

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 535
(As Passed the House)

1 AN ACT TO CREATE NEW SECTION 73-15-22, MISSISSIPPI CODE OF
2 1972, TO ENACT INTO LAW THE NURSE LICENSURE COMPACT AND PROVIDE
3 THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES
4 THAT JOIN IN THE COMPACT; TO PROVIDE THAT UNDER THE COMPACT, ANY
5 NURSE LICENSED IN ONE STATE WILL HAVE THE PRIVILEGE TO PRACTICE IN
6 ANY OTHER STATE THAT HAS JOINED THE COMPACT WITHOUT HAVING TO BE
7 LICENSED IN THE OTHER STATE; TO CREATE NEW SECTION 73-15-23,
8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
9 AMEND SECTIONS 73-15-3, 73-15-5, 73-15-17, 73-15-19, 73-15-21,
10 73-15-29, 73-15-31, 73-15-33 AND 73-15-35, MISSISSIPPI CODE OF
11 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF NURSING TO REGULATE
12 AND DISCIPLINE NURSES HOLDING THE PRIVILEGE TO PRACTICE IN
13 MISSISSIPPI UNDER THE TERMS OF THE COMPACT; AND FOR RELATED
14 PURPOSES.

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

16 SECTION 1. The following shall be codified as Section
17 73-15-22, Mississippi Code of 1972:

18 73-15-22. The Nurse Licensure Compact is enacted into law
19 and entered into by this state with any and all states legally
20 joining in the compact in accordance with its terms, in the form
21 substantially as follows:

NURSE LICENSURE COMPACT

ARTICLE I

Findings and Declaration of Purpose

25 (a) The party states find that:

26 (1) The health and safety of the public are affected by
27 the degree of compliance with and the effectiveness of enforcement
28 activities related to state nurse licensure laws;

29 (2) Violations of nurse licensure and other laws
30 regulating the practice of nursing may result in injury or harm to
31 the public;

32 (3) The expanded mobility of nurses and the use of

33 advanced communication technologies as part of our nation's
34 healthcare delivery system require greater coordination and
35 cooperation among states in the area of nurse licensure and
36 regulation;

37 (4) New practice modalities and technology make
38 compliance with individual state nurse licensure laws difficult
39 and complex;

40 (5) The current system of duplicative licensure for
41 nurses practicing in multiple states is cumbersome and redundant
42 to both nurses and states.

43 (b) The general purposes of this Compact are to:

44 (1) Facilitate the states' responsibility to protect
45 the public's health and safety;

46 (2) Ensure and encourage the cooperation of party
47 states in the areas of nurse licensure and regulation;

48 (3) Facilitate the exchange of information between
49 party states in the areas of nurse regulation, investigation and
50 adverse actions;

51 (4) Promote compliance with the laws governing the
52 practice of nursing in each jurisdiction;

53 (5) Invest all party states with the authority to hold
54 a nurse accountable for meeting all state practice laws in the
55 state in which the patient is located at the time care is rendered
56 through the mutual recognition of party state licenses.

57 **ARTICLE II**

58 **Definitions**

59 As used in this Compact:

60 (a) "Adverse action" means a home or remote state
61 action.

62 (b) "Alternative program" means a voluntary,
63 nondisciplinary monitoring program approved by a nurse licensing
64 board.

65 (c) "Coordinated licensure information system" means an

66 integrated process for collecting, storing, and sharing
67 information on nurse licensure and enforcement activities related
68 to nurse licensure laws, which is administered by a nonprofit
69 organization composed of and controlled by state nurse licensure
70 boards.

71 (d) "Current significant investigative information"
72 means:

73 (1) Investigative information that a licensing
74 board, after a preliminary inquiry that includes notification and
75 an opportunity for the nurse to respond if required by state law,
76 has reason to believe is not groundless and, if proved true, would
77 indicate more than a minor infraction; or

78 (2) Investigative information that indicates that
79 the nurse represents an immediate threat to public health and
80 safety regardless of whether the nurse has been notified and had
81 an opportunity to respond.

82 (e) "Home state" means the party state which is the
83 nurse's primary state of residence.

84 (f) "Home state action" means any administrative,
85 civil, equitable or criminal action permitted by the home state's
86 laws which are imposed on a nurse by the home state's licensing
87 board or other authority including actions against an individual's
88 license such as: revocation, suspension, probation or any other
89 action which affects a nurse's authorization to practice.

90 (g) "Licensing board" means a party state's regulatory
91 body responsible for issuing nurse licenses.

92 (h) "Multistate licensure privilege" means current,
93 official authority from a remote state permitting the practice of
94 nursing as either a registered nurse or a licensed
95 practical/vocational nurse in such party state. All party states
96 have the authority, in accordance with existing state due process
97 law, to take actions against the nurse's privilege such as:
98 revocation, suspension, probation or any other action which

99 affects a nurse's authorization to practice.

100 (i) "Nurse" means a registered nurse or licensed
101 practical/vocational nurse, as those terms are defined by each
102 party's state practice laws.

103 (j) "Party state" means any state that has adopted this
104 Compact.

105 (k) "Remote state" means a party state, other than the
106 home state,

107 (1) Where the patient is located at the time
108 nursing care is provided, or,

109 (2) In the case of the practice of nursing not
110 involving a patient, in such party state where the recipient of
111 nursing practice is located.

112 (l) "Remote state action" means:

113 (1) Any administrative, civil, equitable or
114 criminal action permitted by a remote state's laws which are
115 imposed on a nurse by the remote state's licensing board or other
116 authority including actions against an individual's multistate
117 licensure privilege to practice in the remote state, and

118 (2) Cease and desist and other injunctive or
119 equitable orders issued by remote states or the licensing boards
120 thereof.

121 (m) "State" means a state, territory, or possession of
122 the United States, the District of Columbia or the Commonwealth of
123 Puerto Rico.

124 (n) "State practice laws" means those individual
125 party's state laws and regulations that govern the practice of
126 nursing, define the scope of nursing practice, and create the
127 methods and grounds for imposing discipline. "State practice
128 laws" does not include the initial qualifications for licensure or
129 requirements necessary to obtain and retain a license, except for
130 qualifications or requirements of the home state.

131 **ARTICLE III**

132 **General Provisions and Jurisdiction**

133 (a) A license to practice registered nursing issued by a
134 home state to a resident in that state will be recognized by each
135 party state as authorizing a multistate licensure privilege to
136 practice as a registered nurse in such party state. A license to
137 practice licensed practical/vocational nursing issued by a home
138 state to a resident in that state will be recognized by each party
139 state as authorizing a multistate licensure privilege to practice
140 as a licensed practical/vocational nurse in such party state. In
141 order to obtain or retain a license, an applicant must meet the
142 home state's qualifications for licensure and license renewal as
143 well as all other applicable state laws.

