

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 11, 2013

Honorable Tate Reeves  
Lt. Governor, State of Mississippi

Via: Hand Delivery

Re: Ominous Potential Litigation by DOJ  
Against State for Mental Health Care Delivery

Dear Governor Reeves:

I am gravely concerned about potential litigation by the Department of Justice (DOJ) against the State of Mississippi for our alleged failure to sufficiently deliver mental health care into the communities. In 1999, the United States Supreme Court mandated that people with disabilities had a right to have services provided in the communities where they live, rather than in institutions. *Olmstead v. L. C.*, 527 U.S. 581 (1999). In order to keep us out of court, I respectfully request that you consider appropriating an additional \$10 million during this session to the Department of Mental Health (DMH) to keep us out of court for one year.

Since the state could be held responsible for millions in attorney fees for both sides, it is in our interest to avoid court. In the latest draft settlement proposal from the DOJ, the state would have to pay at least an estimated \$33.2 million the first year to implement the changes requested by the DOJ. Our agencies could neither implement all of these changes, nor spend this money in one year. The affected agencies compiled a list of tasks we could accomplish in one year and estimated the cost would be \$10 million for the first year.

During our meeting with the DOJ attorneys last Tuesday, they agreed that our list of improvements would cost \$10 million and that these changes would likely be all that we have the capability to implement during one year. The state also agreed with the DOJ that we should hire an independent expert to oversee the implementation of the changes during the upcoming year and to study other changes we may have to make in the second year.

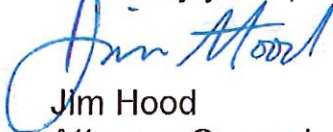
Based upon what other states have had to pay, this case could cost the state up to \$50 million. The following southern states have had to pay: (1) Georgia \$106.8 million; (2) North Carolina \$50 million; and (3) Virginia \$30 million. I have attached a document better describing how much each state facing this litigation has had to pay.

I recently settled some cases against a drug company and have enough in our trust account to cover the first year's cost of \$10 million. It is probable that I will settle other drug cases in the next few years to pay the entire cost to settle the case. However, wouldn't it be ironic if we could get the federal government to pay for the cost of implementing these court mandated changes? If Medicaid were expanded through the Affordable Care Act (ACA), the DMH would generate enough money each year to pay for the entire settlement. More people with insurance would generate fees for the DMH and fewer general fund dollars. The DMH estimates that the community mental health centers alone would generate an additional \$91 million per year from insured customers. This funding stream alone would not only cover the cost to settle this litigation, but it would also create savings of general fund dollars to the DMH. These savings could be used to pay for the cost of even the highest estimates of the implementation of the ACA. Although I know it would be distasteful to some to accept funding under the ACA, it would allow Mississippi to use federal dollars to pay for this impending federal suit and most, if not all, of our match for the ACA itself.

In my first legislative session as Attorney General in 2004, I asked the Legislature to spend \$22 million to keep us out of court on our Foster Care system. The funding was not increased and we have been in litigation since then. Since we have to pay for the plaintiffs attorney fees and a private firm to defend the state, we have already paid over \$15 million to attorneys. I would hate to see us make that mistake again and spend money on lawyers instead of our children and the least among us.

If you have any questions, please call me at (601) 359-3692.

Sincerely yours,



Jim Hood  
Attorney General



## **AMOUNTS PAID BY OTHER STATES TO SETTLE OLMSTEAD LITIGATION**

### **FY11 and FY12 Georgia \$77 million**

The Governor called for the legislature to come up with \$15 million in the amended annual budget for 2011 and \$62 million in the 2012 budget. (Psychiatric News) The new funding is only a first step, however, and Georgia is obliged to invest new funding over the five-year time frame of the settlement to continue to increase access to community services. (Georgia Budget and Policy Institute)

### **FY13 Georgia \$29.8 million**

Georgia adds \$29.8 million to continue implementation of the 2010 DOJ Settlement. Of this amount, \$20.3 million is directed to enhance community mental health services, \$4.2 million is directed to non-waiver community service for people with developmental disabilities, and \$5.3 million is used to fund waiver services for people with developmental disabilities. (Georgia Budget and Policy Institute)

### **FY13 Virginia \$30 million**

Virginia's Governor has proposed adding \$30 million to their budget request for more community-based treatment, including \$9.8 million to expand IDD waiver slots.

### **FY13 Delaware \$14 million**

In recent discussions with official from the State of Delaware, we were advised that their Mental Health Agency received an additional \$14 million dollars for the current fiscal year in order to comply with their DOJ Settlement Agreement.

### **FY 14 North Carolina \$50 million**

"The budget proposed by the House Republican majority contains \$50 million designated for a new "transitions to community living" program for people with mental health disabilities. Twenty percent of the funds go to creating community resources for people who need housing this year, while the other 80 percent of the money goes to owners of adult care homes, and to providing personal care services for residents.

Concerns about housing for people with mental health problems date back to 2010, when Disability Rights North Carolina wrote to the US Department of Justice, complaining about the state's use of adult care homes to house thousands of people with mental health disabilities. Disability Rights alleged the state's way of housing these mental health consumers was "biased" towards putting people in institutions, such as adult care homes, rather than helping them move out into the community, as required by law.

The US Department of Justice decided to investigate the situation and eventually agreed with Disability Rights' assessment last summer. The state and the US DOJ have been negotiating a settlement since last summer in an effort to avoid legal action by the DOJ." (North Carolina Health News)





STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 11, 2013

Honorable Eugene Buck Clarke  
Chairman of Appropriations  
Mississippi Senate

Via: Hand Delivery

Re: Ominous Potential Litigation by DOJ  
Against State for Mental Health Care Delivery

Dear Mr. Chairman:

I am gravely concerned about potential litigation by the Department of Justice (DOJ) against the State of Mississippi for our alleged failure to sufficiently deliver mental health care into the communities. In 1999, the United States Supreme Court mandated that people with disabilities had a right to have services provided in the communities where they live, rather than in institutions. **Olmstead v. L. C.**, 527 U.S. 581 (1999). In order to keep us out of court, I respectfully request that you consider appropriating an additional \$10 million during this session to the Department of Mental Health (DMH) to keep us out of court for one year.

