

By: Senator(s) Parker, Moran

To: Economic and Workforce
Development; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2721

1 AN ACT TO BE KNOWN AS THE "AMERICAN RESCUE PLAN ACT (ARPA)
2 NURSE/HEALTH SCIENCE WORKFORCE DEVELOPMENT AND RETENTION ACT"; TO
3 STATE LEGISLATIVE FINDINGS AND INTENT; TO ESTABLISH IN THE OFFICE
4 OF WORKFORCE DEVELOPMENT THE MISSISSIPPI HEALTHCARE WORKFORCE
5 DEVELOPMENT PROGRAM; TO CREATE IN THE STATE TREASURY A SPECIAL
6 FUND KNOWN AS THE "MISSISSIPPI HEALTHCARE WORKFORCE DEVELOPMENT
7 PROGRAM FUND"; TO ESTABLISH IN THE OFFICE OF WORKFORCE DEVELOPMENT
8 THE MISSISSIPPI NURSING PRECEPTOR GRANT PROGRAM; TO CREATE IN THE
9 STATE TREASURY A SPECIAL FUND KNOWN AS THE "MISSISSIPPI NURSING
10 PRECEPTOR GRANT PROGRAM FUND"; TO ESTABLISH IN THE OFFICE OF
11 WORKFORCE DEVELOPMENT THE MISSISSIPPI HEALTH SCIENCE TRAINING
12 INFRASTRUCTURE GRANT PROGRAM; TO CREATE IN THE STATE TREASURY A
13 SPECIAL FUND KNOWN AS THE "MISSISSIPPI HEALTH SCIENCE TRAINING
14 INFRASTRUCTURE GRANT PROGRAM FUND"; TO PROVIDE THAT, SUBJECT TO
15 APPROPRIATION BY THE LEGISLATURE, GRANTS TO RECIPIENTS SHALL BE
16 AWARDED BY THE OFFICE THROUGH AN APPLICATION PROCESS; TO SPECIFY
17 REQUIREMENTS FOR APPLICANTS; TO SPECIFY THE RESPONSIBILITIES OF
18 THE OFFICE OF WORKFORCE DEVELOPMENT IN ADMINISTERING THE PROGRAMS;
19 TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT TO SUBMIT AN ANNUAL
20 REPORT FOR EACH PROGRAM BY OCTOBER 1; TO DIRECT THE OFFICE OF
21 WORKFORCE DEVELOPMENT TO PROMULGATE RULES AND REGULATIONS
22 NECESSARY TO ADMINISTER THE PROGRAMS; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** This act shall be known and may be cited as the
25 "American Rescue Plan Act (ARPA) Nurse/Health Science Workforce
26 Development and Retention Act." Under this act, the Legislature
27 shall create the Mississippi Healthcare Workforce Development



28 Program, the Mississippi Nursing Preceptor Grant Program, and the
29 Mississippi Health Science Training Infrastructure Grant Program.

30 **SECTION 2.** (1) The Mississippi Legislature finds the
31 following:

32 (a) The public health crisis related to COVID-19
33 resulted in a general disruption in the Mississippi economy and
34 workforce, particularly in healthcare facilities across the state;

35 (b) Workforce shortages exist in a number of high-wage,
36 high-demand Mississippi industries, particularly in the nursing
37 field; and

38 (c) The availability of unprecedented federal funding
39 to mitigate the impact of COVID-19 on the workforce and economy
40 has created a unique opportunity for the Office of Workforce
41 Development, working with community colleges, institutions of
42 higher learning and employers, to provide education and training
43 to help Mississippians find employment in the nursing field.

44 (2) Therefore, the intent of the Mississippi Legislature is:

45 (a) To provide funding for outreach efforts to connect
46 citizens seeking employment in nursing with the education and
47 training required to obtain necessary skills for relevant
48 employment in the state;

49 (b) To provide funding for new and increased capacity
50 in existing relevant workforce development and training programs,
51 to include any required equipment or supplies, at community and



52 junior colleges and institutions of higher learning across the
53 state; and

54 (c) To gauge the effectiveness of these programs by
55 gathering data related to participation and wage and employment
56 outcomes in order to replicate successful efforts in future
57 workforce development programs.