144 (b) Party states may, in accordance with state due process
145 laws, limit or revoke the multistate licensure privilege of any
146 nurse to practice in their state and may take any other actions
147 under their applicable state laws necessary to protect the health
148 and safety of their citizens. If a party state takes such action,
149 it shall promptly notify the administrator of the coordinated
150 licensure information system. The administrator of the
151 coordinated licensure information system shall promptly notify the
152 home state of any such actions by remote states.

153 (c) Every nurse practicing in a party state must comply with
154 the state practice laws of the state in which the patient is
155 located at the time care is rendered. In addition, the practice
156 of nursing is not limited to patient care, but shall include all
157 nursing practice as defined by the state practice laws of a party
158 state. The practice of nursing will subject a nurse to the
159 jurisdiction of the nurse licensing board and the courts, as well
160 as the laws, in that party state.

161 (d) This Compact does not affect additional requirements
162 imposed by states for advanced practice registered nursing.
163 However, a multistate licensure privilege to practice registered
164 nursing granted by a party state shall be recognized by other

165 party states as a license to practice registered nursing if one is
166 required by state law as a precondition for qualifying for
167 advanced practice registered nurse authorization.

168 (e) Individuals not residing in a party state shall continue
169 to be able to apply for nurse licensure as provided for under the
170 laws of each party state. However, the license granted to these
171 individuals will not be recognized as granting the privilege to
172 practice nursing in any other party state unless explicitly agreed
173 to by that party state.

174 **ARTICLE IV**

175 **Applications for Licensure in a Party State**

176 (a) Upon application for a license, the licensing board in a
177 party state shall ascertain, through the coordinated licensure
178 information system, whether the applicant has ever held, or is the
179 holder of, a license issued by any other state, whether there are
180 any restrictions on the multistate licensure privilege, and
181 whether any other adverse action by any state has been taken
182 against the license.

183 (b) A nurse in a party state shall hold licensure in only
184 one (1) party state at a time, issued by the home state.

185 (c) A nurse who intends to change primary state of residence
186 may apply for licensure in the new home state in advance of such
187 change. However, new licenses will not be issued by a party state
188 until after a nurse provides evidence of change in primary state
189 of residence satisfactory to the new home state's licensing board.

190 (d) When a nurse changes primary state of residence by:

191 (1) Moving between two (2) party states, and obtains a
192 license from the new home state, the license from the former home
193 state is no longer valid;

194 (2) Moving from a nonparty state to a party state, and
195 obtains a license from the new home state, the individual state
196 license issued by the nonparty state is not affected and will
197 remain in full force if so provided by the laws of the nonparty

198 state;

199 (3) Moving from a party state to a nonparty state, the
200 license issued by the prior home state converts to an individual
201 state license, valid only in the former home state, without the
202 multistate licensure privilege to practice in other party states.

203 **ARTICLE V**

204 **Adverse Actions**

205 In addition to the General Provisions described in Article
206 III, the following provisions apply:

207 (a) The licensing board of a remote state shall
208 promptly report to the administrator of the coordinated licensure
209 information system any remote state actions including the factual
210 and legal basis for such action, if known. The licensing board of
211 a remote state shall also promptly report any significant current
212 investigative information yet to result in a remote state action.

213 The administrator of the coordinated licensure information system
214 shall promptly notify the home state of any such reports.

215 (b) The licensing board of a party state shall have the
216 authority to complete any pending investigations for a nurse who
217 changes primary state of residence during the course of such
218 investigations. It shall also have the authority to take
219 appropriate action(s), and shall promptly report the conclusions
220 of such investigations to the administrator of the coordinated
221 licensure information system. The administrator of the
222 coordinated licensure information system shall promptly notify the
223 new home state of any such actions.

224 (c) A remote state may take adverse action affecting
225 the multistate licensure privilege to practice within that party
226 state. However, only the home state shall have the power to
227 impose adverse action against the license issued by the home
228 state.

229 (d) For the purposes of imposing adverse action, the
230 licensing board of the home state shall give the same priority and

231 effect to reported conduct received from a remote state as it
232 would if such conduct had occurred within the home state. In so
233 doing, it shall apply its own state laws to determine appropriate
234 action.

235 (e) The home state may take adverse action based on the
236 factual findings of the remote state, so long as each state
237 follows its own procedures for imposing such adverse action.

238 (f) Nothing in this Compact shall override a party
239 state's decision that participation in an alternative program may
240 be used in lieu of licensure action and that such participation
241 shall remain nonpublic if required by the party state's laws.
242 Party states must require nurses who enter any alternative
243 programs to agree not to practice in any other party state during
244 the term of the alternative program without prior authorization
245 from such other party state.

246 **ARTICLE VI**

247 **Additional Authorities Invested in Party State**

248 **Nurse Licensing Boards**

249 Notwithstanding any other powers, party state nurse licensing
250 boards shall have the authority to:

251 (a) If otherwise permitted by state law, recover from
252 the affected nurse the costs of investigations and disposition of
253 cases resulting from any adverse action taken against that nurse;

254 (b) Issue subpoenas for both hearings and
255 investigations which require the attendance and testimony of
256 witnesses, and the production of evidence. Subpoenas issued by a
257 nurse licensing board in a party state for the attendance and
258 testimony of witnesses, and/or the production of evidence from
259 another party state, shall be enforced in the latter state by any
260 court of competent jurisdiction, according to the practice and
261 procedure of that court applicable to subpoenas issued in
262 proceedings pending before it. The issuing authority shall pay
263 any witness fees, travel expenses, mileage and other fees required

264 by the service statutes of the state where the witnesses and/or
265 evidence are located;

266 (c) Issue cease and desist orders to limit or revoke a
267 nurse's authority to practice in their state;

268 (d) Promulgate uniform rules and regulations as
269 provided for in Article VIII(c).

270 **ARTICLE VII**

271 **Coordinated Licensure Information System**

272 (a) All party states shall participate in a cooperative
273 effort to create a coordinated database of all licensed registered
274 nurses and licensed practical/vocational nurses. This system will
275 include information on the licensure and disciplinary history of
276 each nurse, as contributed by party states, to assist in the
277 coordination of nurse licensure and enforcement efforts.

278 (b) Notwithstanding any other provision of law, all party
279 states' licensing boards shall promptly report adverse actions,
280 actions against multistate licensure privileges, any current
281 significant investigative information yet to result in adverse
282 action, denials of applications, and the reasons for such denials,
283 to the coordinated licensure information system.

284 (c) Current significant investigative information shall be
285 transmitted through the coordinated licensure information system
286 only to party state licensing boards.

