

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2673

1 AN ACT TO CREATE THE "MISSISSIPPI FRONTLINE NURSES AND HEALTH  
2 CARE WORKERS RETENTION ACT"; TO PROVIDE THE LEGISLATIVE FINDINGS  
3 AND DETERMINATIONS REGARDING THE IMPORTANCE AND URGENCY OF THE  
4 ACT; TO ESTABLISH THE "MISSISSIPPI FRONTLINE NURSES AND HEALTH  
5 CARE WORKERS RETENTION GRANT PROGRAM" IN THE MISSISSIPPI  
6 DEPARTMENT OF HEALTH AND PRESCRIBE ITS COMPONENTS; TO PROVIDE THAT  
7 A PORTION OF THE FUNDS SHALL BE EXPENDED BY THE DEPARTMENT FOR  
8 PROVIDING FUNDS TO MISSISSIPPI LICENSED HOSPITALS TO PROVIDE  
9 PREMIUM PAY TO THEIR MISSISSIPPI FRONTLINE NURSES AND  
10 LICENSED/CERTIFIED HEALTH CARE WORKERS PROVIDING BEDSIDE CARE WHO  
11 ARE PRIMARILY DEVOTED TO MITIGATING OR RESPONDING TO THE CURRENT  
12 COVID-19 PUBLIC HEALTH EMERGENCY; TO PROVIDE THAT A PORTION OF THE  
13 FUNDS SHALL BE EXPENDED BY THE DEPARTMENT FOR PROVIDING FUNDS TO  
14 MISSISSIPPI LICENSED LONG-TERM CARE FACILITIES TO PROVIDE PREMIUM  
15 PAY TO THEIR MISSISSIPPI FRONTLINE NURSES AND LICENSED/CERTIFIED  
16 HEALTH CARE WORKERS PROVIDING BEDSIDE CARE WHO ARE PRIMARILY  
17 DEVOTED TO MITIGATING OR RESPONDING TO THE CURRENT COVID-19 PUBLIC  
18 HEALTH EMERGENCY; TO PROVIDE THAT A PORTION OF THE FUNDS SHALL BE  
19 EXPENDED BY THE DEPARTMENT FOR PROVIDING FUNDS TO MISSISSIPPI  
20 LICENSED AMBULANCE SERVICES TO PROVIDE PREMIUM PAY TO THEIR  
21 MISSISSIPPI FRONTLINE NURSES AND LICENSED/CERTIFIED HEALTH CARE  
22 WORKERS PROVIDING BEDSIDE CARE WHO ARE PRIMARILY DEVOTED TO  
23 MITIGATING OR RESPONDING TO THE CURRENT COVID-19 PUBLIC HEALTH  
24 EMERGENCY; TO PROVIDE THAT A PORTION OF THE FUNDS SHALL BE  
25 EXPENDED BY THE STATE DEPARTMENT OF HEALTH FOR PROVIDING FUNDS TO  
26 ELIGIBLE ENTITIES UNDER THIS ACT TO PROVIDE PREMIUM PAY TO THEIR  
27 MISSISSIPPI FRONTLINE NURSES AND LICENSED/CERTIFIED HEALTH CARE  
28 WORKERS WHO ARE PRIMARILY DEVOTED TO MITIGATING OR RESPONDING TO  
29 THE CURRENT COVID-19 PUBLIC HEALTH EMERGENCY TO BE DISTRIBUTED IN  
30 THE MANNER THAT THE DEPARTMENT DETERMINES IS THE MOST EQUITABLE  
31 AND EFFICIENT TO SUPPLEMENT THE FUNDS OTHERWISE PROVIDED AND TO  
32 EFFECTUATE THE PURPOSES OF THIS ACT; TO PROVIDE THAT MISSISSIPPI  
33 FRONTLINE NURSES AND LICENSED/CERTIFIED HEALTH CARE WORKERS THAT  
34 QUALIFY FOR PREMIUM PAY UNDER THIS SECTION SHALL RECEIVE PREMIUM