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During our meeting with the DOJ attorneys last Tuesday, they agreed that our list of improvements would cost \$10 million and that these changes would likely be all that we have the capability to implement during one year. The state also agreed with the DOJ that we should hire an independent expert to oversee the implementation of the changes during the upcoming year and to study other changes we may have to make in the second year.



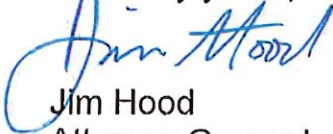
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If you have any questions, please call me at (601) 359-3692.

Sincerely yours,



Jim Hood  
Attorney General



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 11, 2013

Honorable Herb Frierson  
Chairman of Appropriations  
Mississippi House of Representatives

Via: Hand Delivery

Re: Ominous Potential Litigation by DOJ  
Against State for Mental Health Care Delivery

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Sincerely yours,



Jim Hood  
Attorney General



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

January 13, 2014

Lt. Governor Tate Reeves  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Phillip Gunn  
Speaker of the Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Dear Lieutenant Governor Reeves and Speaker Gunn:

I have talked to you many times over the past three years about the need to keep the United States Department of Justice (USDOJ) from suing the state over the State's delivery of community mental health services. Thanks to you and other members of the legislature, we have avoided having to pay legal fees to non-profit legal firms by appropriating over \$20 million to the Department of Mental Health (DMH). The state agreed to bring in an expert to make recommendations to address the concerns raised by the USDOJ. I write to respectfully request your help in obtaining additional funding and substantive legislation to carry out these recommendations.

Specifically, during the 2013 Session, the Legislature appropriated an additional \$10 million to DMH for FY 2014 to fund these community-based services. During the 2014 Legislative Session, a total of \$16,100,000 (\$6,100,000 from Capital Expense funds and \$10,000,000 in general funds) was appropriated to the DMH for FY 2015 for continued expansion of community-based services to improve the State of Mississippi's compliance with the Americans with Disabilities Act and the Olmstead decision of the United States Supreme Court.

On August 29, 2014, after consultation with you, other legislative leaders, the Governor and affected agency directors, I signed a letter agreeing to further negotiate how the state will address the issues raised by the USDOJ and to work towards negotiating a settlement with the Department of Justice in lieu of litigation.





Earlier this year, the State of Mississippi, through the Mississippi Department of Mental Health, entered into a contract with the Technical Assistance Collaborative ("TAC") to conduct a comprehensive assessment of affordable housing for various populations and help Mississippi develop a statewide approach for community-integrated supported housing for persons with serious mental illness in Mississippi. TAC issued its report in September 2014, which outlined 10 recommendations.

The Office of the Attorney General is requesting legislation during the 2015 Legislative Session to accomplish some of these recommendations. First, we are requesting legislation to create a Mississippi Special Needs Housing Steering Council to be composed of various agency leaders or their designees. The Council would be tasked with cooperating and assisting the Mississippi Home Corporation in the creation and administration of a Special Needs Housing Program. This program shall provide for state funded bridge housing subsidy program and stable supported community-integrated housing for individuals with mental illness, intellectual and developmental disabilities, and other populations with special needs as may be defined by the Council. Other populations identified by the Council may include persons re-entering society following an incarceration, persons with HIV/AIDS, homeless persons and families, and other similarly identified individuals and families with special needs as identified by the Council. As the former long-time director of the Department of Mental Health, Ed Legrande, once sagely advised me, "a person can't get a job and help themselves if we don't initially find them a place to live." Mississippi is currently the only state in the nation without an agency charged with addressing comprehensive housing issues.

In addition, I am requesting \$364,000 for this current fiscal year ending June 30, 2015, to fund integrated supported housing to 50 individuals for FY 2015 using a dedicated supported housing fund, per my letter with the Department of Justice dated August 29, 2014. These funds will need to be appropriated directly to the Mississippi Home Corporation, which already has authority to administer the housing program for the State.

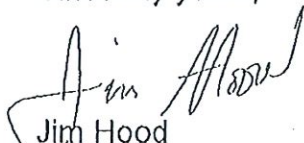
Finally, I am requesting that \$1,811,386 for Fiscal Year 2016 be appropriated directly to the Mississippi Home Corporation for the purposes of funding 12 months of rental assistance to 150 participants, primarily with serious mental illness. This money will also provide Mississippi Home Corporation the resources needed to hire additional staff to implement this important housing program for these populations in our state who need assistance.





This continued financial support will help to avoid expensive legal fees from a lawsuit by the Department of Justice. Moreover, it will help avoid incalculable social costs (such as crime, costs of incarceration, dependency, etc.) to our State which will otherwise result if we neglect these unfortunate souls.

Sincerely yours,



Jim Hood  
Attorney General

Cc: Governor Phil Bryant, State of Mississippi  
Senator Eugene S. "Buck" Clarke, Chairman of Senate Appropriations  
Representative Herb Frierson, Chairman of House Appropriations  
Dr. David Dzielak, Executive Director, Mississippi Division of Medicaid  
Dianna Mikula, Executive Director Mississippi Department of Mental Health  
Dr. Mary Currier, State Health Officer, Mississippi Department of Health  
Commissioner Marshall Fisher, Mississippi Department of Corrections  
Brent Christensen, Executive Director, Mississippi Development Authority  
Dianne Bolen, Executive Director, Mississippi Home Corporation  
Rickey Berry, Executive Director, Mississippi Department of Human Services  
Debbie Rubisoff, Legislative Budget Office





STATE OF MISSISSIPPI



**JIM HOOD**  
**ATTORNEY GENERAL**

February 19, 2014

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
400 High Street, Ste. 306  
Jackson, MS 39201

Honorable Eugene S. Clarke  
Chairman, Senate Appropriations  
P. O. Box 1018  
Jackson, MS 39215

Honorable Herb Frierson  
Chairman, House Appropriations  
P. O. Box 1018  
Jackson, MS 39215

RE: Settlement Funds to State General Fund - \$52,697,835.73

Gentlemen:

I would like to advise you of several settlements that will be delivered today to the State of Mississippi General Fund for appropriation by the Legislature. The distribution results from litigation involving the following cases: GlaxoSmithKline, LLC/Avandia - \$25,219,368.42; BASF Corporation et al/vitamin litigation - \$22,509,978.76; LG Display/LCD litigation - \$3,844,417.09; Toyota Motor Corp - \$433,542.74; Lender Processing Services, Inc - \$380,336.25; Google Safari - \$205,196.37; Google Street View - \$86,246.10; and, Affinion Group, Inc - \$18,750.00. The total distribution amounts to \$52,697,835.73.

