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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representatives Mims, Mickens, Paden, Dortch, Foster, Hines, Johnson, Bell (65th), McCray, Thompson

House Bill 1782

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC; 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 Mississippi Development Authority for the purposes described in Section 2 of this act, for the period beginning upon July 1, 2020, and ending December 30, 2020.....$ 30,207,000.00.

SECTION 2. The funds appropriated under Section 1 of this act shall be expended by the Mississippi Development Authority for the following purposes:

(a) Providing funds to the ambulatory surgical centers licensed by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Four Thousand Dollars ($4,000.00) per surgery center.....$ 300,000.00.

(b) Providing funds to the assisted living facilities licensed by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Four Thousand Dollars ($4,000.00) per facility.....$ 452,000.00.

(c) Providing funds to the Alzheimer's/dementia care units licensed by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Four Thousand Dollars ($4,000.00) per unit .....$ 88,000.00.

(d) Providing funds to the fourteen (14) providers of intermediate care facilities for individuals with intellectual disabilities licensed by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Ten Thousand Dollars ($10,000.00) per facility..... $ 140,000.00.

(e) Providing funds to the permitted ground ambulances licensed or permitted by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-

19 public health emergency later this year, in amounts not exceeding Five Thousand Dollars ($5,000.00) per ambulance..... $ 3,110,000.00.

(f) Providing funds to the nursing home facilities licensed by the State Department of Health for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Ten Thousand Dollars ($10,000.00) per facility..... $ 2,110,000.00.

(g) Providing funds to the Mississippi Organ Recovery Agency (MORA) for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for their staff for protection against COVID-19 from current patients and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year..... $ 100,000.00.

(h) Providing funds to independent dentists licensed by the Board of Dental Examiners who are not employed by a hospital for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for themselves and their office staff, for protection against COVID-19 from current patients, and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Four Thousand Dollars ($4,000.00) per dentist $ 5,632,000.00.

For the purposes of this paragraph (h), "independent dentist" means a licensed dentist who actively provides care to patients, owns a share of his or her practice, has key decision-making rights for his or her practice, and is not employed by a hospital or an organization associated with a hospital.

For the purposes of this paragraph (h), no practice group of dentists shall receive more than Forty Thousand Dollars ($40,000.00) in total reimbursement.

(i) Providing funds to independent physicians licensed by the State Board of Medical Licensure who are not employed by a hospital, nurse practitioners licensed by the Mississippi Board of Nursing who are not employed by a hospital and who have an independent practice, and independent optometrists licensed by the State Board of Optometry for purchasing personal protective equipment (PPE) and providing for COVID-19 testing for themselves and their office staff, for protection against COVID-19 from current patients, and to have sufficient PPE and testing in preparation for the expected new cases during the continuation of the current COVID-19 public health emergency later this year, in amounts not exceeding Two Thousand Five Hundred Dollars ($2,500.00) per physician, nurse practitioner or optometrist..... $ 7,125,000.00.

Not more than two thousand eight hundred fifty (2,850) persons may receive funds under this paragraph (i).

For the purposes of this paragraph (i), "independent physician" means a licensed physician, including allopaths, osteopaths and podiatrists, who actively provides care to patients, owns a share of his or her practice, has key decision-making rights for his or her practice, and is not employed by a hospital or an organization associated with a hospital; and "independent optometrist" means a licensed optometrist who actively provides care to patients, owns a share of his or her practice, has key decision-making rights for his or her practice, and is not employed by a hospital or an organization associated with a hospital.

For the purposes of this paragraph (i), no practice group of physicians shall receive more than Twenty-five Thousand Dollars ($25,000.00) in total reimbursement.

(j) Providing funds to community foundations for the purposes of making grants to nonprofit entities to reimburse those entities for eligible expenditures incurred by the entities, in amounts not exceeding Four Thousand Dollars ($4,000.00) per entity..... $ 4,000,000.00.

