HOUSE BILL NO. 665

AN ACT TO AMEND SECTIONS 73-15-5 AND 83-41-213, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT RULES AND REGULATIONS REGARDING THE PRACTICE OF NURSE PRACTITIONERS SHALL BE PROMULGATED ONLY BY THE MISSISSIPPI BOARD OF NURSING INSTEAD OF BEING PROMULGATED JOINTLY WITH THE STATE BOARD OF MEDICAL LICENSURE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-15-5, Mississippi Code of 1972, is amended as follows:

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

(2) The "practice of nursing" by a registered nurse means the performance for compensation of services which require substantial knowledge of the biological, physical, behavioral, psychological and sociological sciences and of nursing theory as the basis for assessment, diagnosis, planning, intervention and evaluation in the promotion and maintenance of health; management of individuals' responses to illness, injury or infirmity; the restoration of optimum function; or the achievement of a dignified death. "Nursing practice" includes, but is not limited to, administration, teaching, counseling, delegation and supervision of nursing, and execution of the medical regimen, including the administration of medications and treatments prescribed by any licensed or legally authorized physician or dentist. The foregoing shall not be deemed to include acts of medical diagnosis or prescriptions of medical, therapeutic or corrective measures, except as may be set forth by rules and regulations promulgated * * * and implemented by the Mississippi Board of Nursing.
(3) The "practice of nursing" by a licensed practical nurse means the performance for compensation of services requiring basic knowledge of the biological, physical, behavioral, psychological and sociological sciences and of nursing procedures which do not require the substantial skill, judgment and knowledge required of a registered nurse. These services are performed under the direction of a registered nurse or a licensed physician or licensed dentist and utilize standardized procedures in the observation and care of the ill, injured and infirm; in the maintenance of health; in action to safeguard life and health; and in the administration of medications and treatments prescribed by any licensed physician or licensed dentist authorized by state law to prescribe. On a selected basis, and within safe limits, the role of the licensed practical nurse shall be expanded by the board under its rule-making authority to more complex procedures and settings commensurate with additional preparation and experience.

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

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

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

(7) A "registered nurse in clinical practice" is one who functions in any health care delivery system which provides nursing services.

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

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

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

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

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

83-41-213. (1) From and after January 1, 1999, whenever any policy of insurance or any medical service plan or hospital service contract or hospital and medical service contract issued, delivered, administered, continued or renewed in this state provides for reimbursement for any service which is within the lawful scope of practice of a duly certified nurse practitioner working under the supervision of a duly licensed physician as provided for by rules and regulations implemented by the Mississippi Board of Nursing under Section 73-15-5(2), the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician or by a duly certified nurse practitioner working under the supervision of a duly licensed physician, notwithstanding any provision to the contrary
in any statute or in such policy, plan or contract. Duly

certified nurse practitioners shall be entitled to participate in
such policies, plans or contracts providing for the services of
nurse practitioners working under the supervision of a duly
licensed physician, as authorized by the rules and regulations
implemented by the Mississippi Board of Nursing under Section
73-15-5(2). Reimbursement shall be based on services rendered by
a duly certified nurse practitioner.

It is the intent of the Legislature by this section to
provide for expanded health delivery services and to provide for
some reduction of the cost of medical services where possible; and
any payments made hereunder shall either be in lieu of payments to
physicians or payments to physicians shall be reduced by that
amount paid to a nurse practitioner for the performance of
authorized services by such practitioner.

(2) Any action taken to prohibit nurses from practicing in a
manner consistent with Section 73-15-1 et seq., including any
limitation on clinical privileging or performing other activities
consistent with standards of nursing practice, is
 prohibited. ***

SECTION 3. This act shall take effect and be in force from
and after July 1, 2001.