In working on the settlement with GlaxoSmithKline, the company suggested that it hoped the money would go toward a positive program addressing drug abuse or obesity. Although I don't generally make suggestions to the Legislature about how they should do their job in appropriating funds, in an attempt to accommodate GSK's wishes for our state, I respectfully request that the Legislature consider spending \$3 million on a Reentry pilot project to create 100 beds for felons about to reenter society at a minimum security facility in Marion County from which they would work at a job during the day and receive voluntary drug, mental health and/or religious counseling at night. Similar projects have shown great rehabilitative success. I would also suggest that we

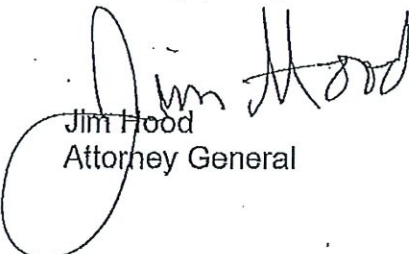




spend an additional \$7 million on Drug Courts. Our Circuit and Youth Court Judges have gone above and beyond the call of duty in making our Drug Courts successful. These judges don't get extra pay for this, but the program needs \$7 million more annually in administrative cost to continue.

If you have any questions, please call me at (601) 359-3692.

Sincerely yours,



Jim Hood  
Attorney General





STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

March 11, 2014

Honorable Phil Bryant  
Governor, State of Mississippi

Honorable Tate Reeves  
Lieutenant Governor, State of Mississippi

Honorable Philip Gunn  
Speaker of the House of Representatives

Honorable Eugene S. Clarke  
Chairman, Appropriations Committee  
Mississippi State Senate

Honorable Herb Frierson  
Chairman, Appropriations Committee  
Mississippi House of Representatives

RE: Department of Justice and Community Based Mental Health Programs

Gentlemen:

Last year I requested that the Legislature appropriate an additional \$10 million to the Department of Mental Health for the purpose of improving our community based mental health programs. As you are aware, the United States Department of Justice (DOJ) has sued numerous states based on inadequacies in their community mental health programs. Once such suits are filed, states spend millions of dollars in legal fees and other costs defending those lawsuits. During the past two years, I have worked with DOJ to avoid such a suit being filed against the State of Mississippi. The \$10 million appropriated last year made significant improvements in our community based mental health system and deterred DOJ from filing suit.

Our discussions with DOJ are ongoing. In order to move the state closer to resolving the threatened litigation, I request that the legislature renew the \$10

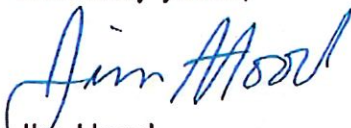
million appropriation, as well as provide an additional \$10.5 million for state fiscal year 2015.

The Department of Mental Health has proposed to spend the additional \$10.5million in the following manner:

- \$1.7 million – Needed for the Deficit in FY 2014 for Medicaid Match from 26.57% to 26.95%.
- \$2.7 million - Medicaid Match for FY 2015 increase projected from 26.95% to 27.70%.
- \$4 million – For an additional 250 Waiver Slots for IDD (Individuals with Developmental Disabilities) including anticipated rate increases as a result of the current rate study.
- \$1.6 million – For two additional PACT teams to serve an additional 100 individuals with severe mental illness.
- \$500,000 – For technical assistance from TAC (Technical Assistance Collaborative).

I appreciate your attention to this matter. Improving community mental health services is important to our citizens and saves money when compared to the cost of institutionalization.

Sincerely yours,

A handwritten signature in blue ink that reads "Jim Hood". The signature is stylized with a large, looping "J" and a cursive "Hood".

Jim Hood  
Attorney General  
State of Mississippi



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 5, 2015

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Eugene S. Clarke  
Chairman, Senate Appropriations  
Post Office Box 1018  
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Honorable Herb Frierson  
Chairman, House Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

RE: Settlement Funds to the State of Mississippi General Fund during Fiscal Year  
2015 - \$46,754,000.00

Gentlemen:

I would like to advise you of several settlements that will be delivered today to the State of Mississippi General Fund for appropriation by the Legislature. The distribution results from litigation involving the following cases: Discover Financial - \$1,932,818.47; JP Morgan Chase - \$1,976,407.27; Bank of America - \$1,317,462.56; Citibank - \$1,303,787.33; HSBC Bank - \$2,308,352.48; Merck & Company-Viox - \$9,688,463.63; and AU Optronics-Chi Mei Optoelectronics - \$1,472,708.26. Today's deposit amounts to \$20,000,000.00. In addition, we expect to receive the Standard and Poor's settlement payment of \$26,754,000.00 within approximately 30 days, which will result in a total of \$46,754,000.00 recovered for the taxpayers this fiscal year.

Section 7-5-63 of the Mississippi Code charges me to make recommendations to the Legislature for improvement of the public service. Therefore I advise you of the

following serious criminal and civil justice issues, and respectfully ask you to appropriate a small portion of these recoveries to address them.

### 1. Mental Health-Criminal

We currently have a dire problem in our criminal justice system: the inability of our State to keep the criminally insane off the streets, thereby exposing our citizens to the perils that these individuals are capable of. The current forensic unit at the State hospital at Whitfield was constructed sometime in the early to mid-20th century (cells are secured with padlocks and a ring of keys) and is entirely insufficient to meet the needs of Mississippi's 82 counties. It has only 35 beds. Of those beds, 15 are for court-ordered forensic evaluations and 20 are for extended care of individuals found not guilty by reason of insanity.

Due to the shortage of beds, the Department must move a person out in order to take another in. As a result, defendants in need of forensic evaluation languish in county jails.

The Bureau of Buildings has recommended preplanning for a new Forensic Unit (\$400,000) in FY 2016 and construction of a new Forensic Unit (\$15 million) in FY 2017. The new replacement Forensic Unit would have an estimated 60 to 70 bed capacity and would be up to modern standards.

### 2. Mental Health-Civil

In an earlier letter dated January 13, 2015, I asked for \$364,000 for current fiscal year (deficit appropriation) and \$1,812,000 for FY 2016, to be appropriated to the Mississippi Home Corporation for dedicated supported housing and rental assistance for mentally ill. This would be a small amount to pay in order to facilitate proper, humane treatment of our mentally ill. Further, it is a bargain compared to the costs we will incur if sued by the U.S. Department of Justice under the Olmstead case and the Americans with Disabilities Act.

