

By: Representatives Mims, Mickens, Paden,  
Dortch, Foster, Hines, Johnson, Bell (65th),  
McCray, Thompson

To: Rules

HOUSE BILL NO. 1782  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY  
2 FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE  
3 DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND  
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR  
5 THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH  
6 EMERGENCY DUE TO THE COVID-19 PANDEMIC; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following sum, or so much of it as may be  
9 necessary, is appropriated out of any money in the Budget  
10 Contingency Fund not otherwise appropriated, to the Mississippi  
11 Development Authority for the purposes described in Section 2 of  
12 this act, for the period beginning upon July 1, 2020, and ending  
13 December 30, 2020.....\$ 30,207,000.00.

14 **SECTION 2.** The funds appropriated under Section 1 of this  
15 act shall be expended by the Mississippi Development Authority for  
16 the following purposes:

17 (a) Providing funds to the ambulatory surgical centers  
18 licensed by the State Department of Health for purchasing personal  
19 protective equipment (PPE) and providing for COVID-19 testing for  
20 their staff for protection against COVID-19 from current patients



21 and to have sufficient PPE and testing in preparation for the  
22 expected new cases during the continuation of the current COVID-19  
23 public health emergency later this year, in amounts not exceeding  
24 Four Thousand Dollars (\$4,000.00) per surgery center.\$ 300,000.00.

25 (b) Providing funds to the assisted living facilities  
26 licensed by the State Department of Health for purchasing personal  
27 protective equipment (PPE) and providing for COVID-19 testing for  
28 their staff for protection against COVID-19 from current patients  
29 and to have sufficient PPE and testing in preparation for the  
30 expected new cases during the continuation of the current COVID-19  
31 public health emergency later this year, in amounts not exceeding  
32 Four Thousand Dollars (\$4,000.00) per facility.....\$ 452,000.00.

33 (c) Providing funds to the Alzheimer's/dementia care  
34 units licensed by the State Department of Health for purchasing  
35 personal protective equipment (PPE) and providing for COVID-19  
36 testing for their staff for protection against COVID-19 from  
37 current patients and to have sufficient PPE and testing in  
38 preparation for the expected new cases during the continuation of  
39 the current COVID-19 public health emergency later this year, in  
40 amounts not exceeding Four Thousand Dollars (\$4,000.00)  
41 per unit.....\$ 88,000.00.

42 (d) Providing funds to the fourteen (14) providers of  
43 intermediate care facilities for individuals with intellectual  
44 disabilities licensed by the State Department of Health for  
45 purchasing personal protective equipment (PPE) and providing for



46 COVID-19 testing for their staff for protection against COVID-19  
47 from current patients and to have sufficient PPE and testing in  
48 preparation for the expected new cases during the continuation of  
49 the current COVID-19 public health emergency later this year, in  
50 amounts not exceeding Ten Thousand Dollars (\$10,000.00) per  
51 facility.....\$ 140,000.00.

52 (e) Providing funds to the permitted ground ambulances  
53 licensed or permitted by the State Department of Health for  
54 purchasing personal protective equipment (PPE) and providing for  
55 COVID-19 testing for their staff for protection against COVID-19  
56 from current patients and to have sufficient PPE and testing in  
57 preparation for the expected new cases during the continuation of  
58 the current COVID-19 public health emergency later this year, in  
59 amounts not exceeding Five Thousand Dollars (\$5,000.00) per  
60 ambulance.....\$ 3,110,000.00.

61 (f) Providing funds to the nursing home facilities  
62 licensed by the State Department of Health for purchasing personal  
63 protective equipment (PPE) and providing for COVID-19 testing for  
64 their staff for protection against COVID-19 from current patients  
65 and to have sufficient PPE and testing in preparation for the  
66 expected new cases during the continuation of the current COVID-19  
67 public health emergency later this year, in amounts not exceeding  
68 Ten Thousand Dollars (\$10,000.00) per facility.....\$ 2,110,000.00.