The authority shall distribute to the community foundations a pro rata share of the funds authorized under this paragraph (j) based on the population served by the foundation. The community foundations may retain not more than one percent (1%) of the amount received from the authority under this paragraph (j) for administrative expenses.

For the purposes of this paragraph (j):

(i) "Community foundations" means the CREATE Foundation, the Community Foundation of Northwest Mississippi, the Community Foundation of Washington County, the Community Foundation for Mississippi, the Community Foundation of East Mississippi, the Greater Pinebelt Community Foundation and the Gulf Coast Community Foundation;

(ii) "Nonprofit entity" means an entity that provides services to the public and in which no part of the assets, income or profit is distributed to or enures to the benefit of its members, directors or officers; and

(iii) "Eligible expenditure" means a cost incurred that is reimbursable from funds received by the State of Mississippi from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief and Economic Security (CARES) Act under the guidance and guidelines of the United States Department of the Treasury regarding the use of those funds.

(k) Providing funds to community foundations for the purpose of reimbursing food pantries for eligible expenditures incurred by the pantries, in amounts not exceeding Four Thousand Dollars ($4,000.00) per pantry..... $ 4,000,000.00.

The community foundations, in their discretion, may reimburse a food pantry directly from the funds provided under this paragraph (k) or may reimburse entities acting on behalf of a food pantry or providing a service to a food pantry. The community foundations may retain not more than one percent (1%) of the amount received from the authority under this paragraph (k) for administrative expenses.

For the purposes of this paragraph (k), the terms "community foundations" and "eligible expenditures" shall have the meanings as defined in paragraph (j) of this section.

(l) Providing funds to the North Mississippi Education Consortium to be distributed to child care facilities throughout the state on an equitable basis for reimbursing the facilities for eligible expenditures incurred by the facilities or for providing personal protective equipment (PPE)..... $ 3,000,000.00.

For the purposes of this paragraph (l), "child care facility" means any facility as defined by Section 43-20-5(a), Mississippi Code of 1972.

(m) For expenses of the authority in administering the funds expended under paragraphs (a) through (l) of this section..... $ 150,000.00.

SECTION 3. 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 purposes described in Section 4 of this act, for the period beginning upon July 1, 2020, and ending December 30, 2020..... $ 91,900,000.00.

SECTION 4. The funds appropriated under Section 3 of this act shall be expended by the State Department of Health for the following purposes:

(a) Providing funds to the Federally Qualified Health Centers in the state for their expenses in addressing the continuation of the current COVID-19 public health emergency and treating patients with COVID-19 $ 1,500,000.00.

(b) Providing funds to rural hospitals as defined in House Bill No. 94, 2020 Regular Session, for their expenses in addressing the continuation of the current COVID-19 public health emergency..... $ 1,000,000.00.

(c) Providing funds to Tate County, Mississippi, to be disbursed to the North Oak Regional Medical Center or its successor entity, which funding the Legislature finds is a necessary expenditure incurred due to the COVID-19 public health emergency, since such funding is necessary to allow the medical center to continue in operations during the current COVID-19 public health emergency..... $ 2,000,000.00.

If by October 1, 2020, a hospital is not in operation in Tate County, or there is not an executed contract or Memorandum of Understanding for the operation of a hospital in Tate County, as determined by the department, then the funds authorized under this paragraph (c) for Tate County shall be reallocated on October 1, 2020, for the purpose authorized in paragraph (e) of this section.

(d) Providing funds to the MAGnet Community Health Disparity Program, whose mission is to strengthen collaboration and coordination for improved health access, performance, outcomes and cost efficiencies and whose vision is to improve the health status for all Mississippians through integrated health, which funding shall be used to address the disproportionate impact on the minority community of coronavirus infections and deaths from COVID-19, by developing and implementing plans to reduce and mitigate those occurrences and negative outcomes in the minority community during the continuation of the current COVID-19 public health emergency later this year..... $ 6,000,000.00.