35 PAY NOT TO EXCEED A CERTAIN AMOUNT WITHIN 60 DAYS OF THE EFFECTIVE  
36 DATE OF THIS ACT IN RECOGNITION OF THE RECIPIENT'S CURRENT AND  
37 FUTURE WORK PRIMARILY DEVOTED TO MITIGATING OR RESPONDING TO THE  
38 CURRENT COVID-19 PUBLIC HEALTH EMERGENCY AND SUBJECT TO THE  
39 RECIPIENT'S WRITTEN AGREEMENT WITH THE DEPARTMENT TO CONTINUE  
40 EMPLOYMENT WITH THE RECIPIENT'S PRIMARY CURRENT EMPLOYER FOR FIVE  
41 MONTHS FOLLOWING THE RECEIPT OF SUCH PREMIUM PAY; TO FURTHER  
42 PROVIDE THAT THE WRITTEN AGREEMENT SHALL BE DEVELOPED BY THE  
43 DEPARTMENT AND INCLUDE A PROVISION THAT THE MISSISSIPPI FRONTLINE  
44 NURSE OR LICENSED/CERTIFIED HEALTH CARE WORKER MAY BE REQUIRED TO  
45 REPAY TO THE STATE OF MISSISSIPPI THE AMOUNT OF THEIR PREMIUM PAY  
46 FUNDS IF THE TERMS OF THE AGREEMENT ARE NOT MET; TO PROVIDE  
47 CERTAIN REPORTING AND APPROVAL REQUIREMENTS UNDER THIS ACT; TO  
48 PROVIDE THAT NONE OF THE FUNDS PROVIDED UNDER THIS SECTION MAY BE  
49 USED TO PROVIDE PREMIUM PAY TO ANY FRONTLINE NURSES OR  
50 LICENSED/CERTIFIED HEALTH CARE WORKERS WHO ARE WORKING UNDER A  
51 CONTRACT WITH A STAFFING AGENCY TO PROVIDE SERVICES IN THE STATE  
52 OF MISSISSIPPI FOR A LIMITED DURATION OF LESS THAN ONE YEAR, SUCH  
53 AS TRAVEL NURSES, AS DETERMINED BY THE DEPARTMENT; AND FOR RELATED  
54 PURPOSES.

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

56 **SECTION 1.** This act shall be known and may be cited as the  
57 "Mississippi Frontline Nurses and Health Care Workers Retention  
58 Act."

59 **SECTION 2.** The Legislature finds and determines that:

60 (a) Frontline nurses and licensed/certified health care  
61 workers who are primarily devoted to mitigating or responding to  
62 the current COVID-19 public health emergency in Mississippi have  
63 faced and continue to face elevated health risks during the  
64 current public health emergency;

65 (b) There is a vital need to provide these Mississippi  
66 frontline nurses and licensed/certified health care workers with  
67 premium pay from the Coronavirus State Fiscal Recovery Fund  
68 established by the American Rescue Plan Act of 2021, with the goal  
69 of retaining Mississippi frontline nurses and licensed/certified



70 health care workers who are primarily devoted to mitigating or  
71 responding to the current COVID-19 public health emergency;

72 (c) Having cared for thousands of COVID-19 patients,  
73 these Mississippi frontline nurses and licensed/certified health  
74 care workers are now part of a hyper-competitive labor market and  
75 in extreme demand across the country;

76 (d) These Mississippi frontline nurses and  
77 licensed/certified health care workers who are primarily devoted  
78 to mitigating or responding to the current COVID-19 public health  
79 emergency are heroes to their patients and to all the citizens of  
80 this state, and providing this premium pay to them is of utmost  
81 urgency to retain these heroes fighting the pandemic on the front  
82 lines in the months to come.

83 **SECTION 3.** (1) There is created at the Mississippi  
84 Department of Health, the Mississippi Frontline Nurses and Health  
85 Care Workers Retention Grant Program.

