

By: Senator(s) Bean

To: Public Health and
Welfare

SENATE BILL NO. 2216
(As Sent to Governor)

1 AN ACT TO DIRECT THE PAYMENT BY THIRD PARTIES OF CERTIFIED
2 NURSE PRACTITIONERS; TO AMEND SECTION 83-41-213, MISSISSIPPI CODE
3 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

5 SECTION 1. A policy or contract providing for third-party
6 payment or prepayment of health or medical expenses shall include
7 a provision for the payment of necessary medical or surgical care
8 and treatment provided by a duly certified nurse practitioner and
9 performed within the scope of the license of the certified nurse
10 practitioner if the policy or contract would pay for the care and
11 treatment if the care and treatment were provided by a person
12 engaged in the practice of medicine and surgery or osteopathic
13 medicine and surgery. The policy or contract shall provide that
14 policyholders and subscribers under the policy or contract may
15 reject the coverage for services which may be provided by a
16 certified nurse practitioner if the coverage is rejected for all
17 providers of similar services. A policy or contract subject to
18 this section shall not impose a practice or supervision
19 restriction which is inconsistent with or more restrictive than
20 the restriction already imposed by law. This section applies to
21 services provided under a policy or contract delivered, issued for
22 delivery, continued, or renewed in this on or after July 1, 1999,
23 and to an existing policy or contract, on the policy's or
24 contract's anniversary or renewal date, whichever is later. This
25 section does not apply to policyholders or subscribers eligible
26 for coverage under Title XVIII of the federal Social Security Act
27 or any similar coverage under a state or federal government plan.

28 For the purposes of this section, third-party payment or
29 prepayment includes an individual or group health care service
30 contract, an individual or group health maintenance organization
31 contract, or a preferred provider organization contract. Nothing
32 in this section shall be interpreted to require an individual or
33 group health maintenance organization, or a preferred provider
34 organization to provide payment or prepayment for services
35 provided by a certified nurse practitioner unless the certified
36 nurse practitioner or the certified nurse practitioner's
37 collaborating physician has entered into a contract or other
38 agreement to provide services with the individual or group health
39 maintenance organization or the preferred provider organization or
40 arrangement.

41 SECTION 2. Section 83-41-213, Mississippi Code of 1972, is
42 amended as follows:

43 83-41-213. (1) From and after January 1, 1999, whenever any
44 policy of insurance or any medical service plan or hospital
45 service contract or hospital and medical service contract issued,
46 delivered, administered, continued or renewed in this state
47 provides for reimbursement for any service which is within the
48 lawful scope of practice of a duly certified nurse practitioner
49 working under the supervision of a duly licensed physician as
50 provided for by rules and regulations implemented by the
51 Mississippi Board of Nursing under Section 73-15-5(2), the insured
52 or other person entitled to benefits under such policy shall be
53 entitled to reimbursement for such services, whether such services
54 are performed by a duly licensed physician or by a duly certified
55 nurse practitioner working under the supervision of a duly
56 licensed physician, notwithstanding any provision to the contrary
57 in any statute or in such policy, plan or contract. Duly
58 certified nurse practitioners shall be entitled to participate in
59 such policies, plans or contracts providing for the services of
60 nurse practitioners working under the supervision of a duly
61 licensed physician, as authorized by the rules and regulations
62 implemented by the Mississippi Board of Nursing under Section
63 73-15-5(2). Reimbursement shall be based on services rendered by
64 a duly certified nurse practitioner.

65 It is the intent of the Legislature by this section to

66 provide for expanded health delivery services and to provide for
67 some reduction of the cost of medical services where possible; and
68 any payments made hereunder shall either be in lieu of payments to
69 physicians or payments to physicians shall be reduced by that
70 amount paid to a nurse practitioner for the performance of
71 authorized services by such practitioner.

72 (2) Any action taken to prohibit nurses from practicing in a
73 manner consistent with Section 73-15-1 et seq., including any
74 limitation on clinical privileging or performing other activities
75 consistent with standards of nursing practice, is prohibited. Any
76 rules or regulations that impact the practice of nurse
77 practitioners shall hereafter be jointly promulgated by the
78 Mississippi Board of Nursing and the State Board of Medical
79 Licensure.

80 SECTION 3. This act shall take effect and be in force from
81 and after July 1, 1999.