287 (d) Notwithstanding any other provision of law, all party
288 states' licensing boards contributing information to the
289 coordinated licensure information system may designate information
290 that may not be shared with nonparty states or disclosed to other
291 entities or individuals without the express permission of the
292 contributing state.

293 (e) Any personally identifiable information obtained by a
294 party state's licensing board from the coordinated licensure
295 information system may not be shared with nonparty states or
296 disclosed to other entities or individuals except to the extent

297 permitted by the laws of the party state contributing the
298 information.

299 (f) Any information contributed to the coordinated licensure
300 information system that is subsequently required to be expunged by
301 the laws of the party state contributing that information, shall
302 also be expunged from the coordinated licensure information
303 system.

304 (g) The Compact administrators, acting jointly with each
305 other and in consultation with the administrator of the
306 coordinated licensure information system, shall formulate
307 necessary and proper procedures for the identification, collection
308 and exchange of information under this Compact.

309 **ARTICLE VIII**

310 **Compact Administration and Interchange of Information**

311 (a) The head of the nurse licensing board, or his/her
312 designee, of each party state shall be the administrator of this
313 Compact for his/her state.

314 (b) The Compact administrator of each party state shall
315 furnish to the Compact administrator of each other party state any
316 information and documents including, but not limited to, a uniform
317 data set of investigations, identifying information, licensure
318 data, and disclosable alternative program participation
319 information to facilitate the administration of this Compact.

320 (c) Compact administrators shall have the authority to
321 develop uniform rules to facilitate and coordinate implementation
322 of this Compact. These uniform rules shall be adopted by party
323 states, under the authority invested under Article VI(d).

324 **ARTICLE IX**

325 **Immunity**

326 No party state or the officers or employees or agents of a
327 party state's nurse licensing board who acts in accordance with
328 the provisions of this Compact shall be liable on account of any
329 act or omission in good faith while engaged in the performance of

330 their duties under this Compact. Good faith in this article shall
331 not include willful misconduct, gross negligence, or recklessness.

332 **ARTICLE X**

333 **Entry into Force, Withdrawal and Amendment**

334 (a) This Compact shall enter into force and become effective
335 as to any state when it has been enacted into the laws of that
336 state. Any party state may withdraw from this Compact by enacting
337 a statute repealing the same, but no such withdrawal shall take
338 effect until six (6) months after the withdrawing state has given
339 notice of the withdrawal to the executive heads of all other party
340 states.

341 (b) No withdrawal shall affect the validity or applicability
342 by the licensing boards of states remaining party to the Compact
343 of any report of adverse action occurring prior to the withdrawal.

344 (c) Nothing contained in this Compact shall be construed to
345 invalidate or prevent any nurse licensure agreement or other
346 cooperative arrangement between a party state and a nonparty state
347 that is made in accordance with the other provisions of this
348 Compact.

349 (d) This Compact may be amended by the party states. No
350 amendment to this Compact shall become effective and binding upon
351 the party states unless and until it is enacted into the laws of
352 all party states.

353 **ARTICLE XI**

354 **Construction and Severability**

355 (a) This Compact shall be liberally construed so as to
356 effectuate the purposes thereof. The provisions of this Compact
357 shall be severable and if any phrase, clause, sentence or
358 provision of this Compact is declared to be contrary to the
359 constitution of any party state or of the United States or the
360 applicability thereof to any government, agency, person or
361 circumstance is held invalid, the validity of the remainder of
362 this Compact and the applicability thereof to any government,

363 agency, person or circumstance shall not be affected thereby. If
364 this Compact shall be held contrary to the constitution of any
365 party state thereto, the Compact shall remain in full force and
366 effect as to the remaining party states and in full force and
367 effect as to the party state affected as to all severable matters.

368 (b) In the event party states find a need for settling
369 disputes arising under this Compact:

370 (1) The party states may submit the issues in dispute
371 to an arbitration panel which will be comprised of an individual
372 appointed by the Compact administrator in the home state; an
373 individual appointed by the Compact administrator in the remote
374 state(s) involved; and an individual mutually agreed upon by the
375 Compact administrators of all the party states involved in the
376 dispute.

377 (2) The decision of a majority of the arbitrators shall
378 be final and binding.

379 SECTION 2. The following shall be codified as Section
380 73-15-23, Mississippi Code of 1972:

381 73-15-23. (1) The term "head of the nurse licensing board,"
382 as referred to in Article VIII of the Nurse Licensure Compact,
383 shall mean the Executive Director of the Mississippi Board of
384 Nursing.

385 (2) The Governor may withdraw this state from the Nurse
386 Licensure Compact if the Board of Nursing notifies the Governor
387 that a state that is a party to the compact changed, after July 1,
388 2001, the state's requirements for licensing a nurse and that the
389 state's requirements, as changed, are substantially lower than the
390 requirements for licensing a nurse in this state.

391 (3) The effective date of the Nurse Licensure Compact shall
392 be July 1, 2001.

393 SECTION 3. Section 73-15-3, Mississippi Code of 1972, is
394 amended as follows:

395 73-15-3. In order to safeguard life and health, any person

396 practicing or offering to practice as a registered nurse or a
397 licensed practical nurse in Mississippi for compensation shall
398 hereafter be required to submit evidence of qualifications to
399 practice and shall be licensed or hold the privilege to practice
400 as hereinafter provided. It shall be unlawful for any person not
401 licensed or holding the privilege to practice under the provisions
402 of this chapter:

403 (a) To practice or offer to practice as a registered
404 nurse or a licensed practical nurse;

405 (b) To use a sign, card or device to indicate that such
406 person is a registered nurse or a licensed practical nurse.

407 Any person offering to practice nursing in Mississippi must
408 be licensed or otherwise authorized to practice as provided in
409 this chapter.

410 SECTION 4. Section 73-15-5, Mississippi Code of 1972, is
411 amended as follows:

412 73-15-5. (1) "Board" means the Mississippi Board of
413 Nursing.

414 (2) The "practice of nursing" by a registered nurse means
415 the performance for compensation of services which require
416 substantial knowledge of the biological, physical, behavioral,
417 psychological and sociological sciences and of nursing theory as
418 the basis for assessment, diagnosis, planning, intervention and
419 evaluation in the promotion and maintenance of health; management
420 of individuals' responses to illness, injury or infirmity; the
421 restoration of optimum function; or the achievement of a dignified
422 death. "Nursing practice" includes, but is not limited to,
423 administration, teaching, counseling, delegation and supervision
424 of nursing, and execution of the medical regimen, including the
425 administration of medications and treatments prescribed by any
426 licensed or legally authorized physician or dentist. The
427 foregoing shall not be deemed to include acts of medical diagnosis
428 or prescriptions of medical, therapeutic or corrective measures,

429 except as may be set forth by rules and regulations promulgated
430 jointly by the State Board of Medical Licensure and the
431 Mississippi Board of Nursing and implemented by the Mississippi
432 Board of Nursing.