69 (g) Providing funds to the Mississippi Organ Recovery  
70 Agency (MORA) for purchasing personal protective equipment (PPE)



71 and providing for COVID-19 testing for their staff for protection  
72 against COVID-19 from current patients and to have sufficient PPE  
73 and testing in preparation for the expected new cases during the  
74 continuation of the current COVID-19 public health emergency later  
75 this year.....\$ 100,000.00.

76 (h) Providing funds to independent dentists licensed by  
77 the Board of Dental Examiners who are not employed by a hospital  
78 for purchasing personal protective equipment (PPE) and providing  
79 for COVID-19 testing for themselves and their office staff, for  
80 protection against COVID-19 from current patients, and to have  
81 sufficient PPE and testing in preparation for the expected new  
82 cases during the continuation of the current COVID-19 public  
83 health emergency later this year, in amounts not exceeding Four  
84 Thousand Dollars (\$4,000.00) per dentist.....\$ 5,632,000.00.

85 For the purposes of this paragraph (h), "independent dentist"  
86 means a licensed dentist who actively provides care to patients,  
87 owns a share of his or her practice, has key decision-making  
88 rights for his or her practice, and is not employed by a hospital  
89 or an organization associated with a hospital.

90 For the purposes of this paragraph (h), no practice group of  
91 dentists shall receive more than Forty Thousand Dollars  
92 (\$40,000.00) in total reimbursement.

93 (i) Providing funds to independent physicians licensed  
94 by the State Board of Medical Licensure who are not employed by a  
95 hospital, nurse practitioners licensed by the Mississippi Board of



96 Nursing who are not employed by a hospital and who have an  
97 independent practice, and independent optometrists licensed by the  
98 State Board of Optometry for purchasing personal protective  
99 equipment (PPE) and providing for COVID-19 testing for themselves  
100 and their office staff, for protection against COVID-19 from  
101 current patients, and to have sufficient PPE and testing in  
102 preparation for the expected new cases during the continuation of  
103 the current COVID-19 public health emergency later this year, in  
104 amounts not exceeding Two Thousand Five Hundred Dollars  
105 (\$2,500.00) per physician, nurse practitioner or  
106 optometrist.....\$ 7,125,000.00.

107 Not more than two thousand eight hundred fifty (2,850)  
108 persons may receive funds under this paragraph (i).

109 For the purposes of this paragraph (i), "independent  
110 physician" means a licensed physician, including allopaths,  
111 osteopaths and podiatrists, who actively provides care to  
112 patients, owns a share of his or her practice, has key  
113 decision-making rights for his or her practice, and is not  
114 employed by a hospital or an organization associated with a  
115 hospital; and "independent optometrist" means a licensed  
116 optometrist who actively provides care to patients, owns a share  
117 of his or her practice, has key decision-making rights for his or  
118 her practice, and is not employed by a hospital or an organization  
119 associated with a hospital.



120           For the purposes of this paragraph (i), no practice group of  
121 physicians shall receive more than Twenty-five Thousand Dollars  
122 (\$25,000.00) in total reimbursement.

123           (j) Providing funds to community foundations for the  
124 purposes of making grants to nonprofit entities to reimburse those  
125 entities for eligible expenditures incurred by the entities, in  
126 amounts not exceeding Four Thousand Dollars (\$4,000.00) per entity  
127 .....\$ 4,000,000.00.

128           The authority shall distribute to the community foundations a  
129 pro rata share of the funds authorized under this paragraph (j)  
130 based on the population served by the foundation. The community  
131 foundations may retain not more than one percent (1%) of the  
132 amount received from the authority under this paragraph (j) for  
133 administrative expenses.

134           For the purposes of this paragraph (j):

135           (i) "Community foundations" means the CREATE  
136 Foundation, the Community Foundation of Northwest Mississippi, the  
137 Community Foundation of Washington County, the Community  
138 Foundation for Mississippi, the Community Foundation of East  
139 Mississippi, the Greater Pinebelt Community Foundation and the  
140 Gulf Coast Community Foundation;

141           (ii) "Nonprofit entity" means an entity that  
142 provides services to the public and in which no part of the  
143 assets, income or profit is distributed to or enures to the  
144 benefit of its members, directors or officers; and



(iii) "Eligible expenditure" means a cost incurred that is reimbursable from funds received by the State of Mississippi from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief and Economic Security (CARES) Act under the guidance and guidelines of the United States Department of the Treasury regarding the use of those funds.

