

By: Representatives Moody, Masterson, Clarke

To: Public Health and Welfare

HOUSE BILL NO. 1220
(As Sent to Governor)

1 AN ACT TO CREATE A PROGRAM OF PAID EDUCATIONAL LEAVE FOR
2 HOSPITAL EMPLOYEES; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) (a) A hospital may grant paid educational
5 leave to those applicants it deems qualified therefor, upon such
6 terms and conditions as it may impose and as provided for in this
7 section.

8 (b) In order to be eligible for paid educational leave,
9 an applicant must:

10 (i) Be working at the sponsoring hospital at the
11 time of application;

12 (ii) Attend any college or school approved and
13 designated by the sponsoring hospital; and

14 (iii) Agree to work in a health care occupation as
15 a licensed practical nurse, registered nurse, nurse practitioner,
16 speech pathologist, occupational therapist, physical therapist or
17 other health care professional in the sponsoring hospital for a
18 period of time equivalent to the period of time for which the
19 applicant receives paid educational leave compensation, calculated
20 to the nearest whole month, but in no event less than two (2)
21 years.

22 (c) (i) Before being granted paid educational leave,
23 each applicant shall enter into a contract with the sponsoring
24 hospital agreeing to the terms and conditions upon which the paid
25 educational leave shall be granted. The contract shall include
26 such terms and provisions necessary to carry out the full purpose
27 and intent of this section. The contract shall be signed by the



28 administrator of the sponsoring hospital and the recipient of paid
29 educational leave compensation. If the recipient is a minor, his
30 or her minority disabilities shall be removed by a chancery court
31 of competent jurisdiction before the contract is signed.

32 (ii) The sponsoring hospital shall have the
33 authority to cancel any contract made between it and any recipient
34 for paid educational leave upon such cause being deemed sufficient
35 by the administrator of the hospital.

36 (iii) The sponsoring hospital is vested with full
37 and complete authority and power to sue in its own name any
38 recipient for any balance due to the hospital on any such
39 uncompleted contract. The sponsoring hospital may contract with a
40 collection agency or banking institution for collection of any
41 balance due to the hospital from any recipient. The sponsoring
42 hospital and its employees and, if applicable, its board of
43 trustees are immune from any suit brought in law or equity for
44 actions taken by the collection agency or banking institution
45 incidental to or arising from their performance under the
46 contract. The sponsoring hospital, collection agency and banking
47 institution may negotiate for the payment of a sum that is less
48 than full payment in order to satisfy any balance the recipient
49 owes.

50 (iv) Failure to meet the terms of an educational
51 loan contract shall be grounds for revocation of the professional
52 license that was earned through the paid educational leave
53 compensation granted under this section.

54 (v) A finding by the sponsoring hospital of a
55 default by the recipient shall be a finding of unprofessional
56 conduct and, therefore, a basis for the revocation of the
57 professional license that was obtained through the educational
58 leave program. A finding by the sponsoring hospital of default
59 shall be a disciplinary action, not a collection action, and shall
60 not be affected by the recipient declaring bankruptcy.



61 (vi) Notice of pending default status, the
62 consequences of a default and the hearing to determine the pending
63 default status shall be mailed by the sponsoring hospital to the
64 recipient at the last known address.

65 (vii) The sponsoring hospital shall conduct a
66 hearing of pending default status, make a final determination,
67 and, if appropriate, issue a finding of default.

68 (viii) Recipients may appear at the hearing of
69 pending default status, either personally or through counsel, or
70 both, and produce and cross-examine witnesses or evidence in the
71 recipient's behalf. The procedure of the hearing shall not be
72 bound by the Mississippi Rules of Civil Procedure and Evidence.

73 (ix) If at the hearing a recipient is found to be
74 in default, a copy of the finding of default shall be forwarded to
75 the appropriate licensing agency.

76 (x) Appeals from a finding of default made by the
77 sponsoring hospital shall be to the circuit court of the county in
78 which the hospital is located.

79 (xi) Rules and regulations governing the hearing
80 of pending default status and other applicable matters shall be
81 promulgated by the sponsoring hospital.

82 (xii) Any person who is subject to the revocation
83 of his or her professional license for not meeting the terms of an
84 educational loan contract may appear before the appropriate
85 licensing agency to show mitigating circumstances for failure to
86 meet the terms of the contract, and may appeal any revocation of
87 his or her professional license under the laws applicable to the
88 licensing agency.

