home Delivered Meals
243 program.



244 **SECTION 14.** Of the funds appropriated under the provisions
245 of this act, Two Million Seven Hundred Fifty Thousand Dollars
246 (\$2,750,000.00) are provided for the purpose of funding a
247 temporary program to provide nonemergency transportation to
248 locations for necessary dialysis services for end-stage renal
249 disease patients who are sixty-five (65) years of age or older or
250 are disabled as determined under Section 1614(a)(3) of the federal
251 Social Security Act, as amended, whose income did not exceed one
252 hundred thirty-five percent (135%) of the nonfarm official poverty
253 level as defined by the Office of Management and Budget and whose
254 eligibility was covered under the former category of eligibility
255 known as Poverty Level Aged and Disabled (PLADS). One Hundred
256 Eighty-two Thousand Five Hundred Thirty-five Dollars (\$182,535.00)
257 of the amount provided in this section, as originally authorized
258 in HB 865 of the 2009 Regular Session, shall come from Treasury
259 Fund 3322.

260 **SECTION 15.** Of the funds appropriated in Sections 1 and 3,
261 Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars
262 (\$398,550.00) General Funds and One Million One Hundred One
263 Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds
264 are provided for five (5) additional slots in the Assisted Living
265 Waiver program for persons with Traumatic Brain Injury and in need
266 of Cognitive Rehabilitation. The Division shall develop
267 eligibility criteria for these additional slots.



293 Mass Index (BMI) of 30.0 or
294 more regardless of sex

295 In addition, for comparison purposes, these same baselines
296 for the health-related outcome measurements shall be established
297 for similar Medicaid recipients who are not enrolled in the MS-CAN
298 program.

299 **SECTION 17.** Of the funds appropriated herein, an amount not
300 to exceed Three Hundred Thousand Dollars (\$300,000.00) is provided
301 for payments to certain eligible obstetricians and gynecologists
302 for the provision of certain primary care services, as defined by
303 the division, at up to one hundred percent (100%) of the Medicare
304 Physician fee schedule.

305 **SECTION 18.** Of the funds appropriated herein, an amount not
306 to exceed Two Million Dollars (\$2,000,000.00) is provided to pay
307 eligible hospital providers according to a payment schedule
308 developed by the division, and outside of the APR-DRG
309 reimbursement methodology, for the insertion of long acting
310 reversible contraceptives (LARCs) at the time of delivery.

311 **SECTION 19.** Of the funds appropriated in Sections 1, 2, 3
312 and 4, funds are provided for Phase One (1) and Phase Two (2) of
313 the Mississippi Delta Medicaid Population Health Demonstration
314 Project.

315 **SECTION 20.** The amount of funds appropriated from the State
316 General Fund in this bill are conditioned upon the availability
317 for appropriation of the full amount of the state general funds



318 that were projected in the general fund revenue estimate for
319 fiscal year 2017 that was determined under the provision of
320 Section 27-103-125.

321 If the amount of general funds projected to be available for
322 appropriation for fiscal year 2017 would be reduced by the
323 enactment into law of any revenue bills, as defined in Joint Rule
324 40, that have been passed by the House of Representatives by March
325 17, 2016, then the amount of funds appropriated from the State
326 General Fund in this bill shall be reduced by the same percentage
327 reduction in the amount of general funds that would be available
328 for appropriation for fiscal year 2017, and the reduced amount
329 shall be engrossed into this bill before it is transmitted to
330 Senate.

331 The determination of whether the House has passed any such
332 revenue bills by March 17, 2016, and the amount and percentage of
333 the resulting reduction in the amount of general funds projected
334 to be available for appropriation for fiscal year 2017, shall be
335 determined by the Legislative Budget Office and certified in
336 writing to the Chairman of the House Appropriations Committee by
337 the Director of the Legislative Budget Office.

338 **SECTION 21.** The money herein appropriated shall be paid by
339 the State Treasurer out of any money in the State Treasury to the
340 credit of the proper fund or funds as set forth in this act, upon
341 warrants issued by the State Fiscal Officer; and the State Fiscal



342 Officer shall issue his warrants upon requisitions signed by the
343 proper person, officer or officers, in the manner provided by law.

344 **SECTION 22.** This act shall take effect and be in force from
345 and after July 1, 2016; and shall stand repealed from and after
346 June 30, 2016.

