

By: Senator(s) Parker, Moran

To: Economic and Workforce
Development; Appropriations

SENATE BILL NO. 2721
(As Passed the Senate)

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, or other qualified entity as
75 determined by Accelerate Mississippi.



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

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

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

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

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

89 (i) Necessary equipment or other supplies;

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

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

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

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

98 (vi) Coaching or mentoring services;

99 (vii) Job placement services; and

100 (viii) Recruitment programs.



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

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

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

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

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

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

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

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

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

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



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

127 (6) The office shall:

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

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

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

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



272 not be considered earned compensation, as defined in Section
273 25-11-103(k).

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



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

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



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

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

