To prohibit health care providers that receive funding through the Public Health and Social Services Emergency Fund from reducing employment or compensation for certain nurses employed by the provider.

IN THE HOUSE OF REPRESENTATIVES

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred to the Committee on ______________________

A BILL

To prohibit health care providers that receive funding through the Public Health and Social Services Emergency Fund from reducing employment or compensation for certain nurses employed by the provider.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nurse Workforce Protection Act of 2020”.
SEC. 2. PROHIBITION ON HEALTH CARE PROVIDERS THAT RECEIVE FUNDING THROUGH THE PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND FROM REDUCING EMPLOYMENT OR COMPENSATION FOR CERTAIN NURSES EMPLOYED BY THE PROVIDER.

(a) In General.—Notwithstanding any other provision of law, with respect to funding disbursed from the Public Health and Social Services Emergency Fund on or after the date of the enactment of this Act and before the end of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), if such disbursement is made from funds made available for provider relief under the CARES Act (Public Law 116–136) or the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), a health care provider shall be eligible to receive such a disbursement only if such provider agrees, with respect to the period beginning on the date such disbursement (or, in the case of a specified provider (as defined in subsection (b)), beginning on the date that is 30 days after the date of such disbursement) and ending 2 months after such disbursement (or, in the case of a specified provider, ending 2 months after the date that is 30 days after such disbursement)—
(1) not to require any nurse (defined in subsection (d)) to take paid or unpaid leave; and

(2) to maintain—

(A) the employment of a number of nurses that is equal to or greater than 75 percent of the number of such nurses that were employed by such provider as of January 31, 2020;

(B) an average salary for such nurses that is at least 75 percent of the average salary payable by such provider for such nurses as of January 31, 2020; and

(C) an average number of paid hours per day for such nurses that is greater than or equal to 75 percent of the average number of paid hours per day for such nurses as of January 31, 2020.

(b) Specified Provider Defined.—For purposes of subsection (a), the term “specified provider” means a health care provider that, as of the day before the date of a disbursement described in subsection (a)—

(1) did not employ a number of nurses (as defined in subsection (d)) that was equal to or greater than 75 percent of the number of such nurses that were employed by such provider as of January 31, 2020;
(2) was not paying an average salary for such nurses that was at least 75 percent of the average salary payable by such provider for such nurses as of January 31, 2020; or

(3) did not have an average number of paid hours per day for such nurses that was at least 75 percent of the average number of paid hours per day for such nurses as of January 31, 2020.

(c) Repayment in Case of Failure to Maintain Employment.—The Secretary of Health and Human Services shall require a health care provider that violates an agreement described in subsection (a) with respect to a disbursement described in such subsection to repay to the Secretary 100 percent of the amount of such disbursement.

(d) Definition.—For purposes of this section, the term “nurse” includes a registered nurse, a licensed practical nurse, a licensed vocational nurse, and an advanced practice registered nurse (such as a nurse practitioner, clinical nurse specialist, certified nurse midwife, and certified registered nurse anesthetist).