HOUSE BILL NO. 1220
(As Sent to Governor)

AN ACT TO CREATE A PROGRAM OF PAID EDUCATIONAL LEAVE FOR
HOSPITAL EMPLOYEES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) A hospital may grant paid educational
leave to those applicants it deems qualified therefor, upon such
terms and conditions as it may impose and as provided for in this
section.

(b) In order to be eligible for paid educational leave,
an applicant must:

(i) Be working at the sponsoring hospital at the
time of application;

(ii) Attend any college or school approved and
designated by the sponsoring hospital; and

(iii) Agree to work in a health care occupation as
a licensed practical nurse, registered nurse, nurse practitioner,
speech pathologist, occupational therapist, physical therapist or
other health care professional in the sponsoring hospital for a
period of time equivalent to the period of time for which the
applicant receives paid educational leave compensation, calculated
to the nearest whole month, but in no event less than two (2)
years.

(c) (i) Before being granted paid educational leave,
each applicant shall enter into a contract with the sponsoring
hospital agreeing to the terms and conditions upon which the paid
educational leave shall be granted. The contract shall include
such terms and provisions necessary to carry out the full purpose
and intent of this section. The contract shall be signed by the
administrator of the sponsoring hospital and the recipient of paid
educational leave compensation. If the recipient is a minor, his
or her minority disabilities shall be removed by a chancery court
of competent jurisdiction before the contract is signed.

(ii) The sponsoring hospital shall have the
authority to cancel any contract made between it and any recipient
for paid educational leave upon such cause being deemed sufficient
by the administrator of the hospital.

(iii) The sponsoring hospital is vested with full
and complete authority and power to sue in its own name any
recipient for any balance due to the hospital on any such
uncompleted contract. The sponsoring hospital may contract with a
collection agency or banking institution for collection of any
balance due to the hospital from any recipient. The sponsoring
hospital and its employees and, if applicable, its board of
trustees are immune from any suit brought in law or equity for
actions taken by the collection agency or banking institution
incidental to or arising from their performance under the
contract. The sponsoring hospital, collection agency and banking
institution may negotiate for the payment of a sum that is less
than full payment in order to satisfy any balance the recipient
owes.

(iv) Failure to meet the terms of an educational
loan contract shall be grounds for revocation of the professional
license that was earned through the paid educational leave
compensation granted under this section.

(v) A finding by the sponsoring hospital of a
default by the recipient shall be a finding of unprofessional
conduct and, therefore, a basis for the revocation of the
professional license that was obtained through the educational
leave program. A finding by the sponsoring hospital of default
shall be a disciplinary action, not a collection action, and shall
not be affected by the recipient declaring bankruptcy.
(vi) Notice of pending default status, the consequences of a default and the hearing to determine the pending default status shall be mailed by the sponsoring hospital to the recipient at the last known address.

(vii) The sponsoring hospital shall conduct a hearing of pending default status, make a final determination, and, if appropriate, issue a finding of default.

(viii) Recipients may appear at the hearing of pending default status, either personally or through counsel, or both, and produce and cross-examine witnesses or evidence in the recipient's behalf. The procedure of the hearing shall not be bound by the Mississippi Rules of Civil Procedure and Evidence.

(ix) If at the hearing a recipient is found to be in default, a copy of the finding of default shall be forwarded to the appropriate licensing agency.

(x) Appeals from a finding of default made by the sponsoring hospital shall be to the circuit court of the county in which the hospital is located.

(xi) Rules and regulations governing the hearing of pending default status and other applicable matters shall be promulgated by the sponsoring hospital.

(xii) Any person who is subject to the revocation of his or her professional license for not meeting the terms of an educational loan contract may appear before the appropriate licensing agency to show mitigating circumstances for failure to meet the terms of the contract, and may appeal any revocation of his or her professional license under the laws applicable to the licensing agency.

(xiii) A license that has been revoked under this section shall be reinstated upon a showing of proof that the recipient is no longer in default.

(xiv) These procedures shall only be applicable to educational leave contracts entered into under this section and
shall not apply to educational leave contracts entered into with any state health institution pursuant to Section 37-101-291 or Section 37-101-293, as amended.

(2) (a) Any recipient who is granted paid educational leave by a hospital shall be compensated by the sponsoring hospital during the time the recipient is in school, at the rate of pay received by a nurse's aide employed at the hospital. All educational leave compensation received by the recipient while in school shall be considered earned conditioned upon the fulfillment of the terms and obligations of the educational leave contract and this section. However, no recipient of full-time educational leave shall accrue personal or major medical leave while the recipient is on paid educational leave. Recipients of paid educational leave shall be responsible for their individual costs of tuition and books.

(b) Paid educational leave shall be granted only upon the following conditions:

(i) The recipient shall fulfill his or her obligation under the contract with the sponsoring hospital by working as a licensed practical nurse, registered nurse, nurse practitioner, speech pathologist, occupational therapist, physical therapist or other health care professional. The total compensation that the recipient was paid while on educational leave shall be considered as unconditionally earned on an annual pro rata basis for each year of service rendered under the educational leave contract as a health care professional in the sponsoring hospital.

(ii) If the recipient does not work as a licensed practical nurse, registered nurse, nurse practitioner, speech pathologist, occupational therapist, physical therapist or other health care professional in the sponsoring hospital for the period required under this section, the recipient shall be liable for repayment on demand of the remaining portion of the compensation.
that the recipient was paid while on paid educational leave that
has not been unconditionally earned, with interest accruing at ten
percent (10%) per annum from the recipient's date of graduation or
the date that the recipient last worked at the sponsoring
hospital, whichever is the later date. In addition, there shall
be included in any contract for paid educational leave a provision
for liquidated damages equal to Five Thousand Dollars ($5,000.00),
which may be reduced on a pro rata basis for each year served
under the contract.

(iii) If any recipient fails or withdraws from
school at any time before successfully completing his or her
health care training, the recipient shall be liable for repayment
on demand of the amount of the total compensation that the
recipient was paid while on paid educational leave, with interest
accruing at ten percent (10%) per annum from the date the
recipient failed or withdrew from school. However, the recipient
shall not be liable for liquidated damages, and if the recipient
returns to work at the sponsoring hospital in the same position
held at the hospital before accepting educational leave, or a
position approved by the hospital, the recipient shall not be
liable for payment of any interest on the amount owed.

(iv) The issuance and renewal of the professional
license required to work as a licensed practical nurse, registered
nurse, nurse practitioner, speech pathologist, occupational
therapist, physical therapist or other health care professional
for which the educational leave was granted shall be contingent
upon the repayment of the total compensation that the recipient
received while on paid educational leave. Failure to meet the
terms of an educational loan contract shall be grounds for
revocation of the professional license that was earned through the
paid educational leave compensation granted under this section.
Any individual who receives any amount of paid educational leave
compensation while in school and subsequently receives a
professional license shall be deemed to have earned the
professional license through paid educational leave. Any person
who is subject to the revocation of his or her professional
license for not meeting the terms of an educational loan contract
may appear before the appropriate licensing agency to show
mitigating circumstances for failure to meet the terms of the
contract, and may appeal any revocation of his or her professional
license under the laws applicable to the licensing agency.

(v) These procedures shall only apply to
educational leave contracts entered into under this section and
shall not apply to educational leave contracts entered into with
any state institution pursuant to Section 37-101-291 or Section
37-101-293, as amended.

SECTION 2. Section 1 of this act shall be codified in
Chapter 9 of Title 41, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2003.