58 **SECTION 3.** (1) There is established the Mississippi
59 Healthcare Workforce Development Program, which shall be directed
60 by the office for the purpose of providing education and training
61 to citizens seeking employment in the nursing field, which was
62 severely impacted by the disruption to the economy and workforce
63 caused by COVID-19.

64 (2) For purposes of this section, the following words shall
65 have the meanings ascribed herein unless the context otherwise
66 requires:

67 (a) "Grant program" means the healthcare workforce
68 development and training programs at community and junior colleges
69 or institutions of higher learning administered under this act
70 using federal COVID-19 relief funds.

71 (b) "Office" means the Office of Workforce Development
72 as established in Section 37-153-7.

73 (c) "Recipient" means a community or junior college or
74 institution of higher learning.



75 (d) "Trainee" means an individual receiving training or
76 other services through the grant programs under this act with the
77 goal of becoming employed in the nursing field.

78 (e) "COVID-19" means the Coronavirus Disease 2019.

79 (f) "Federal COVID-19 Relief Funds" means funds
80 allocated to the State of Mississippi from the Coronavirus State
81 Fiscal Recovery Fund in Section 9901 of the American Rescue Plan
82 Act of 2021 (Public Law No. 117-2).

83 (g) "High-wage, high-demand industry" means those
84 nursing jobs paying above Mississippi's median annual income and
85 prioritized by the office and the four (4) local workforce areas.

86 (h) "Eligible expenses" means a cost incurred by a
87 recipient, pursuant to this act, to include:

88 (i) Necessary equipment or other supplies;

89 (ii) Curricula or other academic or training
90 materials;

91 (iii) Remote learning or other classroom
92 technology;

93 (iv) Stipends for teaching staff or faculty for
94 workforce development programs;

95 (v) Trainee support, including tuition expenses
96 and childcare or transportation assistance;

97 (vi) Coaching or mentoring services;

98 (vii) Job placement services; and

99 (viii) Recruitment programs.



100 (3) The Department of Employment Security shall serve as
101 fiscal agent in administering the funds.

102 (4) Subject to appropriation by the Legislature, allocations
103 to recipients shall be awarded by the office through an
104 application process, which shall require the applicant to provide:

105 (a) A detailed explanation of the program the applicant
106 intends to use awarded funds to create or expand, to include:

107 (i) A description of the nursing workforce
108 shortage the program is intended to address;

109 (ii) The number of trainees who will be served by
110 the program; and

111 (iii) The average wage rate for trainees receiving
112 employment after completing the program;

113 (b) A proposed budget on how awarded funds will be
114 expended, including a plan to consistently report expenditures to
115 the office throughout the funding commitment;

116 (c) A plan to provide data on participation and
117 outcomes of the program, including a plan to report outcomes to
118 the office throughout the funding commitment; and

119 (d) Other relevant information as determined
120 appropriate by the office.

121 (5) Applicants agreeing to commit a portion of their federal
122 COVID-19 relief funds, if they received federal COVID-19 relief
123 funds directly, or other state, federal or private funds as



124 supplemental matching funds to offset the total cost of the
125 approved program will be prioritized for approval.

126 (6) The office shall:

127 (a) Inform each recipient of its portion of the funds
128 appropriated to the grant program;

129 (b) Develop regulations and procedures to govern the
130 administration of the grant program;

131 (c) Prioritize high-wage, high-skill jobs within the
132 nursing field; and

133 (d) Coordinate with the Department of Employment
134 Security to share information to identify individuals who were
135 furloughed, unemployed, underemployed or otherwise displaced due
136 to COVID-19 who may be eligible for the program.

137 (7) The office may use a maximum of two and one-half percent
138 (2-1/2%) of funds allocated under this act for the administration
139 of the grant program, to the extent permissible under federal law.