(k) Providing funds to community foundations for the purpose of reimbursing food pantries for eligible expenditures incurred by the pantries, in amounts not exceeding Four Thousand Dollars (\$4,000.00) per pantry.....\$ 4,000,000.00.

The community foundations, in their discretion, may reimburse a food pantry directly from the funds provided under this paragraph (k) or may reimburse entities acting on behalf of a food pantry or providing a service to a food pantry. The community foundations may retain not more than one percent (1%) of the amount received from the authority under this paragraph (k) for administrative expenses.

For the purposes of this paragraph (k), the terms "community foundations" and "eligible expenditures" shall have the meanings as defined in paragraph (j) of this section.

(l) Providing funds to the North Mississippi Education Consortium to be distributed to child care facilities throughout the state on an equitable basis for reimbursing the facilities for eligible expenditures incurred by the facilities or for providing personal protective equipment (PPE).....\$ 3,000,000.00.



170           For the purposes of this paragraph (1), "child care facility"  
171 means any facility as defined by Section 43-20-5(a), Mississippi  
172 Code of 1972.

173           (m) For expenses of the authority in administering the  
174 funds expended under paragraphs (a) through (1) of this  
175 section.....\$     150,000.00.

176           **SECTION 3.** The following sum, or so much of it as may be  
177 necessary, is appropriated out of any money in the Budget  
178 Contingency Fund not otherwise appropriated, to the State  
179 Department of Health for the purposes described in Section 4 of  
180 this act, for the period beginning upon July 1, 2020, and ending  
181 December 30, 2020.....\$ 91,900,000.00.

182           **SECTION 4.** The funds appropriated under Section 3 of this  
183 act shall be expended by the State Department of Health for the  
184 following purposes:

185           (a) Providing funds to the Federally Qualified Health  
186 Centers in the state for their expenses in addressing the  
187 continuation of the current COVID-19 public health emergency and  
188 treating patients with COVID-19.....\$ 1,500,000.00.

189           (b) Providing funds to rural hospitals as defined in  
190 House Bill No. 94, 2020 Regular Session, for their expenses in  
191 addressing the continuation of the current COVID-19 public health  
192 emergency and treating patients with COVID-19.....  
193 .....\$ 1,000,000.00.





(c) Providing funds to Tate County, Mississippi, to be disbursed to the North Oak Regional Medical Center or its successor entity, which funding the Legislature finds is a necessary expenditure incurred due to the COVID-19 public health emergency, since such funding is necessary to allow the medical center to continue in operations during the current COVID-19 public health emergency.....\$ 2,000,000.00.

If by October 1, 2020, a hospital is not in operation in Tate County, or there is not an executed contract or Memorandum of Understanding for the operation of a hospital in Tate County, as determined by the department, then the funds authorized under this paragraph (c) for Tate County shall be reallocated on October 1, 2020, for the purpose authorized in paragraph (e) of this section.

(d) Providing funds to the MAGnet Community Health Disparity Program, whose mission is to strengthen collaboration and coordination for improved health access, performance, outcomes and cost efficiencies and whose vision is to improve the health status for all Mississippians through integrated health, which funding shall be used to address the disproportionate impact on the minority community of coronavirus infections and deaths from COVID-19, by developing and implementing plans to reduce and mitigate those occurrences and negative outcomes in the minority community during the continuation of the current COVID-19 public health emergency later this year.....\$ 6,000,000.00.



218 All Federally Qualified Health Centers in the state are  
219 eligible to receive funding through the MAGnet Community Health  
220 Disparity Program from the funds authorized under this paragraph  
221 (d) upon application submitted to the MAGnet Community Health  
222 Corporation for approval.