Please note that we will also have to make expenditures to comply with laws related to mental health treatment for children (the Troupe case), but I do not have a figure at this point.

### 3. Judicial Performance Commission

Due to insufficient funds raised by the \$2.00 assessment on criminal fines, this agency needs a \$75,000 deficit appropriation and sufficient general fund appropriations for ongoing needs.



#### 4. Inmate Reentry

I respectfully request the Legislature consider spending \$3 million on a Reentry pilot project to create 100 minimum security beds for felony inmates who have completed their sentences and are about to reenter society. From this facility they would work during the day and receive drug, mental health, religious and life-skill counseling to prepare them for their release.

#### 5. AG Employee pay

Pay scales of AG lawyers in the surrounding states of Louisiana, Tennessee, Arkansas, and Alabama are significantly higher than Mississippi's, as you can see from the attached sheet. In addition, other Mississippi state agencies and district attorneys' offices are luring my best employees away with offers of higher pay which I cannot match. I respectfully request an additional appropriation of \$800,000 this year to bring the Attorney General's staff's salaries up to the regional average of Mississippi's surrounding states. I have also asked for legislation allowing flexibility on statutory limits arbitrarily placed on staff salaries. I want to emphasize that I am not asking for a salary adjustment for myself. My concern is for the livelihood of my employees and the ability of the Office of Attorney General to retain highly qualified public servants who can forcefully advance the legal interests of the State.

If you have any questions about any of these issues, please call me at (601) 359-3692.

Sincerely yours,



Jim Hood  
Attorney General

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(Source: 2014 survey by the National Attorney Generals' Association)

ALABAMA AG ATTORNEYS

Executive: \$92,993 – \$141,785  
Next level supervisory: \$69,098 – \$105,403  
Entry level: \$62,529 – \$80,287  
Lawyers' salary midpoint: \$101,087

TENNESSEE AG ATTORNEYS

Executive: \$125,000 – \$131,850  
Next level supervisory: \$93,000 – \$123,600  
Entry level: \$51,000  
Lawyers' salary midpoint: \$81,200

ARKANSAS AG ATTORNEYS

Executive: \$117,947 – \$123,362  
Next level supervisory: \$108,881 – \$112,751  
Entry level: \$42,000 – \$64,639  
Lawyers' salary midpoint: \$98,071

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LOUISIANA AG ATTORNEYS [Source: LA AG's Office]

Director AG - \$105,000 - \$125,000  
Deputy Director AG - \$88,000 - 120,000  
Section Chief AG - \$60,000 - \$103,000  
Deputy/Assistant Office/Section Chief AG - \$68,000 - \$89,000  
Assistant AG - \$50,000 - \$96,000  
Complex Litigation AG - \$91,000 - \$119,000

MISSISSIPPI AG ATTORNEYS

Executive: \$107,000 – \$108,000  
Next level supervisory: \$85,000 – \$104,000  
Entry level: \$54,000  
Lawyers' salary midpoint: \$78,772.00

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

March 11, 2015

Honorable Phil Bryant  
Governor, State of Mississippi

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Lieutenant Governor

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives

Honorable Herb Frierson  
Chairman, House Appropriations  
Mississippi House of Representatives

Honorable Eugene S. Clarke  
Chairman, Senate Appropriations  
Mississippi Senate

RE: Settlement Funds deposited in the State of Mississippi General Fund during the 2015 Legislative Session - \$50,010,621.45

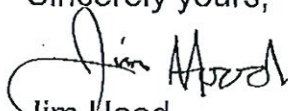
Gentlemen:

I would like to advise you of the following settlements that will be delivered today to the State of Mississippi General Fund for appropriation by the Legislature. The distribution results from litigation involving the following cases: Standard & Poor - \$26,812,580.67; and Capital One - \$3,198,040.78. Today's deposit amounts to \$30,010,621.45. In addition, on February 5, 2015, we deposited \$20,000,000.00 in the State General Fund, which results in a total of \$50,010,621.45 recovered for the taxpayers during this legislative session.

Section 7-5-63 of the Mississippi Code charges me to make recommendations to the Legislature for improvement of the public service. Therefore, please refer to my letter dated February 5, 2015 (attached) where I advised you of several serious criminal and civil justice issues, and respectfully asked you to appropriate a small portion of these recoveries to address them.

If you have any questions about any of these issues, please call me at (601) 359-3692.

Sincerely yours,

  
Jim Hood  
Attorney General





STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 17, 2016

*Via Hand Delivery*

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Terry C. Burton  
President Pro Tempore  
Mississippi Senate  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Greg Snowden  
Speaker Pro Tempore  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Eugene S. (Buck) Clarke  
Chairman, Senate Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Herb Frierson  
Chairman, House Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Re: Attorney General 2015 Recoveries of \$66,207,318.37 Deposited Today and  
\$150,000,000.00 in BP-Oil Settlement Funds Due to Budget Contingency Fund in  
April

Gentlemen:

I would like to advise you of several settlements that will be delivered today to the Treasury for deposit into the State of Mississippi General Fund. These funds in the amount of \$66,207,318.37 are available for appropriation by the Legislature. The distribution results from litigation involving the following cases: LCD - \$7,252,281.29; Bank of America - \$1,270,759.60; Transocean (BP Oil Spill) - \$4,000,000.00; Jannsen (Risperdal) - \$7,181,879.22; and Pharmaceutical settlements - \$46,502,398.26.

Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Terry C. Burton  
Honorable Greg Snowden  
Honorable Eugene S. (Buck) Clarke  
Honorable Herb Frierson  
February 17, 2016  
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Also during this year's session, we are anticipating the delivery of \$150,000,000.00 to the Treasury from the BP Oil Spill settlement for deposit into the State of Mississippi Budget Contingency Fund. These funds will be available for appropriation by the Legislature to assist in the damages suffered as a result of the Deepwater Horizon incident.

These recoveries result in a total of \$216,207,318.37 recovered for the taxpayers so far this fiscal year.

Section 7-5-63 of the Mississippi Code charges me to make recommendations to the Legislature for improvement of the public service. Therefore, I advise you of the following serious issues, and respectfully ask you to appropriate a portion of the \$66,207,318.37 General Fund recoveries to address them.