140 (8) The office shall provide a comprehensive report on the
141 use and effectiveness of funds distributed under the grant
142 program, to include wage data and employment outcomes for
143 trainees, to the Governor, Lieutenant Governor, Speaker of the
144 House of Representatives, and Chairs of the Senate and House
145 Appropriations Committees, Chair of the Senate Economic and
146 Workforce Development Committee, and Chair of the House Workforce
147 Development Committee by October 1 each year of the existence of
148 the program.



149 (9) There is created a special fund in the State Treasury to
150 be known as the "Mississippi Healthcare Workforce Development
151 Program Fund," from which the grants authorized by this act shall
152 be disbursed by the office. All monies shall be disbursed from
153 the fund in compliance with the guidelines, guidance, rules,
154 regulations and other criteria, as may be amended from time to
155 time, by the United States Department of the Treasury regarding
156 the use of monies from the American Rescue Plan Act. Unexpended
157 amounts of any monies remaining in the fund at the end of the
158 fiscal year shall not lapse into the Coronavirus State Fiscal
159 Recovery Fund or the State General Fund, and any interest earned
160 on amounts in the fund shall remain in the fund.

161 **SECTION 4.** (1) There is created the Mississippi Nursing
162 Preceptor Grant Program, the purpose of which is to provide
163 Mississippi licensed hospitals and Mississippi licensed long-term
164 care facilities with grants to pay nursing preceptors up to an
165 additional Two Dollars (\$2.00) per hour in premium pay for the
166 time spent training Associates Degree of Nursing (ADN) students
167 enrolled at any two-year nursing program operated by the
168 Mississippi Community College Board. This act shall be subject to
169 the availability of funds appropriated by the Legislature
170 utilizing Coronavirus State Fiscal Recovery Funds made available
171 under the federal American Rescue Plan Act of 2021 (ARPA) or any
172 other funds appropriated by the Legislature.



173 (2) For purposes of this section, unless the context
174 requires otherwise, the following terms shall have the meanings
175 ascribed:

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

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

183 (c) "Office" shall mean the Office of Workforce
184 Development as established in Section 37-153-7.

185 (d) "Student" shall mean an Associate Degree of Nursing
186 (ADN) student enrolled at any two-year nursing program operated by
187 the Mississippi Community College Board.

188 (e) "Preceptor" shall mean a nurse who supervises a
189 nursing student during clinical practice and facilitates the
190 application of theory to practice for the nursing student. A
191 preceptor works with the student to assist the student in
192 acquiring new competencies required for safe, ethical and quality
193 practice. They assist the student by setting expectations,
194 providing effective feedback about their performance, and
195 providing appropriate opportunities to meet the student and course
196 objectives.



197 (f) "Hospital" shall mean any Mississippi licensed
198 general acute care hospital and Mississippi licensed long-term
199 care facility that provides a nursing preceptor program to nursing
200 students enrolled at any two-year nursing program operated by the
201 Mississippi Community College Board.

202 (3) On or before July 1, 2022, the office shall promulgate
203 interim rules and regulations necessary to administer the Nursing
204 Preceptor Grant Program prescribed under this act, including
205 application procedures and deadlines. The office shall allow for
206 a fifteen-day comment period before finalizing the rules and
207 regulations. In addition, the office shall determine the duration
208 of the grant awards and the issuance of additional rounds of
209 grants.

210 (4) For the first round of the grant awards, or for future
211 rounds of grant awards for hospitals who did not receive a grant
212 award, the office shall receive applications from any hospital,
213 which shall include, but not be limited to, the following:

214 (a) The number of preceptors the hospital intends to
215 provide the premium payment;

216 (b) The estimated hours the preceptors will train
217 students;

218 (c) The number of students trained at their hospital;

219 (d) A certification that the premium payments will only
220 be applied to the time spent with students and meets the
221 guidelines of ARPA; and its implementing guidelines, guidance,



222 rules, regulations and/or other criteria, as may be amended or
223 supplemented from time to time, by the United States Department of
224 the Treasury; and all applicable guidance issued by the
225 department; and

226 (e) Any additional requirements as set by the office.