89 (xiii) A license that has been revoked under this
90 section shall be reinstated upon a showing of proof that the
91 recipient is no longer in default.

92 (xiv) These procedures shall only be applicable to
93 educational leave contracts entered into under this section and



94 shall not apply to educational leave contracts entered into with
95 any state health institution pursuant to Section 37-101-291 or
96 Section 37-101-293, as amended.

97 (2) (a) Any recipient who is granted paid educational leave
98 by a hospital shall be compensated by the sponsoring hospital
99 during the time the recipient is in school, at the rate of pay
100 received by a nurse's aide employed at the hospital. All
101 educational leave compensation received by the recipient while in
102 school shall be considered earned conditioned upon the fulfillment
103 of the terms and obligations of the educational leave contract and
104 this section. However, no recipient of full-time educational
105 leave shall accrue personal or major medical leave while the
106 recipient is on paid educational leave. Recipients of paid
107 educational leave shall be responsible for their individual costs
108 of tuition and books.

109 (b) Paid educational leave shall be granted only upon
110 the following conditions:

111 (i) The recipient shall fulfill his or her
112 obligation under the contract with the sponsoring hospital by
113 working as a licensed practical nurse, registered nurse, nurse
114 practitioner, speech pathologist, occupational therapist, physical
115 therapist or other health care professional. The total
116 compensation that the recipient was paid while on educational
117 leave shall be considered as unconditionally earned on an annual
118 pro rata basis for each year of service rendered under the
119 educational leave contract as a health care professional in the
120 sponsoring hospital.

121 (ii) If the recipient does not work as a licensed
122 practical nurse, registered nurse, nurse practitioner, speech
123 pathologist, occupational therapist, physical therapist or other
124 health care professional in the sponsoring hospital for the period
125 required under this section, the recipient shall be liable for
126 repayment on demand of the remaining portion of the compensation



127 that the recipient was paid while on paid educational leave that
128 has not been unconditionally earned, with interest accruing at ten
129 percent (10%) per annum from the recipient's date of graduation or
130 the date that the recipient last worked at the sponsoring
131 hospital, whichever is the later date. In addition, there shall
132 be included in any contract for paid educational leave a provision
133 for liquidated damages equal to Five Thousand Dollars (\$5,000.00),
134 which may be reduced on a pro rata basis for each year served
135 under the contract.

136 (iii) If any recipient fails or withdraws from
137 school at any time before successfully completing his or her
138 health care training, the recipient shall be liable for repayment
139 on demand of the amount of the total compensation that the
140 recipient was paid while on paid educational leave, with interest
141 accruing at ten percent (10%) per annum from the date the
142 recipient failed or withdrew from school. However, the recipient
143 shall not be liable for liquidated damages, and if the recipient
144 returns to work at the sponsoring hospital in the same position
145 held at the hospital before accepting educational leave, or a
146 position approved by the hospital, the recipient shall not be
147 liable for payment of any interest on the amount owed.

148 (iv) The issuance and renewal of the professional
149 license required to work as a licensed practical nurse, registered
150 nurse, nurse practitioner, speech pathologist, occupational
151 therapist, physical therapist or other health care professional
152 for which the educational leave was granted shall be contingent
153 upon the repayment of the total compensation that the recipient
154 received while on paid educational leave. Failure to meet the
155 terms of an educational loan contract shall be grounds for
156 revocation of the professional license that was earned through the
157 paid educational leave compensation granted under this section.
158 Any individual who receives any amount of paid educational leave
159 compensation while in school and subsequently receives a



160 professional license shall be deemed to have earned the
161 professional license through paid educational leave. Any person
162 who is subject to the revocation of his or her professional
163 license for not meeting the terms of an educational loan contract
164 may appear before the appropriate licensing agency to show
165 mitigating circumstances for failure to meet the terms of the
166 contract, and may appeal any revocation of his or her professional
167 license under the laws applicable to the licensing agency.

168 (v) These procedures shall only apply to
169 educational leave contracts entered into under this section and
170 shall not apply to educational leave contracts entered into with
171 any state institution pursuant to Section 37-101-291 or Section
172 37-101-293, as amended.

173 **SECTION 2.** Section 1 of this act shall be codified in
174 Chapter 9 of Title 41, Mississippi Code of 1972.

175 **SECTION 3.** This act shall take effect and be in force from
176 and after July 1, 2003.