86 (2) The purpose of this program is to provide Mississippi  
87 licensed hospitals and Mississippi licensed long-term care  
88 facilities with grants to provide premium pay to their frontline  
89 nurses and licensed/certified health care workers providing  
90 bedside care who are primarily devoted to mitigating or responding  
91 to the current COVID-19 public health emergency. This grant  
92 program shall be subject to the availability of funds appropriated  
93 by the Legislature utilizing Coronavirus State Fiscal Recovery



94 Funds made available under the federal American Rescue Plan Act of  
95 2021 (ARPA) or any other funds appropriated by the Legislature.

96 (3) Definitions. For purposes of this section, unless the  
97 context requires otherwise, the following terms shall have the  
98 meanings ascribed:

99 (a) "ARPA" shall mean the federal American Rescue Plan  
100 Act of 2021, Public Law 117-2, which amends Title VI of the Social  
101 Security Act.

102 (b) "State Recovery Funds" shall mean Coronavirus State  
103 Fiscal Recovery Funds awarded through Section 602, Title VI of the  
104 Social Security Act amended by Section 9901 of the federal  
105 American Rescue Plan Act of 2021, Public Law 117-2.

106 (c) "Department" shall mean the Mississippi Department  
107 of Health.

108 (d) "Hospital" shall mean any Mississippi licensed  
109 hospital and Mississippi licensed long-term care facility.

110 (4) On or before July 1, 2022, the Mississippi Department of  
111 Health shall promulgate interim rules and regulations necessary to  
112 administer the Frontline Nurses and Health Care Workers Retention  
113 Grant Program prescribed under this act, including application  
114 procedures and deadlines.

115 (5) In providing the funds to Mississippi licensed hospitals  
116 under this act, the department shall determine the maximum  
117 possible amount available to each Mississippi licensed hospital  
118 using a formula based on the total number of hospitalized COVID-19



119 patients that the Mississippi licensed hospital treated from  
120 January 1, 2021, through September 17, 2021, and the number of  
121 Mississippi licensed hospital beds in the hospital as of the most  
122 recent date known by the department. The formula should provide  
123 double the weight to the total number of hospitalized COVID-19  
124 patients that the Mississippi licensed hospital treated from  
125 January 1, 2021, through September 17, 2021, as compared to the  
126 weight given to the number of Mississippi licensed hospital beds  
127 in the hospital as of the most recent date known by the  
128 department.

129 (6) In providing the funds to Mississippi licensed long-term  
130 care facilities under this act, the department shall determine the  
131 maximum possible amount available to each Mississippi licensed  
132 long-term care facility using a formula based on the total number  
133 of COVID-19 positive residents at the Mississippi licensed  
134 long-term care facility from January 1, 2021, through September  
135 17, 2021, and the number of Mississippi licensed and staffed  
136 long-term care beds in the long-term care facility as of the most  
137 recent date known by the department. The formula should provide  
138 double the weight to the total number of COVID-19 positive  
139 residents that the Mississippi licensed long-term care facility  
140 treated from January 1, 2021, through September 17, 2021, as  
141 compared to the weight given to the number of Mississippi licensed  
142 and staffed long-term care beds in the long-term care facility as  
143 of the most recent date known by the department.



144 (7) In providing the funds to Mississippi licensed ambulance  
145 services under this act, the department shall determine the  
146 maximum possible amount available to each Mississippi licensed  
147 ambulance service based on the total number of ambulance runs,  
148 including transfers, as reported to the Mississippi EMS  
149 information system on September 30, 2021, for the period January  
150 1, 2021, through September 17, 2021.