227 (5) For any future rounds of grant awards, the office shall
228 receive applications from any hospital, which shall include, but
229 not be limited to, the following:

230 (a) The number of preceptors the hospital intends to
231 provide the premium payment;

232 (b) The retention rate of preceptors who received
233 premium payment at the hospital;

234 (c) The estimated hours the preceptors will train
235 students;

236 (d) The actual number of hours preceptors trained
237 students;

238 (e) The number of students trained at their hospital;

239 (f) A certification that the premium payments will only
240 be applied to the time spent with students and meets the
241 guidelines of ARPA; and its implementing guidelines, guidance,
242 rules, regulations and/or other criteria, as may be amended or
243 supplemented from time to time, by the United States Department of
244 the Treasury; and all applicable guidance issued by the
245 department; and

246 (g) Any additional requirements as set by the office.



247 (6) Applications shall be reviewed and scored by the office.
248 The office shall certify that each application submitted is an
249 allowable expense as defined in ARPA and all applicable guidance
250 issued by the department. The office shall award grants to
251 hospitals based on what the office determines is the most
252 significant impact on retaining and recruiting additional nursing
253 preceptors in order to train the increasing number of students.
254 Grant agreements shall be executed between the hospital and the
255 office. All final awards will be determined at the discretion of
256 the executive director of the office. Funds shall be made
257 available to a hospital upon the execution of a grant agreement
258 between the office and the approved hospital. All grant awards
259 received by the hospital shall be paid to preceptors as premium
260 payment for the hours working with students.

261 (7) The hospital may be required to repay the office for any
262 premium payment not consistent with the guidelines of ARPA; and
263 its implementing guidelines, guidance, rules, regulations and/or
264 other criteria, as may be amended or supplemented from time to
265 time, by the United States Department of the Treasury; and all
266 applicable guidance issued by the office. Any repayment of funds
267 under this act shall be transferred or deposited into the
268 Mississippi Nursing Preceptor Grant Program Fund.

269 (8) For purposes of the Public Employees' Retirement System
270 of Mississippi, the premium pay provided under this section shall



271 not be considered earned compensation, as defined in Section
272 25-11-103(k).

273 (9) The office shall submit to the Joint Legislative Budget
274 Committee by October 1 of each year an annual report. The report
275 shall contain, at a minimum, the hospitals that submitted
276 applications, the score of the applications, the amount of grant
277 funds awarded to each hospital, the amount of grant funds expended
278 by each hospital, the number of preceptors paid, the retention of
279 these preceptors by the hospitals, the number of nursing students
280 trained.

281 (10) There is hereby created in the State Treasury a special
282 fund to be known as the "Mississippi Nursing Preceptor Grant
283 Program Fund" which shall consist of funds appropriated by the
284 Legislature from State Recovery Funds or other funds as determined
285 by the Legislature. Unexpended amounts remaining of any monies in
286 the fund at the end of the fiscal year shall not lapse into the
287 Coronavirus State Fiscal Recovery Fund or the State General Fund,
288 and any interest earned on amounts in the fund shall remain in the
289 fund. The expenditure of monies in the Mississippi Nursing
290 Preceptor Grant Program Fund shall be under the direction of the
291 Office of Workforce Development for the purposes prescribed to
292 them in this section.

293 **SECTION 5.** (1) There is created the Mississippi Health
294 Science Training Infrastructure Grant Program, the purpose of
295 which is to provide a reimbursable grant for health science



296 training infrastructure at any Mississippi Community College,
297 institution of higher learning, or any member of the Mississippi
298 Association of Independent Colleges and Universities. This act
299 shall be subject to the availability of funds appropriated by the
300 Legislature utilizing Coronavirus State Fiscal Recovery Funds made
301 available under the federal American Rescue Plan Act of 2021
302 (ARPA) or any other funds appropriated by the Legislature.