433 (3) The "practice of nursing" by a licensed practical nurse
434 means the performance for compensation of services requiring basic
435 knowledge of the biological, physical, behavioral, psychological
436 and sociological sciences and of nursing procedures which do not
437 require the substantial skill, judgment and knowledge required of
438 a registered nurse. These services are performed under the
439 direction of a registered nurse or a licensed physician or
440 licensed dentist and utilize standardized procedures in the
441 observation and care of the ill, injured and infirm; in the
442 maintenance of health; in action to safeguard life and health; and
443 in the administration of medications and treatments prescribed by
444 any licensed physician or licensed dentist authorized by state law
445 to prescribe. On a selected basis, and within safe limits, the
446 role of the licensed practical nurse shall be expanded by the
447 board under its rule-making authority to more complex procedures
448 and settings commensurate with additional preparation and
449 experience.

450 (4) A "license" means an authorization to practice nursing
451 as a registered nurse or a licensed practical nurse designated
452 herein.

453 (5) A "registered nurse" is a person who is licensed or
454 holds the privilege to practice under the provisions of this
455 chapter and who practices nursing as defined herein. "R.N." is
456 the abbreviation for the title of Registered Nurse.

457 (6) A "licensed practical nurse" is a person who is licensed
458 or holds the privilege to practice under this chapter and who
459 practices practical nursing as defined herein. "L.P.N." is the
460 abbreviation for the title of Licensed Practical Nurse.

461 (7) A "registered nurse in clinical practice" is one who

462 functions in any health care delivery system which provides
463 nursing services.

464 (8) A "nurse educator" is a registered nurse who meets the
465 criteria for faculty as set forth in a state accredited program of
466 nursing for registered nurses, or a state approved program of
467 nursing for licensed practical nurses, and who functions as a
468 faculty member.

469 (9) A "consumer representative" is a person representing the
470 interests of the general public, who may use services of a health
471 agency or health professional organization or its members but who
472 is neither a provider of health services, nor employed in the
473 health services field, nor holds a vested interest in the
474 provision of health services at any level, nor has an immediate
475 family member who holds vested interests in the provision of
476 health services at any level.

477 (10) "Privilege to practice" means the authorization to
478 practice nursing in the state as described in the Nurse Licensure
479 Compact provided for in Section 73-15-22.

480 (11) "Licensee" is a person who has been issued a license to
481 practice nursing in the state or who holds the privilege to
482 practice nursing in the state.

483 SECTION 5. Section 73-15-17, Mississippi Code of 1972, is
484 amended as follows:

485 73-15-17. The Mississippi Board of Nursing is * * *
486 authorized and empowered to:

487 (a) Adopt and from time to time revise such rules and
488 regulations consistent with the law as shall be necessary to
489 govern its proceedings and carry into effect the provisions of
490 this chapter.

491 (b) Require the secretary to keep records of all
492 meetings of the board and keep a record of all proceedings, and to
493 prepare a register of registered nurses and a register of licensed
494 practical nurses, all nurses appearing thereon to be duly licensed

495 under this chapter, and which registers shall be open for public
496 inspection at all reasonable times.

497 (c) Issue subpoenas, require attendance of witnesses,
498 and administer oaths of persons giving testimony.

499 (d) Cause the prosecution of all persons violating the
500 provisions of this chapter, and incur such necessary expenses
501 therefor.

502 (e) Conduct hearings upon charges calling for
503 discipline of a licensee or revocation of a license or of the
504 privilege to practice.

505 (f) Present a true and full report to the Governor and
506 the Legislature, together with statement of receipts and
507 disbursements on or before February 1 of each year.

508 (g) Maintain an office in Jackson for the
509 administration of this chapter.

510 (h) File an annual list of all certificates of
511 registration issued by the board with the Secretary of State's
512 office for both registered nurses and licensed practical nurses.

513 (i) File an annual list of all certificates of
514 registration issued by the board to registered nurses, including
515 addresses of the persons with the Mississippi Nurses' Association;
516 and file a similar list of all certificates of registration issued
517 to licensed practical nurses, including addresses of the persons,
518 with the Mississippi Federation of Licensed Practical Nurses and
519 the Mississippi Licensed Practical Nurses Association.

520 (j) Adopt a seal which shall be in the form of a circle
521 with the image of an eagle in the center, and around the margin
522 the words "Mississippi Board of Nursing," and under the image of
523 the eagle the word "Official." The seal shall be affixed to
524 certificates and warrants issued by the board, and to all records
525 sent up on appeal from its decisions.

526 (k) Schedule dates and locations for state board
527 examinations for examining qualified applicants for licensure.

528 (l) Examine, license and renew licenses of duly
529 qualified applicants.

530 (m) Appoint and employ a qualified person who shall not
531 be a member of the board to serve as executive director, define
532 the duties, fix the compensation, and delegate to him or her those
533 activities that will expedite the functions of the board. The
534 executive director shall meet all the qualifications for board
535 members, and shall in addition:

536 (i) Have had at least a master's degree in
537 nursing, eight (8) years' experience as a registered nurse, five
538 (5) of which shall be in teaching or in administration, or a
539 combination thereof; and

540 (ii) Have been actively engaged in nursing for at
541 least five (5) years immediately preceding appointment.

542 (n) Employ, discharge, define duties, and fix
543 compensation of such other persons as may be necessary to carry
544 out the provisions of this chapter.

545 (o) Secure the services of research consultants as
546 deemed necessary who shall receive a per diem, travel and other
547 necessary expenses incurred while engaged by the board.

548 (p) To enter into contracts with any other state or
549 federal agency or with any private person, organization or group
550 capable of contracting, if it finds such action to be in the
551 public interest and in the furtherance of its responsibilities.

552 SECTION 6. Section 73-15-19, Mississippi Code of 1972, is
553 amended as follows:

554 73-15-19. (1) **Registered nurse applicant qualifications.**

555 Any applicant for a license to practice as a registered nurse
556 shall submit to the board:

557 (a) An attested written application on a board of
558 nursing form;

559 (b) Written official evidence of completion of a
560 nursing program approved by the Board of Trustees of State

561 Institutions of Higher Learning, or one approved by a legal
562 accrediting agency of another state, territory or possession of
563 the United States, the District of Columbia, or a foreign country
564 which is satisfactory to this board;

565 (c) Evidence of competence in English related to
566 nursing, provided the first language is not English;

567 (d) Any other official records required by the board.

568 The board may, in its discretion, refuse to accept the
569 application of any person who has been convicted of a criminal
570 offense under any provision of Title 97 of the Mississippi Code of
571 1972, as now or hereafter amended, or any provision of this
572 chapter.

