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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representative Mims

House Bill 1813

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE STATE DEPARTMENT OF HEALTH FOR THE PURPOSE OF REIMBURSING MISSISSIPPI LICENSED SPECIALTY HOSPITALS THAT ARE RECOGNIZED AS SUCH BY THE DEPARTMENT FOR THEIR NECESSARY EXPENDITURES INCURRED DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund not otherwise appropriated, to the State Department of Health for the purpose described in Section 2 of this act for the period beginning upon the passage of this act and ending December 30, 2020 $ 4,000,000.00.

SECTION 2. (1) The funds appropriated under Section 1 of this act shall be expended by the State Department of Health for the purpose of reimbursing Mississippi licensed specialty hospitals that are recognized as such by the department, excluding any specialty hospital that is owned by the State of Mississippi, for their necessary expenditures incurred due to the COVID-19 public health emergency.

(2) The department shall determine the maximum possible amount available to each specialty hospital using a formula based on the number of licensed beds in the hospital. A specialty hospital shall be eligible to receive the amount determined under that formula or the actual amount of the necessary expenditures incurred by the hospital due to the COVID-19 public health emergency, whichever is the lesser amount.

(3) As a condition of receiving the funds under this section, each specialty hospital shall provide monthly reports to the department with detailed information about the allowable expenses of the hospital related to treating COVID-19 patients.

(4) The department may retain up to Sixty Thousand Dollars ($60,000.00) of the funds appropriated under Section 1 of this act for the expenses of the department incurred in administrating the provisions of this act.

SECTION 3. (1) As used in this section and Section 4 of this act, the term "agency" means the State Department of Health.

(2) The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

SECTION 4. (1) As a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(2) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 5. The money appropriated by this act shall be paid by the State Treasurer out of any money in the Budget Contingency Fund not otherwise appropriated, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his or her warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 6. This act shall take effect and be in force from and after its passage.

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