223 (e) Reimbursing hospitals for their necessary  
224 expenditures incurred due to the COVID-19 public health  
225 emergency.....\$ 80,000,000.00.

226 If the funds allocated to Tate County under paragraph (c) of  
227 this section are reallocated for the purpose authorized in this  
228 paragraph (e), then the amount authorized under this paragraph (e)  
229 shall be increased to Eighty-two Million Dollars (\$82,000,000.00).

230 The department shall determine the maximum possible amount  
231 available to each hospital using a formula based on the total  
232 number of hospitalized COVID-19 patients that the hospital treated  
233 as of June 21, 2020, and the number of Mississippi licensed  
234 hospital beds in the hospital. A hospital shall be eligible to  
235 receive the amount determined under that formula or the actual  
236 amount of the necessary expenditures incurred by the hospital due  
237 to the COVID-19 public health emergency, whichever is the lesser  
238 amount.

239 As a condition of receiving the funds under this paragraph  
240 (e), each hospital shall provide monthly reports to the department  
241 with detailed information about the allowable expenses of the  
242 hospital related to treating COVID-19 patients.



243 (f) Reimbursing hospitals that have more than  
244 twenty-five (25) hospitalized COVID-19 patients as of June 21,  
245 2020, but were unable to receive a rural provider payment from the  
246 United States Department of Health and Human Services because of  
247 being located in a county that is part of a metropolitan  
248 statistical area and not being designated as a critical access  
249 hospital.....\$ 1,000,000.00.

250 As a condition of receiving the funds under this paragraph  
251 (f), each hospital shall provide monthly reports to the department  
252 with detailed information about the allowable expenses of the  
253 hospital related to treating COVID-19 patients.

254 (g) Providing funds to Access Family Health Services  
255 for the expenses of providing services for substance use disorders  
256 and providing school-based health services, the demand for which  
257 has increased due to the continuation of the current COVID-19  
258 public health emergency.....\$ 250,000.00.

259 (h) For expenses of the department in administering the  
260 funds expended under paragraphs (a) through (g) of this  
261 section.....\$ 150,000.00.

262 **SECTION 5.** (1) The following sum, or so much of it as may  
263 be necessary, is appropriated out of any money in the Budget  
264 Contingency Fund not otherwise appropriated, to the State  
265 Department of Mental Health for the purposes described in  
266 subsection (2) of this section, for the period beginning upon July  
267 1, 2020, and ending December 30, 2020.....\$ 1,400,000.00.



(2) The State Department of Mental Health shall provide the funds authorized under this section in equal amounts to each of the fourteen (14) community mental health regions to pay for all eligible expenditures for mental health services, which are those costs incurred by the regions that are reimbursable from funds received from the Budget Contingency Fund to address the current COVID-19 public health emergency. For the purposes of this section, eligible expenditures include, but are not limited to:

(a) Providing mental health services to persons who are or have been unemployed and/or persons who have been displaced from their homes due to the COVID-19 pandemic;

(b) Expenses for reimbursement, acquisition and distribution of medical and protective supplies, including, but not limited to, sanitizing products and personal protective equipment (PPE) for the COVID-19 public health emergency;

(c) Expenses for establishing and operating telemedicine capabilities for the treatment of COVID-19 patients; and

(d) Payroll expenses for employees to provide mental health services substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

**SECTION 6.** The following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund not otherwise appropriated, to the Board of



Trustees of State Institutions of Higher Learning for the purposes described in Section 7 of this act, for the period beginning upon July 1, 2020, and ending December 30, 2020.....\$ 6,218,000.00.

**SECTION 7.** The funds appropriated under Section 6 of this act shall be expended by the Board of Trustees of State Institutions of Higher Learning for the following purposes:

(a) Providing funds for the Mississippi Rural Physicians Scholarship Program to pay for medical school students to serve the rural area of our state because the rural communities continue to lack primary coverage to deal with the COVID-19 public health emergency and those communities are in dire need of more primary care physicians to prepare for the expected additional patients during the continuation of the current COVID-19 public health emergency later this year.....\$ 1,800,000.00.