573 (2) **Licensure by examination.**

574 (a) Upon the board being satisfied that an applicant
575 for a license as a registered nurse has met the qualifications set
576 forth in subsection (1) of this section, the board shall proceed
577 to examine such applicant in such subjects as the board shall, in
578 its discretion, determine. The subjects in which applicants shall
579 be examined shall be in conformity with curricula in schools of
580 nursing approved by the Board of Trustees of State Institutions of
581 Higher Learning, or one approved by a legal accrediting agency of
582 another state, territory or possession of the United States, the
583 District of Columbia, or a foreign country which is satisfactory
584 to the board.

585 (b) The applicant shall be required to pass the written
586 examination as selected by the board.

587 (c) Upon successful completion of such examination, the
588 board shall issue to the applicant a license to practice as a
589 registered nurse.

590 (d) The board may use any part or all of the state
591 board test pool examination for registered nurse licensure, its
592 successor examination, or any other nationally standardized
593 examination identified by the board in its rules. The passing

594 score shall be established by the board in its rules.

595 (3) **Licensure by endorsement.** The board may issue a license
596 to practice nursing as a registered nurse without examination to
597 an applicant who has been duly licensed as a registered nurse
598 under the laws of another state, territory or possession of the
599 United States, the District of Columbia, or a foreign country if,
600 in the opinion of the board, the applicant meets the
601 qualifications required of licensed registered nurses in this
602 state and has previously achieved the passing score or scores on
603 the licensing examination required by this state, at the time of
604 his or her graduation.

605 (4) **Requirements for rewriting the examination.** The board
606 shall establish in its rules the requirements for rewriting the
607 examination for those persons failing the examination on the first
608 writing or subsequent rewriting.

609 (5) **Fee.** The applicant applying for a license by
610 examination or by endorsement to practice as a registered nurse
611 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
612 board.

613 (6) **Temporary permit.**

614 (a) The board may issue a temporary permit to practice
615 nursing to a graduate of an approved school of nursing pending the
616 results of the examination in Mississippi, and to a qualified
617 applicant from another state, territory or possession of the
618 United States, or District of Columbia, or pending licensure
619 procedures as provided for elsewhere in this chapter. The fee
620 shall not exceed Twenty-five Dollars (\$25.00).

621 (b) The board may issue a temporary permit for a period
622 of ninety (90) days to a registered nurse who is currently
623 licensed in another state, territory or possession of the United
624 States or the District of Columbia and who is an applicant for
625 licensure by endorsement. Such permit is not renewable except by
626 board action.

627 (c) The board may issue a temporary permit to a
628 graduate of an approved school of nursing pending the results of
629 the first licensing examination scheduled after application. Such
630 permit is not renewable except by board action.

631 (d) The board may issue a temporary permit for a period
632 of thirty (30) days to any registered nurse during the time
633 enrolled in a nursing reorientation program. This time period may
634 be extended by board action. The fee shall not exceed Twenty-five
635 Dollars (\$25.00).

636 (e) The board may adopt such regulations as are
637 necessary to limit the practice of persons to whom temporary
638 permits are issued.

639 (7) **Temporary license.** The board may issue a temporary
640 license to practice nursing at a youth camp licensed by the State
641 Board of Health to nonresident registered nurses and retired
642 resident registered nurses under the provisions of Section
643 75-48-8.

644 (8) **Title and abbreviation.** Any person who holds a license
645 or holds the privilege to practice as a registered nurse in this
646 state shall have the right to use the title "registered nurse" and
647 the abbreviation "R.N." No other person shall assume such title
648 or use such abbreviation, or any words, letters, signs or devices
649 to indicate that the person using the same is a registered nurse.

650 (9) **Registered nurses licensed under a previous law.** Any
651 person holding a license to practice nursing as a registered nurse
652 issued by this board which is valid on July 1, 1981, shall
653 thereafter be deemed to be licensed as a registered nurse under
654 the provisions of this chapter upon payment of the fee provided in
655 Section 73-15-27.

656 (10) Each application or filing made under this section
657 shall include the Social Security number(s) of the applicant in
658 accordance with Section 93-11-64.

659 SECTION 7. Section 73-15-21, Mississippi Code of 1972, is

660 amended as follows:

661 73-15-21. (1) **Licensed practical nurse applicant**

662 **qualifications.** Any applicant for a license to practice practical
663 nursing as a licensed practical nurse shall submit to the board:

664 (a) An attested written application on a Board of
665 Nursing form;

666 (b) A diploma from an approved high school or the
667 equivalent thereof, as determined by the appropriate educational
668 agency;

669 (c) Written official evidence of completion of a
670 practical nursing program approved by the State Department of
671 Education through its Division of Vocational Education, or one
672 approved by a legal accrediting agency of another state, territory
673 or possession of the United States, the District of Columbia, or a
674 foreign country which is satisfactory to this board;

675 (d) Evidence of competence in English related to
676 nursing, provided the first language is not English;

677 (e) Any other official records required by the board.

678 The board may, in its discretion, refuse to accept the
679 application of any person who has been convicted of a criminal
680 offense under any provision of Title 97 of the Mississippi Code of
681 1972, as now or hereafter amended, or any provision of this
682 chapter.

683 (2) **Licensure by examination.**

684 (a) Upon the board being satisfied that an applicant
685 for a license as a practical nurse has met the qualifications set
686 forth in subsection (1) of this section, the board shall proceed
687 to examine such applicant in such subjects as the board shall, in
688 its discretion, determine. The subjects in which applicants shall
689 be examined shall be in conformity with curricula in schools of
690 practical nursing approved by the State Department of Education.

691 (b) The applicant shall be required to pass the written
692 examination selected by the board.

693 (c) Upon successful completion of such examination, the
694 board shall issue to the applicant a license to practice as a
695 licensed practical nurse.

696 (d) The board may use any part or all of the state
697 board test pool examination for practical nurse licensure, its
698 successor examination, or any other nationally standardized
699 examination identified by the board in its rules. The passing
700 score shall be established by the board in its rules.

701 (3) **Licensure by endorsement.** The board may issue a license
702 to practice practical nursing as a licensed practical nurse
703 without examination to an applicant who has been duly licensed as
704 a licensed practical nurse under the laws of another state,
705 territory or possession of the United States, the District of
706 Columbia, or a foreign country if, in the opinion of the board,
707 the applicant meets the qualifications required of licensed
708 practical nurses in this state and has previously achieved the
709 passing score or scores on the licensing examination required by
710 this state at the time of his or her graduation.