151 (8) As a condition of receiving premium pay under this  
152 section, the recipient must execute a written agreement with the  
153 department to continue employment with his or her primary current  
154 employer for five (5) months following the receipt of such premium  
155 pay. The written agreement shall be developed by the department  
156 and shall include a provision that the recipient may be required  
157 to repay to the State of Mississippi, to be deposited into the  
158 Coronavirus State Fiscal Recovery Fund, the amount of premium pay  
159 funds that he or she received if the terms of the agreement are  
160 not met. The written agreement with the department shall not  
161 create, revise or otherwise affect any contractual relationship  
162 between the employer and employee.

163 (9) As a condition of receiving funds under this act, each  
164 employer shall provide a report to the department of the number  
165 and type of frontline nurses and licensed/certified health care  
166 workers and premium pay amounts they intend to distribute, and  
167 must receive approval from the department that the requirements of  
168 this act, the American Rescue Plan Act of 2021 and any federal



169 guidance regarding the Coronavirus State Fiscal Recovery Fund are  
170 met before the employer may distribute the premium pay to their  
171 frontline nurses or licensed/certified health care workers who are  
172 primarily devoted to mitigating or responding to the current  
173 COVID-19 public health emergency.

174 (10) None of the funds provided under this act may be used  
175 to provide premium pay to any frontline nurses or  
176 licensed/certified health care workers who are working under a  
177 contract with a staffing agency to provide services for a limited  
178 duration of less than one (1) year in the State of Mississippi,  
179 such as travel nurses, as determined by the department.

180 (11) None of the funds provided under this act may be used  
181 to provide premium pay to any frontline nurses or  
182 licensed/certified health care workers who have gross annual wages  
183 or salary from their primary current employer equal to or greater  
184 than One Hundred Fifty Thousand Dollars (\$150,000.00).

185 (12) If there are any unused or otherwise unspent funds  
186 under this section, the department shall reallocate those funds to  
187 eligible entities under this section, notwithstanding the maximum  
188 possible amount available to each eligible entity as determined  
189 under this section, to provide premium pay to their eligible  
190 frontline nurses and licensed/certified health care workers who  
191 are primarily devoted to mitigating or responding to the current  
192 COVID-19 public health emergency. The department shall reallocate



193 such funds in a manner that the department determines is the most  
194 equitable and efficient to effectuate the purposes of this act.

195 (13) For purposes of the Public Employees' Retirement System  
196 of Mississippi, the premium pay provided under this section shall  
197 not be considered earned compensation, as defined in Section  
198 25-11-103(k).

199 (14) The department shall certify to the Department of  
200 Finance and Administration that each expenditure of the funds  
201 appropriated to the department under this act is in compliance  
202 with the guidelines, guidance, rules, regulations and/or other  
203 criteria, as may be amended from time to time, of the United  
204 States Department of the Treasury regarding the use of monies from  
205 the Coronavirus State Fiscal Recovery Fund established by the  
206 American Rescue Plan Act of 2021.

207 (15) If the Office of Inspector General of the United States  
208 Department of the Treasury, or the Office of Inspector General of  
209 any other federal agency having oversight over the use of monies  
210 from the Coronavirus State Fiscal Recovery Fund established by the  
211 American Rescue Plan Act of 2021 (a) determines that the  
212 department or recipient has expended or otherwise used any of the  
213 funds appropriated to the department under this act for any  
214 purpose that is not in compliance with the guidelines, guidance,  
215 rules, regulations and/or other criteria, as may be amended from  
216 time to time, of the United States Department of the Treasury  
217 regarding the use of monies from the Coronavirus State Fiscal





218 Recovery Fund established by the American Rescue Plan Act of 2021,  
219 and (b) the State of Mississippi is required to repay the federal  
220 government for any of those funds that the Office of the Inspector  
221 General determined were expended or otherwise used improperly by  
222 the department or recipient, then the department or recipient that  
223 expended or otherwise used those funds improperly shall be  
224 required to pay the amount of those funds to the State of  
225 Mississippi for repayment to the federal government.

226       **SECTION 4.** This act shall take effect and be in force from  
227 and after July 1, 2022.