### ***Olivia Y***

In 2004, I advised the Legislature of a suit filed by the New York based Children's Rights, Inc. alleging that the foster care system administered by the Mississippi Department of Human Services (MDHS) violates federal law and the constitutional rights of children by failing to provide adequate protective services and other related foster care benefits. I requested that \$22 million be appropriated to the Department of Human Services to improve child welfare and solve the state's foster care crisis. I advised that this investment would enable the state to provide foster care services required by federal law and save the state millions in continuing legal fees and expenses, but the money was not appropriated. When the state loses these type cases, the taxpayers are responsible to pay not only the state's defense, but also for the plaintiffs' legal fees. Since the litigation began, the legal fees and expenses have grown to more than \$22,300,000.00.

In 2008, the Federal Court approved a settlement agreement designed to ensure that the necessary improvements were made to comply with federal law. The state's federal court monitor has continued to maintain a presence at MDHS and work with MDHS and the plaintiffs' counsel to determine compliance with the settlement agreement.

We are now in 2016 and our foster care problems have not yet been resolved. I am joining Governor Bryant in requesting that the Legislature provide \$32.2 million in fiscal year 2017 for the restructuring of the Division of Family and Children's Services to ensure that the state complies with the Court's mandate. We owe it to our children to make sure they are placed in a safe and secure environment.



Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Terry C. Burton  
Honorable Greg Snowden  
Honorable Eugene S. (Buck) Clarke  
Honorable Herb Frierson  
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### ***Olmstead Compliance***

Mississippi is in the process of implementing a voluntary plan to comply with the U.S. Supreme Court's Olmstead decision. The decision requires states to provide housing choices for persons with disabilities combined with supportive services that will allow them to live independently in the community. During last year's session, I recommended that \$1,811,386.00 be appropriated in 2016 for this purpose and advised that this appropriation would be a bargain compared to the costs that would be incurred if sued by the U.S. Department of Justice under the Olmstead case and the Americans with Disabilities Act.

With the Legislative funding received in fiscal year 2016, the Department of Mental Health and the Mississippi Home Corporation have been working with the Department of Justice, Division of Medicaid and other state agencies and housing providers to develop a plan to comply with the Olmstead decision.

To ensure that we continue to reach our goals of an Olmstead-compliant supportive housing system, I am requesting an appropriation of \$1,998,000.00 for fiscal year 2017. I also recommend that \$3 million be appropriated to the University of Mississippi Medical Center for a scholarship program for students in psychiatry, who agree to practice in the state. The Legislature's continued investment in this program will help avoid costly legal fees from a lawsuit by the Department of Justice.

I also requesting an appropriation of \$10,000,000 for the start-up of Crisis Stabilization Units (CSUs) for children with serious emotional/behavioral disturbance. These units will provide psychiatric supervision, nursing services, structured therapeutic activities, and intensive psychotherapy for children in need.

I am recommending \$4,550,000 to be used as Medicaid match money to expand the availability of Home and Community Based Waiver Programs by expanding the network of private providers willing to deliver services, and to comply with federal law regarding the availability of community mental health programs.

These waiver programs provide individualized supports to people with intellectual/developmental disabilities to assist them in living successfully at home and in the community.

Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Terry C. Burton  
Honorable Greg Snowden  
Honorable Eugene S. (Buck) Clarke  
Honorable Herb Frierson  
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### **Opioids/Heroin/Synthetic Drugs**

I am also recommending that the Legislature consider funding the following one year pilot projects to address the epidemic of opioid/heroin and synthetic drug abuse and overdoses:

\$1,000,000 to the Pharmacy Board in partnership with the Bureau of Narcotics to implement a public outreach initiative as to prescription drug abuse and the increase in heroin use and for related activities;

\$75,000 to the Department of Health, Office of Epidemiology, for physician education outreach to target prescribers of controlled substances to educate on the appropriate use of prescription opioids and the true risks of opioids;

\$3,802,400 to the Department of Mental Health for the expansion of the regional adolescent residential treatment centers, the increase in the availability of adolescent intensive outpatient programs, the implementation of mental health first aid for public safety, the placement of approximately 400 indigent clients needing withdrawal management and appropriate treatment, and the expansion of "I Got You! Healthy Life Choices for Teens" to include prevention and intervention strategies as to prescription and synthetic drug abuse;

\$5,250,000 to the University of Mississippi Medical Center for a one-time start-up costs for psychiatric emergency services and addiction support program;

### **Corrections and Law Enforcement**

\$3,000,000 to the Department of Corrections for a pilot re-entry project at the Marion-Walshall County Regional Correctional Facility to create 100 minimum security beds for felony inmates who have completed their sentences and are about to re-enter society. From this facility they would work during the day and receive drug, mental health, religious and life-skill counseling to prepare them for their release;

\$500,000 to the Crime Laboratory to establish a fund for the testing of all rape kits, current and any backlog, and inputting all the DNA findings into the FBI database;




Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Terry C. Burton  
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Honorable Herb Frierson  
February 17, 2016  
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\$500,000 to the Governor's Office to work with the Department of Public Safety, Homeland Security, and the Attorney General's Office for educational training on human trafficking; and

\$100,000 to the Attorney General's Office to be administered in collaboration with the Board of Standards and Training, the Mississippi Association of Police Chiefs, and the Mississippi Association of Sheriffs to implement a nationally recognized course for law enforcement on how to de-escalate situations where officers encounter mentally ill persons or those in a drug induced psychotic episode.

If you have questions about any of these issues, please call me at (601) 359-3692.

Sincerely yours,

  
Jim Hood  
Attorney General





STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

September 15, 2016

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Eugene S. (Buck) Clark  
Chairman, Senate Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable John Read  
Chairman, House Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Re: *Olmstead* Litigation

Gentlemen:

As anticipated, my office received a complaint filed by the United States Department of Justice (DOJ) against the State of Mississippi under the Americans with Disabilities Act, as interpreted by the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999). The *Olmstead* decision prohibits states from discriminating against persons with mental illness by unjustifiably isolating them in institutions rather than accommodating their right to live in the community, when appropriate and when the placement can be reasonably accommodated. The case was filed in the United States District Court for the Southern District of Mississippi and has been assigned to District Judge Carlton Reeves.