711 (4) **Licensure by equivalent amount of theory and clinical
712 experience.** In the discretion of the board, former students of a
713 state accredited school preparing students to become registered
714 nurses may be granted permission to take the examination for
715 licensure to practice as a licensed practical nurse, provided the
716 applicant's record or transcript indicates the former student
717 completed an equivalent amount of theory and clinical experiences
718 as required of a graduate of a practical nursing program, and
719 provided the school attended was, at the time of the student's
720 attendance, an accredited school of nursing.

721 (5) **Requirements for rewriting the examination.** The board
722 shall establish in its rules the requirements for rewriting the
723 examination for those persons failing the examination on the first
724 writing or subsequent writing.

725 (6) **Fee.** The applicant applying for a license by

726 examination or by endorsement to practice as a licensed practical
727 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
728 board.

729 (7) **Temporary permit.**

730 (a) The board may issue a temporary permit to practice
731 practical nursing to a graduate of an approved school of practical
732 nursing pending the results of the examination in Mississippi, and
733 to a qualified applicant from another state, territory or
734 possession of the United States, or the District of Columbia,
735 pending licensing procedures as provided for elsewhere in this
736 chapter. The fee shall not exceed Twenty-five Dollars (\$25.00).

737 (b) The board may issue a temporary permit for a period
738 of ninety (90) days to a licensed practical nurse who is currently
739 licensed in another state, territory or possession of the United
740 States or the District of Columbia and who is an applicant for
741 licensure by endorsement. Such permit is not renewable except by
742 board action.

743 (c) The board may issue a temporary permit to a
744 graduate of an approved practical nursing education program or an
745 equivalent program satisfactory to the board pending the results
746 of the first licensing examination scheduled after application.
747 Such permit is not renewable except by board action.

748 (d) The board may issue a temporary permit for a period
749 of thirty (30) days to any licensed practical nurse during the
750 time enrolled in a nursing reorientation program. This time
751 period may be extended by board action. The fee shall not exceed
752 Twenty-five Dollars (\$25.00).

753 (e) The board may adopt such regulations as are
754 necessary to limit the practice of persons to whom temporary
755 permits are issued.

756 (8) **Title and abbreviation.** Any person who holds a license
757 or holds the privilege to practice as a licensed practical nurse
758 in this state shall have the right to use the title "licensed

759 practical nurse" and the abbreviation "L.P.N." No other person
760 shall assume such title or use such abbreviation, or any words,
761 letters, signs or devices to indicate that a person using the same
762 is a licensed practical nurse.

763 (9) Licensed practical nurses licensed under a previous law.
764 Any person holding a license to practice nursing as a practical
765 nurse issued by this board which is valid on July 1, 1981, shall
766 thereafter be deemed to be licensed as a practical nurse under the
767 provisions of this chapter upon payment of the fee prescribed in
768 Section 73-15-27.

769 (10) Each application or filing made under this section
770 shall include the Social Security number(s) of the applicant in
771 accordance with Section 93-11-64.

772 SECTION 8. Section 73-15-29, Mississippi Code of 1972, is
773 amended as follows:

774 73-15-29. (1) The board shall have power to revoke, suspend
775 or refuse to renew any license issued by the board, or to revoke
776 or suspend any privilege to practice, or to deny an application
777 for a license, or to fine, place on probation and/or discipline a
778 licensee, in any manner specified in this chapter, upon proof that
779 such person:

780 (a) Has committed fraud or deceit in securing or
781 attempting to secure such license;

782 (b) Has been convicted of felony, or a crime involving
783 moral turpitude or has had accepted by a court a plea of nolo
784 contendere to a felony or a crime involving moral turpitude (a
785 certified copy of the judgment of the court of competent
786 jurisdiction of such conviction or pleas shall be prima facie
787 evidence of such conviction);

788 (c) Has negligently or willfully acted in a manner
789 inconsistent with the health or safety of the persons under the
790 licensee's care;

791 (d) Has had a license or privilege to practice as a

792 registered nurse or a licensed practical nurse suspended or
793 revoked in any jurisdiction, has voluntarily surrendered such
794 license or privilege to practice in any jurisdiction, has been
795 placed on probation as a registered nurse or licensed practical
796 nurse in any jurisdiction or has been placed under a disciplinary
797 order(s) in any manner as a registered nurse or licensed practical
798 nurse in any jurisdiction, (a certified copy of the order of
799 suspension, revocation, probation or disciplinary action shall be
800 prima facie evidence of such action);

801 (e) Has negligently or willfully practiced nursing in a
802 manner that fails to meet generally accepted standards of such
803 nursing practice;

804 (f) Has negligently or willfully violated any order,
805 rule or regulation of the board pertaining to nursing practice or
806 licensure;

807 (g) Has falsified or in a repeatedly negligent manner
808 made incorrect entries or failed to make essential entries on
809 records;

810 (h) Is addicted to or dependent on alcohol or other
811 habit-forming drugs or is a habitual user of narcotics,
812 barbiturates, amphetamines, hallucinogens, or other drugs having
813 similar effect, or has misappropriated any medication;

814 (i) Has a physical, mental or emotional disability that
815 renders the licensee unable to perform nursing services or duties
816 with reasonable skill and safety;

817 (j) Has engaged in any other conduct, whether of the
818 same or of a different character from that specified in this
819 chapter, that would constitute a crime as defined in Title 97 of
820 the Mississippi Code of 1972, as now or hereafter amended, and
821 that relates to such person's employment as a registered nurse or
822 licensed practical nurse;

823 (k) Engages in conduct likely to deceive, defraud or
824 harm the public;

825 (1) Engages in any unprofessional conduct as identified
826 by the board in its rules; or

827 (m) Has violated any provision of this chapter.

828 (2) When the board finds any person unqualified because of
829 any of the grounds set forth in subsection (1) of this section, it
830 may enter an order imposing one or more of the following
831 penalties:

832 (a) Denying application for a license or other
833 authorization to practice nursing or practical nursing;

834 (b) Administering a reprimand;

835 (c) Suspending or restricting the license or other
836 authorization to practice as a registered nurse or licensed
837 practical nurse for up to two (2) years without review;

838 (d) Revoking the license or other authorization to
839 practice nursing or practical nursing;

840 (e) Requiring the discipline to submit to care,
841 counseling or treatment by persons and/or agencies approved or
842 designated by the board as a condition for initial, continued or
843 renewed licensure or other authorization to practice nursing or
844 practical nursing;

845 (f) Requiring the discipline to participate in a
846 program of education prescribed by the board as a condition for
847 initial, continued or renewed licensure or other authorization to
848 practice;

849 (g) Requiring the discipline to practice under the
850 supervision of a registered nurse for a specified period of time;
851 or

852 (h) Imposing a fine not to exceed Five Hundred Dollars
853 (\$500.00).