All Federally Qualified Health Centers in the state are eligible to receive funding through the MAGnet Community Health Disparity Program from the funds authorized under this paragraph (d) upon application submitted to the MAGnet Community Health Corporation for approval.

(e) Reimbursing hospitals for their necessary expenditures incurred due to the COVID-19 public health emergency..... $ 80,000,000.00.

If the funds allocated to Tate County under paragraph (c) of this section are reallocated for the purpose authorized in this paragraph (e), then the amount authorized under this paragraph (e) shall be increased to Eighty-two Million Dollars ($82,000,000.00).

The department shall determine the maximum possible amount available to each hospital using a formula based on the total number of hospitalized COVID-19 patients that the hospital treated as of June 21, 2020, and the number of Mississippi licensed hospital beds in the hospital. A 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.

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

(f) Reimbursing hospitals that have more than twenty-five (25) hospitalized COVID-19 patients as of June 21, 2020, but were unable to receive a rural provider payment from the United States Department of Health and Human Services because of being located in a county that is part of a metropolitan statistical area and not being designated as a critical access hospital..... $ 1,000,000.00.

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

(g) Providing funds to Access Family Health Services for the expenses of providing services for substance use disorders and providing school-based health services, the demand for which has increased due to the continuation of the current COVID-19 public health emergency $ 250,000.00.

(h) For expenses of the department in administering the funds expended under paragraphs (a) through (g) of this section..... $ 150,000.00.

SECTION 5. (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 Mental Health for the purposes described in subsection (2) of this section, for the period beginning upon July 1, 2020, and ending December 30, 2020 $ 1,400,000.00.

(2) The State Department of Mental Health shall provide the funds authorized under this section in equal amounts to each of the fourteen (14) community mental health regions to pay for all eligible expenditures for mental health services, which are those costs incurred by the regions that are reimbursable from funds received from the Budget Contingency Fund to address the current COVID-19 public health emergency. For the purposes of this section, eligible expenditures include, but are not limited to:

(a) Providing mental health services to persons who are or have been unemployed and/or persons who have been displaced from their homes due to the COVID-19 pandemic;

(b) Expenses for reimbursement, acquisition and distribution of medical and protective supplies, including, but not limited to, sanitizing products and personal protective equipment (PPE) for the COVID-19 public health emergency;

(c) Expenses for establishing and operating telemedicine capabilities for the treatment of COVID-19 patients; and

(d) Payroll expenses for employees to provide mental health services substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

SECTION 6. 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 Board of Trustees of State Institutions of Higher Learning for the purposes described in Section 7 of this act, for the period beginning upon July 1, 2020, and ending December 30, 2020..... $ 6,218,000.00.

SECTION 7. The funds appropriated under Section 6 of this act shall be expended by the Board of Trustees of State Institutions of Higher Learning for the following purposes:

(a) Providing funds for the Mississippi Rural Physicians Scholarship Program to pay for medical school students to serve the rural area of our state because the rural communities continue to lack primary coverage to deal with the COVID-19 public health emergency and those communities are in dire need of more primary care physicians to prepare for the expected additional patients during the continuation of the current COVID-19 public health emergency later this year $ 1,800,000.00.

(b) Providing funds to the Office of Physician Workforce for five (5) hospitals to start or expand their physician residency programs to address the dire shortage of physicians in the state, especially primary care physicians, which limits the ability of the state to properly address patient needs and the disproportionate effects on the minority communities during the continuation of the current COVID-19 public health emergency, in order for the state to be better prepared to take care of existing COVID-19 patients and the expected additional patients during the continuation of the current COVID-19 public health emergency later this year..... $ 4,418,000.00.

SECTION 8. (1) As used in this section and Section 9 of this act, the term "agency" means the Mississippi Development Authority, the State Department of Health, the State Department of Mental Health or the Board of Trustees of State Institutions of Higher Learning, as the case may be.

(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 9. (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 10. 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 11. This act shall take effect and be in force from and after July 1, 2020.

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