

Senate Amendments to House Bill No. 1782

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

151 (k) Providing funds to community foundations for the
152 purpose of reimbursing food pantries for eligible expenditures

153 incurred by the pantries, in amounts not exceeding Four Thousand
154 Dollars (\$4,000.00) per pantry.....\$ 4,000,000.00.

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

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

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

170 For the purposes of this paragraph (l), "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 (l) 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.

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

201 If by October 1, 2020, a hospital is not in operation in Tate
202 County, or there is not an executed contract or Memorandum of
203 Understanding for the operation of a hospital in Tate County, as
204 determined by the department, then the funds authorized under this

205 paragraph (c) for Tate County shall be reallocated on October 1,
206 2020, for the purpose authorized in paragraph (e) of this section.

207 (d) Providing funds to the MAGnet Community Health
208 Disparity Program, whose mission is to strengthen collaboration
209 and coordination for improved health access, performance, outcomes
210 and cost efficiencies and whose vision is to improve the health
211 status for all Mississippians through integrated health, which
212 funding shall to be used to address the disproportionate impact on
213 the minority community of coronavirus infections and deaths from
214 COVID-19, by developing and implementing plans to reduce and
215 mitigate those occurrences and negative outcomes in the minority
216 community during the continuation of the current COVID-19 public
217 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.

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

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

279 (b) Expenses for reimbursement, acquisition and
280 distribution of medical and protective supplies, including, but

281 not limited to, sanitizing products and personal protective
282 equipment (PPE) for the COVID-19 public health emergency;

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

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

289 **SECTION 6.** The following sum, or so much of it as may be
290 necessary, is appropriated out of any money in the Budget
291 Contingency Fund not otherwise appropriated, to the Board of
292 Trustees of State Institutions of Higher Learning for the purposes
293 described in Section 7 of this act, for the period beginning upon
294 July 1, 2020, and ending December 30, 2020.....\$ 6,218,000.00.

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

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

306 (b) Providing funds to the Office of Physician
307 Workforce for five (5) hospitals to start or expand their
308 physician residency programs to address the dire shortage of
309 physicians in the state, especially primary care physicians, which
310 limits the ability of the state to properly address patient needs
311 and the disproportionate effects on the minority communities
312 during the continuation of the current COVID-19 public health
313 emergency, in order for the state to be better prepared to take
314 care of existing COVID-19 patients and the expected additional
315 patients during the continuation of the current COVID-19 public
316 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
342 through 200.332 regarding subrecipient monitoring and management,
343 and subpart F regarding audit requirements.

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

353 (2) If the Office of Inspector General of the United States
354 Department of the Treasury, or the Office of Inspector General of
355 any other federal agency having oversight over the use of monies
356 from the Coronavirus Relief Fund established by the CARES Act (a)
357 determines that the agency or recipient has expended or otherwise

358 used any of the funds appropriated to the agency under this act
359 for any purpose that is not in compliance with the guidelines,
360 guidance, rules, regulations and/or other criteria, as may be
361 amended from time to time, of the United States Department of the
362 Treasury regarding the use of monies from the Coronavirus Relief
363 Fund established by the CARES Act, and (b) the State of
364 Mississippi is required to repay the federal government for any of
365 those funds that the Office of the Inspector General determined
366 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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS26\HB1782A.1J

Eugene S. Clarke
Secretary of the Senate