Despite our collective efforts to achieve an *Olmstead*-compliant community-based mental health system through appropriations to the Department of Mental Health, extensive studies, and lengthy discussions with the DOJ, state agencies, and other



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Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Eugene S. (Buck) Clark  
Honorable John Read  
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interested parties, we now face the litigation we actively sought to avoid. As I have previously advised you, defending this lawsuit will be costly, and we anticipate the State being responsible for millions of dollars in attorneys' fees. In the comparable *Olivia Y.* case concerning insufficiencies in Mississippi's foster care system, the State has incurred over \$22 million in attorneys' fees, expenses, and expert fees since FY 2005. The *Olmstead* litigation is expected to be at least as expensive as *Olivia Y.*

My office has retained the services of Phelps Dunbar LLP to represent the State in this litigation at a negotiated hourly rate of \$250 per hour for legal services. Even at this reduced fee rate, we anticipate incurring at least \$2 million in legal fees and expenses in the next year, after taking into account not only attorney and support staff hours, but also fees associated with the retention of experts, electronic discovery, and other related litigation expenses. The actual amount necessary to defend the case is difficult to define because of numerous unknown contingencies.

Due to the material redesign of our 2017 budget, we have lost the flexibility to pay the fees and expenses of outside counsel to assist us in defending such newly initiated, large scale litigation against the State. As we explained in our recent budget request, these cases often arise suddenly requiring funds above the general funds appropriated at the beginning of the fiscal year. With the elimination of certain special funds, loss of special fund spending authority, and removal of special fund escalation language from our appropriation bill, my office lacks sufficient money in its budget to pay the anticipated fees and expenses in this case.

As I suggested in my letter dated February 11, 2013, attached here, expansion of Medicaid through the Affordable Care Act would increase the scope of our community-based mental health services. At that time, the Department of Mental Health reported to me that expansion would provide approximately \$91 million per year in additional mental health services to Mississippians. Such improvements would help us in the defense of the lawsuit.

Regardless, my office will require a deficit appropriation at the next legislative session to cover these costs. I respectfully request a written commitment from you to appropriate the necessary funds to pay our attorneys and experts, and to cover all other fees and costs required to properly defend the State in this case.



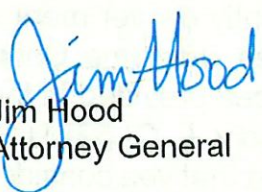
Honorable Phil Bryant  
Honorable Tate Reeves  
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Honorable Eugene S. (Buck) Clark  
Honorable John Read  
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In addition, I urge you to use caution when directing any future studies or conducting hearings that could impact the State's position in this litigation. New committee reports, studies, or testimony regarding Mississippi's mental health system could be used as evidence. As an example, in the litigation over HB 1523, the federal district court made use of statements during legislative debates in its opinion barring enforcement of the law.

At your convenience, I would like to meet with you in person to further discuss the scope of the litigation and the need for this funding.

Thank you in advance for your consideration and assistance in this matter.

Sincerely yours,

  
Jim Hood  
Attorney General

cc: Diana Mikula, Executive Director, MS Department of Mental Health

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 11, 2013

Honorable Herb Frierson  
Chairman of Appropriations  
Mississippi House of Representatives

Via: Hand Delivery

Re: Ominous Potential Litigation by DOJ  
Against State for Mental Health Care Delivery

Dear Mr. Chairman:

I am gravely concerned about potential litigation by the Department of Justice (DOJ) against the State of Mississippi for our alleged failure to sufficiently deliver mental health care into the communities. In 1999, the United States Supreme Court mandated that people with disabilities had a right to have services provided in the communities where they live, rather than in institutions. *Olmstead v. L. C.*, 527 U.S. 581 (1999). In order to keep us out of court, I respectfully request that you consider appropriating an additional \$10 million during this session to the Department of Mental Health (DMH) to keep us out of court for one year.

Since the state could be held responsible for millions in attorney fees for both sides, it is in our interest to avoid court. In the latest draft settlement proposal from the DOJ, the state would have to pay at least an estimated \$33.2 million the first year to implement the changes requested by the DOJ. Our agencies could neither implement all of these changes, nor spend this money in one year. The affected agencies compiled a list of tasks we could accomplish in one year and estimated the cost would be \$10 million for the first year.

During our meeting with the DOJ attorneys last Tuesday, they agreed that our list of improvements would cost \$10 million and that these changes would likely be all that we have the capability to implement during one year. The state also agreed with the DOJ that we should hire an independent expert to oversee the implementation of the changes during the upcoming year and to study other changes we may have to make in the second year.



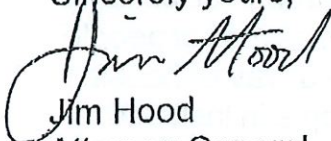
Based upon what other states have had to pay, this case could cost the state up to \$50 million. The following southern states have had to pay: (1) Georgia \$106.8 million; (2) North Carolina \$50 million; and (3) Virginia \$30 million. I have attached a document better describing how much each state facing this litigation has had to pay.

I recently settled some cases against a drug company and have enough in our trust account to cover the first year's cost of \$10 million. It is probable that I will settle other drug cases in the next few years to pay the entire cost to settle the case. However, wouldn't it be ironic if we could get the federal government to pay for the cost of implementing these court mandated changes? If Medicaid were expanded through the Affordable Care Act (ACA), the DMH would generate enough money each year to pay for the entire settlement. More people with insurance would generate fees for the DMH and fewer general fund dollars. The DMH estimates that the community mental health centers alone would generate an additional \$91 million per year from insured customers. This funding stream alone would not only cover the cost to settle this litigation, but it would also create savings of general fund dollars to the DMH. These savings could be used to pay for the cost of even the highest estimates of the implementation of the ACA. Although I know it would be distasteful to some to accept funding under the ACA, it would allow Mississippi to use federal dollars to pay for this impending federal suit and most, if not all, of our match for the ACA itself.

In my first legislative session as Attorney General in 2004, I asked the Legislature to spend \$22 million to keep us out of court on our Foster Care system. The funding was not increased and we have been in litigation since then. Since we have to pay for the plaintiffs attorney fees and a private firm to defend the state, we have already paid over \$15 million to attorneys. I would hate to see us make that mistake again and spend money on lawyers instead of our children and the least among us.

If you have any questions, please call me at (601) 359-3692.