303 (2) For purposes of this section, unless the context
304 requires otherwise, the following terms shall have the meanings
305 ascribed:

306 (a) "Applicant" shall mean any Mississippi Community
307 College, institution of higher learning, or any member of the
308 Mississippi Association of Independent Colleges and Universities
309 that has a nursing school.

310 (b) "Health science training infrastructure" shall mean
311 any infrastructure that is eligible under ARPA that assists with
312 the training of all of the following students: nurses, doctors,
313 paramedics, pharmacists and public health students.

314 (c) "ARPA" shall mean the federal American Rescue Plan
315 Act of 2021, Public Law 117-2, which amends Title VI of the Social
316 Security Act.

317 (d) "State Recovery Funds" shall mean Coronavirus State
318 Fiscal Recovery Funds awarded through Section 602, Title VI of the
319 Social Security Act amended by Section 9901 of the federal
320 American Rescue Plan Act of 2021, Public Law 117-2.



321 (e) "Office" shall mean the Office of Workforce
322 Development as established in Section 37-153-7.

323 (3) On or before July 1, 2022, the office shall promulgate
324 rules and regulations necessary to administer the Mississippi
325 Health Science Training Infrastructure Grant Program prescribed
326 under this act, including application procedures and deadlines.
327 The Department of Finance and Administration Bureau of Building,
328 Grounds, and Real Property Management is authorized and directed
329 to advise the office regarding all such rules and regulations.

330 (4) The office shall receive applications submitted by the
331 applicants, which shall include, but not be limited to, the
332 following:

333 (a) A detailed description and the cost of the health
334 sciences training infrastructure requested;

335 (b) The number and type of health science students
336 currently trained at the applicant's school;

337 (c) The estimated increase in the number of health
338 science students to be trained at the applicant's school after the
339 completion of the health science training infrastructure;

340 (d) A certification that the health science training
341 infrastructure meets the guidelines of ARPA; and its implementing
342 guidelines, guidance, rules, regulations and/or other criteria, as
343 may be amended or supplemented from time to time, by the United
344 States Department of the Treasury; and all applicable guidance
345 issued by the department; and



346 (e) Any additional requirements as set by the office.

347 (5) Applications shall be reviewed and scored by the office.

348 The office shall certify that each application submitted is an
349 allowable expense as defined in ARPA and all applicable guidance
350 issued by the department. The Department of Finance and
351 Administration Bureau of Building, Grounds and Real Property
352 Management is authorized and directed to advise the office as to
353 the estimated cost and eligibility of the health science training
354 infrastructure projects. The office shall award the grant(s) to
355 the applicant(s) based on what health science training
356 infrastructure project the office determines has the most
357 significant impact on increasing the number of health science
358 students trained in Mississippi. In reviewing the applications,
359 the office shall give preference to any applicant proposing to
360 train Doctors of Osteopathic Medicine (DO). Grant agreement(s)
361 shall be executed between the applicant(s) and the office. All
362 final awards will be determined at the discretion of the executive
363 director of the office. Funds shall be made available to the
364 applicant(s) upon the execution of a grant agreement between the
365 office and the approved applicant(s). The office shall provide
366 these funds to the applicant(s) on a reimbursable basis after
367 receiving support for expenses and determining that they meet the
368 grant award criteria.

369 (6) The applicant(s) may be required to repay the State of
370 Mississippi for any grant funds awarded not consistent with the



371 guidelines of ARPA; and its implementing guidelines, guidance,
372 rules, regulations and/or other criteria, as may be amended or
373 supplemented from time to time, by the United States Department of
374 the Treasury; and all applicable guidance issued by the office.

375 (7) The office shall submit to the Joint Legislative Budget
376 Committee by October 1 of each year an annual report. The report
377 shall contain, at a minimum, the submitted applications, the score
378 of the applications, the amount of grant funds awarded to each
379 applicant(s), the amount of grant funds expended by each
380 applicant(s), the status of the health science training
381 infrastructure, the number of students currently trained at the
382 applicant(s) nursing school, the estimated increase in the number
383 of students to be trained at the applicant(s) nursing school.