854 (3) In addition to the grounds specified in subsection (1)
855 of this section, the board shall be authorized to suspend the
856 license or privilege to practice of any licensee for being out of
857 compliance with an order for support, as defined in Section

858 93-11-153. The procedure for suspension of a license or privilege
859 to practice for being out of compliance with an order for support,
860 and the procedure for the reissuance or reinstatement of a license
861 or privilege to practice suspended for that purpose, and the
862 payment of any fees for the reissuance or reinstatement of a
863 license or privilege to practice suspended for that purpose, shall
864 be governed by Section 93-11-157 or 93-11-163, as the case may be.

865 If there is any conflict between any provision of Section
866 93-11-157 or 93-11-163 and any provision of this chapter, the
867 provisions of Section 93-11-157 or 93-11-163, as the case may be,
868 shall control.

869 SECTION 9. Section 73-15-31, Mississippi Code of 1972, is
870 amended as follows:

871 73-15-31. (1) Charges may be brought upon sworn affidavit
872 filed by the Board of Nursing against any licensee who has
873 allegedly committed any act in violation of this chapter that is
874 grounds for disciplinary action. Upon receiving the sworn
875 affidavit charging a licensee with an act which is a ground for
876 disciplinary action under this chapter, the executive director or
877 designee of the board shall fix a time and place for a hearing and
878 shall cause a copy of the specific allegations and charges to be
879 sent by certified mail or served by personal service of process
880 together with notice of the time and place fixed for the hearing,
881 to be served upon the accused at least fifteen (15) days prior
882 thereto. The accused may waive notice of the hearing in writing
883 and the board may grant the accused at least one (1) extension of
884 time, upon the request of the accused. When personal service of
885 process or service of process by certified mail cannot be
886 effected, the executive director of the board shall cause to be
887 published once in each of three (3) successive weeks a notice of
888 the hearing in the newspapers published in the county in which the
889 accused last practiced according to the records of the board, or
890 in the county in which the accused last resided. When publication

891 of the notice is necessary, the date of the hearing shall not be
892 less than ten (10) days after the last date of the notice.

893 (2) The board, acting by and through its executive director,
894 shall have the power to subpoena persons and compel the production
895 of any records, including, but not limited to, hospital and
896 physician's records, papers and other documents, which shall be
897 served in accordance with law for the Board of Nursing and on
898 behalf of the accused. The person providing copies shall prepare
899 them from the original records and shall delete from the copy
900 provided pursuant to the subpoena the name of the individual by
901 numbered code, to be retained by the custodian of the records from
902 which the copies were made. Upon certification of the custodian
903 that the copies are true and complete except for the individual's
904 name, they shall be deemed authentic, subject to the right to
905 inspect the originals for the limited purpose of ascertaining the
906 accuracy of the copies. No privilege of confidentiality shall
907 exist with respect to such copies, and no liabilities shall lie
908 against the board or the custodian for furnishing or using such
909 copies in accordance with this chapter.

910 (3) All records of the investigation and all patient charts,
911 records, emergency room records or any other document that may
912 have been copied shall be kept confidential and shall not be
913 subject to discovery or subpoena. If no disciplinary proceedings
914 are initiated within a period of five (5) years after the
915 determination of insufficient cause, then the board shall destroy
916 all records obtained pursuant to this section.

917 (4) At the hearings the board shall administer oaths as may
918 be necessary for the proper conduct of the hearings. The accused
919 shall have the right to appear either personally or by counsel, or
920 both, to produce witnesses or evidence in his or her behalf, to
921 cross-examine witnesses, and to have subpoenas issued by the
922 board. All disciplinary hearings shall be conducted by a hearing
923 panel consisting of three (3) members of the board, designated on

924 a rotating basis by the board. All disciplinary hearings or
925 appeals before the board and the Attorney General, and/or a
926 designee thereof, shall not be bound by strict rules of procedure
927 or by the laws of evidence in the conduct of its proceedings, but
928 the determination shall be based upon sufficient legal evidence to
929 sustain it. A final decision by the hearing panel and by the
930 board on appeal shall include findings of fact and conclusions of
931 law, separately stated, of which the accused shall receive a copy.

932 (5) If the hearing panel determines that probable cause and
933 sufficient legal evidence exist to believe that an applicant does
934 not possess the qualifications required by this chapter or that an
935 accused has violated any of the provisions of this chapter, the
936 hearing panel may refuse to issue a license to the applicant, or
937 revoke, suspend, refuse to renew a license, or revoke or suspend
938 the privilege to practice, or otherwise discipline the accused as
939 prescribed in this chapter.

940 (6) No previously issued license to practice nursing as a
941 registered nurse or as a licensed practical nurse shall be revoked
942 or suspended until after a hearing conducted pursuant to this
943 chapter, except where the board finds there is imminent danger to
944 the public health or safety that warrants injunctive relief
945 provided in this chapter.

946 (7) A revoked or suspended license may be reissued after one
947 (1) year, in the discretion of the hearing panel. A revoked or
948 suspended privilege to practice may be reinstated after one (1)
949 year, in the discretion of the hearing panel. The denial of an
950 application to renew an existing license shall be treated in all
951 respects as a revocation. The procedure for the reissuance of a
952 license or reinstatement of the privilege to practice that is
953 suspended for being out of compliance with an order for support,
954 as defined in Section 93-11-153, shall be governed by Section
955 93-11-157 or 93-11-163, as the case may be.

956 (8) The hearing panel need not find that the actions that

957 are grounds for discipline were willful, but it may consider the
958 same in determining the nature of the disciplinary actions
959 imposed.

960 (9) The right to appeal from the action of the hearing panel
961 to the full membership of the board in denying, revoking,
962 suspending or refusing to renew any license issued by the board,
963 or revoking or suspending any privilege to practice, or fining or
964 otherwise disciplining any person practicing as a registered nurse
965 or licensed practical nurse, is * * * granted. The appeal must be
966 taken within thirty (30) days after notice of the action of the
967 hearing panel in denying, revoking, suspending or refusing to
968 renew the license, or revoking or suspending the privilege to
969 practice, or fining or otherwise disciplining the person, and is
970 perfected upon filing notice of appeal and Fifty Dollars (\$50.00)
971 with the executive director of the board.