Sincerely yours,

  
Jim Hood  
Attorney General



## **AMOUNTS PAID BY OTHER STATES TO SETTLE OLMSTEAD LITIGATION**

### **FY11 and FY12 Georgia \$77 million**

The Governor called for the legislature to come up with \$15 million in the amended annual budget for 2011 and \$62 million in the 2012 budget. (Psychiatric News) The new funding is only a first step, however, and Georgia is obliged to invest new funding over the five-year time frame of the settlement to continue to increase access to community services. (Georgia Budget and Policy Institute)

### **FY13 Georgia \$29.8 million**

Georgia adds \$29.8 million to continue implementation of the 2010 DOJ Settlement. Of this amount, \$20.3 million is directed to enhance community mental health services, \$4.2 million is directed to non-waiver community service for people with developmental disabilities, and \$5.3 million is used to fund waiver services for people with developmental disabilities. (Georgia Budget and Policy Institute)

### **FY13 Virginia \$30 million**

Virginia's Governor has proposed adding \$30 million to their budget request for more community-based treatment, including \$9.8 million to expand IDD waiver slots.

### **FY13 Delaware \$14 million**

In recent discussions with official from the State of Delaware, we were advised that their Mental Health Agency received an additional \$14 million dollars for the current fiscal year in order to comply with their DOJ Settlement Agreement.

### **FY 14 North Carolina \$50 million**

"The budget proposed by the House Republican majority contains \$50 million designated for a new "transitions to community living" program for people with mental health disabilities. Twenty percent of the funds go to creating community resources for people who need housing this year, while the other 80 percent of the money goes to owners of adult care homes, and to providing personal care services for residents.

Concerns about housing for people with mental health problems date back to 2010, when Disability Rights North Carolina wrote to the US Department of Justice, complaining about the state's use of adult care homes to house thousands of people with mental health disabilities. Disability Rights alleged the state's way of housing these mental health consumers was "biased" towards putting people in institutions, such as adult care homes, rather than helping them move out into the community, as required by law.

The US Department of Justice decided to investigate the situation and eventually agreed with Disability Rights' assessment last summer. The state and the US DOJ have been negotiating a settlement since last summer in an effort to avoid legal action by the DOJ." (North Carolina Health News)



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

January 31, 2017

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Eugene S. (Buck) Clarke  
Chairman, Senate Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable John Read  
Chairman, House Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Re: House Bill 886 and Senate Bill 2567

Gentlemen:


It is my understanding that there are two proposed bills before you, House Bill 886 and Senate Bill 2567, which would place the Department of Health, Department of Mental Health, and Department of Rehabilitative Services under more direct control of the Governor. Apparently, the intent of this legislation would be to allow these agencies to share resources, specifically administrative staff, in order to reduce state budget costs. While I fully support your efforts to eliminate excesses where feasible, I urge you to proceed with caution when reducing agency spending and accountability in the areas of health and mental health. This concern is heightened by the pending litigation over our state's quality of care for persons with mental illnesses and intellectual disabilities. At such a crucial time, it is imperative that we avoid reducing services in a rush to decrease spending.

Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Eugene S. (Buck) Clarke  
Honorable John Read  
January 31, 2017  
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These three agencies have traditionally operated under the authority of boards with members holding expertise in their areas of function. Although I would not anticipate any intentional politicization of these agencies' operations, even the appearance of influence beyond consideration of what is medically appropriate and necessary could undermine the effectiveness of these agencies and, in turn, the state's ability to defend related litigation. While there is value in streamlining agency decision-making, the independence of these boards is vital for them to make decisions, based on their expert knowledge, affecting prioritization of spending and services. Therefore, I encourage you to balance the need for fiscal responsibility with the duty to provide sufficient services to Mississippians in need.

Thank you in advance for your consideration and assistance in this matter.

Sincerely yours,



Jim Hood  
Attorney General



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

March 23, 2017

Honorable John Read  
Chairman, House Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

*Via Hand Delivery*

Honorable Eugene S. (Buck) Clarke  
Chairman, Senate Appropriations  
Post Office Box 1018  
Jackson, Mississippi 39215

Gentlemen:

I would like to advise you of several settlements that will be delivered today to the Treasury for deposit into the State of Mississippi General Fund. These funds in the amount of \$34,441,643.60 are available for appropriation by the Legislature.

Section 7-5-63 of the Mississippi Code charges me to make recommendations to the Legislature for the improvement of the public service. Therefore, I advise you of the following serious issues, and respectfully ask you to appropriate a portion of the \$34.4 million in General Fund recoveries to address these matters.

As you are aware, the budget cuts have forced the Department of Mental Health to close all of its drug treatment facilities for men at both the Mississippi State Hospital and East Mississippi Hospital. The women's unit at Whitfield remains open. Many counties have relied on the men's drug and alcohol facility at Whitfield to treat those committed by court order to stay at Whitfield until they are released. I have received pleas from lawyers for and family members of men committed for drug and alcohol treatment to see if we can reopen the Whitfield unit. These lawyers and family members expressed concern that patients can walk away from local facilities, whereas they were housed in a secure environment on the Whitfield campus.

A mother who is a nurse, wrote me about her struggle to help her 22-year-old son who is a drug addict. She states in her letter, "He was admitted to a community chemical dependency unit. He stayed 7 days. He was allowed to walk out after a familiar person

Honorable John Read  
Honorable Eugene S. (Buck) Clarke  
March 23, 2017  
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*was there as a speaker and he spiraled into mental breakdown and walked away." She continued, "He needs to be in a facility on lockdown. The community CDU's provided are for milder cases and willing participants. There is a need for Mississippi State Hospital Chemical Dependency unit for those unwilling participants. At the present, there is no place to help these guys. My son will end up in a correctional facility without the necessary medical help to become and stay sober." She concluded by saying, "It is wrong to jail these individuals for their addiction causing behavior without addressing the addiction itself."*

An attorney who works with those seeking help with drug addiction wrote: *"The closure of the State Hospital as a treatment option for males is a true tragedy." He continued, "For the last several years, I have sought commitment to the State Hospital for many people charged with crimes. It is working! Rather than jailing these people, I have placed them where they need to be - a treatment center. Now, Whitfield is closed to treat males in this group. Local mental health centers don't work because a person so committed can just leave - which they do. In 2015, 847 males were committed to Whitfield - now zero."*

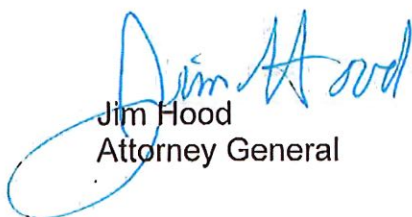
It is amazing to me what a high level of mental and substance abuse treatment the staff at Whitfield provide with limited funding. I believe a \$2 million appropriation would enable the Department of Mental Health to reopen the men's Chemical Dependency Unit at Whitfield.

