

116TH CONGRESS
2D SESSION

H. R. 6809

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

MAY 12, 2020

Mr. RODNEY DAVIS of Illinois (for himself and Ms. GABBARD) introduced the following bill; which was referred to the Committee on Energy and Commerce

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nurse Workforce Pro-
5 tection Act of 2020”.

1 **SEC. 2. PROHIBITION ON HEALTH CARE PROVIDERS THAT**
2 **RECEIVE FUNDING THROUGH THE PUBLIC**
3 **HEALTH AND SOCIAL SERVICES EMERGENCY**
4 **FUND FROM REDUCING EMPLOYMENT OR**
5 **COMPENSATION FOR CERTAIN NURSES EM-**
6 **PLOYED BY THE PROVIDER.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, with respect to funding disbursed from the
9 Public Health and Social Services Emergency Fund on or
10 after the date of the enactment of this Act and before the
11 end of the emergency period described in section
12 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
13 1320b–5(g)(1)(B)), if such disbursement is made from
14 funds made available for provider relief under the CARES
15 Act (Public Law 116–136) or the Paycheck Protection
16 Program and Health Care Enhancement Act (Public Law
17 116–139), a health care provider shall be eligible to receive
18 such a disbursement only if such provider agrees, with re-
19 spect to the period beginning on the date such disburse-
20 ment (or, in the case of a specified provider (as defined
21 in subsection (b)), beginning on the date that is 30 days
22 after the date of such disbursement) and ending 2 months
23 after such disbursement (or, in the case of a specified pro-
24 vider, ending 2 months after the date that is 30 days after
25 such disbursement)—

1 (1) not to require any nurse (defined in sub-
2 section (d)) to take paid or unpaid leave; and

3 (2) to maintain—

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

8 (B) an average salary for such nurses that
9 is at least 75 percent of the average salary pay-
10 able by such provider for such nurses as of Jan-
11 uary 31, 2020; and

12 (C) an average number of paid hours per
13 day for such nurses that is greater than or
14 equal to 75 percent of the average number of
15 paid hours per day for such nurses as of Janu-
16 ary 31, 2020.

17 (b) SPECIFIED PROVIDER DEFINED.—For purposes
18 of subsection (a), the term “specified provider” means a
19 health care provider that, as of the day before the date
20 of a disbursement described in subsection (a)—

21 (1) did not employ a number of nurses (as de-
22 fined in subsection (d)) that was equal to or greater
23 than 75 percent of the number of such nurses that
24 were employed by such provider as of January 31,
25 2020;

1 (2) was not paying an average salary for such
2 nurses that was at least 75 percent of the average
3 salary payable by such provider for such nurses as
4 of January 31, 2020; or

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

9 (c) REPAYMENT IN CASE OF FAILURE TO MAINTAIN
10 EMPLOYMENT.—The Secretary of Health and Human
11 Services shall require a health care provider that violates
12 an agreement described in subsection (a) with respect to
13 a disbursement described in such subsection to repay to
14 the Secretary 100 percent of the amount of such disburse-
15 ment.

16 (d) DEFINITION.—For purposes of this section, the
17 term “nurse” includes a registered nurse, a licensed prac-
18 tical nurse, a licensed vocational nurse, and an advanced
19 practice registered nurse (such as a nurse practitioner,
20 clinical nurse specialist, certified nurse midwife, and cer-
21 tified registered nurse anesthetist).

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