384 (8) There is hereby created in the State Treasury a special
385 fund to be known as the "Mississippi Health Science Training
386 Infrastructure Grant Program Fund" which shall consist of funds
387 appropriated by the Legislature from State Recovery Funds or other
388 funds as determined by the Legislature. Unexpended amounts of any
389 monies remaining in the fund at the end of the fiscal year shall
390 not lapse into the Coronavirus State Fiscal Recovery Fund or the
391 State General Fund, and any interest earned on amounts in the fund
392 shall remain in the fund. The expenditure of monies in the
393 Mississippi Health Science Training Infrastructure Grant Program
394 Fund shall be under the direction of the Office of Workforce



395 Development of the Mississippi Department of Employment Security
396 for the purposes prescribed to them in this section.

397 **SECTION 6.** The Office of Workforce Development shall certify
398 to the Department of Finance and Administration that each
399 expenditure of the funds appropriated to the office under this act
400 is in compliance with the guidelines, guidance, rules, regulations
401 and/or other criteria, as may be amended from time to time, of the
402 United States Department of the Treasury regarding the use of
403 monies from the State Coronavirus State Fiscal Recovery Fund in
404 Section 9901 of the American Rescue Plan Act of 2021 (Public Law
405 No. 117-1).

406 **SECTION 7.** (1) (a) All monies disbursed from the
407 Mississippi Healthcare Workforce Development Program Fund, the
408 Mississippi Nursing Preceptor Grant Program Fund and the
409 Mississippi Health Science Training Infrastructure Grant Program
410 Fund shall be in compliance with the guidelines, guidance, rules,
411 regulations or other criteria, as may be amended from time to
412 time, of the United States Department of the Treasury regarding
413 the use of monies from the Coronavirus State Fiscal Recovery Fund,
414 established by the American Rescue Plan of 2021.

415 (b) If there are unobligated Coronavirus State Fiscal
416 Recovery Fund monies remaining in the Mississippi Healthcare
417 Workforce Development Program Fund, the Mississippi Nursing
418 Preceptor Grant Program Fund or the Mississippi Health Science
419 Training Infrastructure Grant Program Fund on the later of



420 December 17, 2024, or fourteen (14) days prior to the fund
421 obligation deadline provided by the federal government, the
422 Department of Finance and Administration shall transfer these
423 unobligated balances to the Coronavirus State Fiscal Recovery
424 Fund. The Department of Finance and Administration shall then
425 transfer the unobligated balance of Coronavirus State Fiscal
426 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
427 the State and School Employees' Life and Health Insurance Fund for
428 an amount not to exceed the lesser of Sixty Million Dollars
429 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by
430 no later than December 31, 2024, or on the date of the fund
431 obligation deadline provided by the federal government. The
432 Department of Finance and Administration shall then transfer all
433 remaining unobligated balances of Coronavirus State Fiscal
434 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
435 the Unemployment Compensation Fund up to the ARPA allowable
436 amount, by no later than December 31, 2024, or on the date of the
437 fund obligation deadline provided by the federal government.

438 (2) The use of funds allocated under this program shall be
439 subject to audit by the United States Department of the Treasury's
440 Office of Inspector General and the Mississippi Office of the
441 Auditor. Each person receiving funds under these programs found
442 to be fully or partially noncompliant with the requirements in
443 this act shall return to the state all or a portion of the funds
444 received.



445 **SECTION 8.** If any section, paragraph, sentence, clause,
446 phrase or part of this act is declared to be in conflict with
447 federal law, or if for any reason is declared to be invalid or of
448 no effect, the remaining sections, paragraphs, sentences, clauses,
449 phrases or parts thereof shall be in no matter affected thereby
450 but shall remain in full force and effect.

451 **SECTION 9.** This act shall take effect and be in force from
452 and after its passage and shall stand repealed on July 1, 2026.