972 (10) The right to appeal from the action of the board in
973 affirming the denial, revocation, suspension or refusal to renew
974 any license issued by the board, or revoking or suspending any
975 privilege to practice, or fining or otherwise disciplining of any
976 person practicing as a registered nurse or a licensed practical
977 nurse, is * * * granted. Such appeal shall be to the chancery
978 court of the county of the residence of the licensee on the record
979 made, including a verbatim transcript of the testimony at the
980 hearing. The appeal must be taken within thirty (30) days after
981 notice of the action of the board in denying, revoking, suspending
982 or refusing to renew the license, or revoking or suspending the
983 privilege to practice, or fining or otherwise disciplining the
984 person. The appeal is perfected upon filing notice of the appeal,
985 together with a bond in the sum of One Hundred Dollars (\$100.00),
986 with two (2) sureties, conditioned that if the action of the board
987 in denying, revoking, suspending or refusing to renew the license,
988 or revoking or suspending the privilege to practice, or fining or
989 otherwise disciplining the person, be affirmed by the chancery

990 court the nurse will pay the costs of the appeal and the action in
991 the chancery court. Such bond shall be approved by the president
992 of the board. In lieu of the bond, the nurse may deposit One
993 Hundred Dollars (\$100.00) with the clerk of the chancery court.
994 Appeals may be had to the Supreme Court of the State of
995 Mississippi as provided by law from any final action of the
996 chancery court. No such person shall be allowed to practice
997 nursing or deliver health care services in violation of any action
998 of the chancery court denying, revoking, suspending, restricting
999 or refusing to renew a license or revoking or suspending the
1000 privilege to practice while any such appeal to the Supreme Court
1001 is pending. Actions taken by the board in suspending a license or
1002 suspending the privilege to practice when required by Section
1003 93-11-157 or 93-11-163 are not actions from which an appeal may be
1004 taken under this section. Any appeal of a license suspension or
1005 suspension of the privilege to practice that is required by
1006 Section 93-11-157 or 93-11-163 shall be taken in accordance with
1007 the appeal procedure specified in Section 93-11-157 or 93-11-163,
1008 as the case may be, rather than the procedure specified in this
1009 section.

1010 (11) Nothing contained in this chapter shall be construed to
1011 bar any criminal prosecutions for violation of this chapter or any
1012 regulations promulgated hereunder.

1013 (12) Any member of the board and any witness appearing
1014 before the board shall be immune from suit in any civil action
1015 brought by a licensee who is the subject of a review hearing if
1016 such member or witness acts in good faith within the scope of the
1017 board and has made a reasonable effort to obtain the facts of the
1018 matter as to which the individual acts, and acts in the reasonable
1019 belief that the action taken is warranted by the facts.

1020 (13) Proceedings in progress on July 1, 1998, to deny,
1021 revoke, suspend or refuse to renew any license, or fine or
1022 otherwise discipline a licensee, shall not abate by reason of this

1023 chapter.

1024 SECTION 10. Section 73-15-33, Mississippi Code of 1972, is
1025 amended as follows:

1026 73-15-33. It is unlawful for any person, including a
1027 corporation or association, to:

1028 (a) Sell, fraudulently obtain or furnish any nursing
1029 diploma, license, renewal of license, or record, or to aid or abet
1030 therein;

1031 (b) Practice nursing as defined by this chapter under
1032 cover of any diploma, license, renewal of license, or record
1033 illegally or fraudulently obtained or signed or issued unlawfully
1034 or under fraudulent representation;

1035 (c) Practice or offer to practice nursing as defined by
1036 this chapter unless duly licensed or privileged to practice under
1037 the provisions of this chapter;

1038 (d) Use any designation by which a person presents to
1039 the public that he or she is a registered nurse or a licensed
1040 practical nurse unless duly licensed or privileged to practice
1041 under the provisions of this chapter;

1042 (e) Practice as a registered nurse or a licensed
1043 practical nurse during the time his or her license or privilege to
1044 practice issued under the provisions of this chapter is under
1045 suspension or revocation;

1046 (f) Conduct a nursing education program for the
1047 preparation of registered nurses, unless the program has been
1048 accredited by the Board of Trustees of State Institutions of
1049 Higher Learning, or conduct a nursing education program for the
1050 preparation of licensed practical nurses unless the program has
1051 been accredited by the Department of Education through the
1052 Division of Vocational Education;

1053 (g) Willfully employ unlicensed persons or persons not
1054 holding the privilege to practice, to practice as registered
1055 nurses or licensed practical nurses; or

1056 (h) Willfully aid or abet any person who violates any
1057 provisions of this chapter.

1058 Any person, firm or corporation who violates any provisions
1059 of this chapter shall be guilty of a misdemeanor and, upon
1060 conviction thereof, shall be punished by a fine not less than One
1061 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
1062 (\$1,000.00) or by imprisonment in the county jail for not less
1063 than twelve (12) months, or by both such fine and imprisonment.
1064 It shall be necessary to prove, in any prosecution under this
1065 chapter, only a single act prohibited by law, or a single holding
1066 out or an attempt without proving a general course of conduct in
1067 order to constitute a violation. Each violation may constitute a
1068 separate offense. It shall be the duty of the Attorney General to
1069 advise with the board in preparing charges, to assist in
1070 conducting board disciplinary hearings, to provide assistance with
1071 appropriate affidavits and other charges for filing in the
1072 appropriate court, and to assist the county or district attorney
1073 in prosecution, if any.

1074 SECTION 11. Section 73-15-35, Mississippi Code of 1972, is
1075 amended as follows:

1076 73-15-35. The practice of nursing as a registered nurse or
1077 the practice of nursing as a licensed practical nurse by any
1078 person who has not been issued a license or who does not hold the
1079 privilege to practice under the provisions of this chapter, or
1080 whose license or privilege to practice has been suspended or
1081 revoked, or has expired and not been reinstated, or has
1082 negligently or willfully practiced nursing in a manner that fails
1083 to meet generally accepted standards of such nursing practice,
1084 is * * * declared to be a danger to the public health and welfare
1085 and shall be enjoined through appropriate court action. In
1086 addition to and not in lieu of any other civil, criminal or
1087 disciplinary remedy, the Attorney General, the Board of Nursing,
1088 the prosecuting attorney or any county where a person is

1089 practicing or purporting to practice as a registered nurse or as a
1090 licensed practical nurse in violation of this chapter may, in
1091 accordance with the laws of this state governing injunctions,
1092 maintain an action to enjoin that person from practicing as a
1093 registered nurse or a licensed practical nurse until in compliance
1094 with this chapter. The court may issue a temporary injunction
1095 without notice or without bond enjoining a defendant from further
1096 practicing as a registered nurse or a licensed practical nurse.
1097 If it is established to the satisfaction of the court that the
1098 defendant has been or is practicing as a registered nurse or a
1099 licensed practical nurse without being licensed or privileged to
1100 practice and in good standing as provided herein, the court may
1101 enter a decree perpetually enjoining the defendant from such
1102 further activities, and a subsequent violation of which may be
1103 considered as contempt of court by any court of competent
1104 jurisdiction. Such injunction and contempt proceedings may be in
1105 addition to and not in lieu of any other penalties and remedies
1106 provided by this chapter.

1107 SECTION 12. This act shall take effect and be in force from
1108 and after July 1, 2000.