I also respectfully request that the Legislature appropriate \$5,350,400 to the Department of Mental Health to continue to support the 2,515 people who are able to remain in their homes and communities because of the ID/DD Home and Community Based Waiver.

The ID/DD Home and Community Based Waiver is a Medicaid funded program that allows reimbursement to providers when serving qualified individuals in need of support and treatment in the community. The Legislature has been funding this program for several years. Without this funding, services to enrollees would be reduced and the number of enrollees would be reduced, or a combination of both. This funding will also assist us in defending the state in pending litigation.

If you have any questions, please call me at 601-359-3692.

Sincerely yours,



Jim Hood  
Attorney General



STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

February 12, 2019

Honorable Phil Bryant  
Governor, State of Mississippi  
Post Office Box 139  
Jackson, Mississippi 39205

Honorable Tate Reeves  
Lieutenant Governor, State of Mississippi  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Philip Gunn  
Speaker of the House  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable Eugene S. Clarke  
Chairman, Senate Appropriations  
Mississippi Senate  
Post Office Box 1018  
Jackson, Mississippi 39215

Honorable John Read  
Chairman, House Appropriations  
Mississippi House of Representatives  
Post Office Box 1018  
Jackson, Mississippi 39215

Re: Settlement Funds to the State of Mississippi General Fund - \$17,658,336.29

Gentlemen:

I would like to advise you of several settlements that will be delivered today to the State of Mississippi General Fund for appropriation by the Legislature. The distribution results from litigation involving the following prison scandal cases: Keefe Commissary Network LLC (Epps) - \$2,322,622.42; Sentinel Offender Services LLC (Epps) - \$973,834.09; AdminPros LLC - (Epps) - \$24,141.17; Guy E "Butch" Evans (Epps) - \$65,470.82; and the GEO Group, Inc. (Epps) - \$3,403,696.53 for a total of \$6,789,765.03. Other settlements include: Sanofi-Aventis US LLC (Plavix) - \$2,673,891.43; Takeda Pharmaceuticals, Inc. (Actos) - \$6,889,442.15; Deutsche Bank AG (LIBOR Consumer Antitrust) - \$183,785.62; Uber Technologies (Consumer Data Breach) - \$537,645.86; Midland (Consumer Multistate) - \$71,193.75; Career Education Corporation (Consumer Multistate) - \$37,500.00; and Mitsubishi Electric Corporation *et al.* (DRAM Consumer Antitrust) - \$475,112.45 for a total of \$17,658,336.29.



Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Eugene S. Clarke  
Honorable John Read  
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Section 7-5-63 of the Mississippi Code charges me to make recommendations to the Legislature relating to the condition of public service. Therefore, I advise you of the following and respectfully ask you to appropriate a portion of these recoveries accordingly.

1. Reimbursement for Inflated IT Expenses

The \$475,112.45 recovered in the last case mentioned above involved price fixing of dynamic random access memory ("DRAM") by Mitsubishi, Hitachi, and Toshiba. This caused the price of computers purchased by the institutions of higher education, state agencies, political subdivisions, and local school districts purchased DRAM to be inflated. Therefore, I respectfully request that you appropriate this restitution to Institutions of Higher Learning, the Department of Finance and Administration, the Department of Education, and cities and counties.

2. Regional Jails

The Sheriffs' Association reported that MDOC decreased the *per diem* for regional jails from \$29.74 to \$23.92. While regional jails are less costly than state facilities, the sheriffs indicate that the jails cannot operate at this reduced rate. For the sake of maintaining our regional jails and for the safety of our community, please consider appropriating a portion of these funds to the regional jails.

3. Mental Health Training

In 2017, we convened the Mississippi Mental Health Task Force, which brought together 40 private, nonprofit, and governmental stakeholders to evaluate mental health treatment in our state and to create recommendations for improving services for the mentally ill and their families. The Task Force identified crisis intervention and mental health training for law enforcement as a critical need. This is essential for the safety of those suffering with mental illness, the law enforcement officers encountering them, and the public.

The Task Force also noted that education personnel need training in identifying possible mental illness, from early education through the institutions of higher learning. If those interacting with our students on a daily basis can help families spot mental illness or special needs as soon as possible, then the student is more likely to receive

Honorable Phil Bryant  
Honorable Tate Reeves  
Honorable Philip Gunn  
Honorable Eugene S. Clarke  
Honorable John Read  
February 12, 2019  
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the necessary treatment, and their condition is less likely to worsen untreated, resulting in behavioral or safety concerns.

Therefore, I respectfully ask you to appropriate \$200,000 to the Department of Mental Health for mental health training to law enforcement and education personnel.

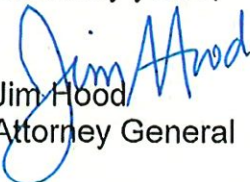
#### 4. Opioid Crisis Response

Nearly 20 Mississippians died *each month* in 2017 due to opioid overdoses; that is a 79% increase from 2016. We must address the vast impact of this addiction crisis. Mississippi still has a shortage of treatment facilities for the public and those incarcerated. The Department of Health also needs overdose reversal drugs and data tracking software to track usage, while Child Protection Services requires additional support to help children neglected or abandoned by parents addicted to opioids.

Our office is in litigation with opioid distributors and manufacturers, and we have taken several other actions to address the epidemic, including the creation of an Annual Opioid Summit, calling for repeal of a law limiting DEA enforcement on distributors, and working with Mississippi boards to improve rules and regulations. I have called upon the opioid manufacturers and distributors to step up and begin assisting Mississippi in its recovery and education efforts out of good faith and without an admission of liability, but they have failed to respond. I anticipate that any funds spent will be replenished by future settlement funds against the companies who concealed the dangerously addictive nature of opioids, such as OxyContin and Percocet, while falsely representing their benefits.

If you have any questions about this recommendation, please call me at (601) 359-3692.

Sincerely yours,

  
Jim Hood  
Attorney General