(b) Providing funds to the Office of Physician Workforce for five (5) hospitals to start or expand their physician residency programs to address the dire shortage of physicians in the state, especially primary care physicians, which limits the ability of the state to properly address patient needs and the disproportionate effects on the minority communities during the continuation of the current COVID-19 public health emergency, in order for the state to be better prepared to take care of existing COVID-19 patients and the expected additional patients during the continuation of the current COVID-19 public health emergency later this year.....\$ 4,418,000.00.



317           **SECTION 8.**   (1)   As used in this section and Section 9 of

318   this act, the term "agency" means the Mississippi Development  
319   Authority, the State Department of Health, the State Department of  
320   Mental Health or the Board of Trustees of State Institutions of  
321   Higher Learning, as the case may be.

322           (2)   The agency shall not disburse any funds appropriated  
323   under this act to any recipient without first:  (a) making an  
324   individualized determination that the reimbursement sought is, in  
325   the agency's independent judgment, for necessary expenditures  
326   incurred due to the public health emergency with respect to  
327   COVID-19 as provided under Section 601(d) of the federal Social  
328   Security Act as added by Section 5001 of the federal Coronavirus  
329   Aid, Relief, and Economic Security (CARES) Act and its  
330   implementing guidelines, guidance, rules, regulations and/or other  
331   criteria, as may be amended or supplemented from time to time, by  
332   the United States Department of the Treasury; and (b) determining  
333   that the recipient has not received and will not receive  
334   reimbursement for the expense in question from any source of  
335   funds, including insurance proceeds, other than those funds  
336   provided under Section 601 of the federal Social Security Act as  
337   added by Section 5001 of the CARES Act.  In addition, the agency  
338   shall ensure that all funds appropriated under this act are  
339   disbursed in compliance with the Single Audit Act (31 USC Sections  
340   7501-7507) and the related provisions of the Uniform Guidance, 2  
341   CFR Section 200.303 regarding internal controls, Sections 200.330



through 200.332 regarding subrecipient monitoring and management,  
and subpart F regarding audit requirements.

**SECTION 9.** (1) As a condition of receiving and expending  
the funds appropriated to the agency under this act, the agency  
shall certify to the Department of Finance and Administration that  
each expenditure of the funds appropriated to the agency under  
this act is in compliance with the guidelines, guidance, rules,  
regulations and/or other criteria, as may be amended from time to  
time, of the United States Department of the Treasury regarding  
the use of monies from the Coronavirus Relief Fund established by  
the CARES Act.

(2) If the Office of Inspector General of the United States  
Department of the Treasury, or the Office of Inspector General of  
any other federal agency having oversight over the use of monies  
from the Coronavirus Relief Fund established by the CARES Act (a)  
determines that the agency or recipient has expended or otherwise  
used any of the funds appropriated to the agency under this act  
for any purpose that is not in compliance with the guidelines,  
guidance, rules, regulations and/or other criteria, as may be  
amended from time to time, of the United States Department of the  
Treasury regarding the use of monies from the Coronavirus Relief  
Fund established by the CARES Act, and (b) the State of  
Mississippi is required to repay the federal government for any of  
those funds that the Office of the Inspector General determined  
were expended or otherwise used improperly by the agency or



367 recipient, then the agency or recipient that expended or otherwise  
368 used those funds improperly shall be required to pay the amount of  
369 those funds to the State of Mississippi for repayment to the  
370 federal government.

371       **SECTION 10.** The money appropriated by this act shall be paid  
372 by the State Treasurer out of any money in the Budget Contingency  
373 Fund not otherwise appropriated, upon warrants issued by the State  
374 Fiscal Officer; and the State Fiscal Officer shall issue his or  
375 her warrants upon requisitions signed by the proper person,  
376 officer or officers in the manner provided by law.

377       **SECTION 11.** This act shall take effect and be in force from  
378 and after July 1, 2020.

