

By: Representative Holland

To: Public Health and Human
Services

HOUSE BILL NO. 1014

1 AN ACT TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE DEFINITION OF THE PRACTICE OF NURSING IN THE NURSING
 3 PRACTICE LAW TO INCLUDE THE ADMINISTRATION OF MEDICATIONS AND
 4 TREATMENTS PRESCRIBED BY LICENSED OPTOMETRISTS; TO AMEND SECTION
 5 73-15-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICE OF
 6 THE BOARD OF NURSING SHALL BE LOCATED IN THE GREATER JACKSON AREA;
 7 TO AMEND SECTION 73-15-18, MISSISSIPPI CODE OF 1972, TO PROVIDE
 8 THAT THE BOARD OF NURSING SHALL FACILITATE THE IMPLEMENTATION OF
 9 AN EDUCATIONAL PROGRAM FOR NURSING EDUCATORS REGARDING HEALTH CARE
 10 DELIVERY SYSTEM CHANGES AND THE IMPACT THAT THESE CHANGES WILL
 11 HAVE ON CURRICULUM AND ON THE SERVICE NEEDS OF NURSES; TO PROVIDE
 12 THAT THE BOARD SHALL DETERMINE THE CONTINUING EDUCATION NEEDS OF
 13 THE NURSING WORK FORCE AND FACILITATE THAT CONTINUING EDUCATION
 14 COURSEWORK THROUGH THE NURSING SCHOOLS AND PROGRAMS IN THE STATE;
 15 TO AMEND SECTIONS 73-15-19 AND 73-15-21, MISSISSIPPI CODE OF 1972,
 16 TO PROVIDE THAT THE BOARD OF NURSING MAY REQUIRE APPLICANTS FOR
 17 LICENSURE AS A REGISTERED NURSE OR LICENSED PRACTICAL NURSE TO
 18 CONSENT TO A CRIMINAL HISTORY BACKGROUND CHECK BASED UPON
 19 FINGERPRINTS AND OTHER IDENTIFYING INFORMATION AND TO PAY A FEE
 20 FOR THE CRIMINAL HISTORY BACKGROUND CHECK; TO AMEND SECTION
 21 73-15-29, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF A
 22 FINE THAT THE BOARD MAY IMPOSE IN DISCIPLINARY ACTIONS AGAINST
 23 NURSING LICENSEES; TO AMEND SECTION 73-15-33, MISSISSIPPI CODE OF
 24 1972, TO INCREASE THE MAXIMUM FINE THAT THE COURT MAY IMPOSE FOR
 25 CRIMINAL VIOLATIONS OF THE NURSING PRACTICE LAW; TO AMEND SECTION
 26 73-15-35, MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN LANGUAGE IN
 27 THE SECTION AUTHORIZING INJUNCTIONS TO PREVENT THE UNAUTHORIZED
 28 PRACTICE OF NURSING; AND FOR RELATED PURPOSES.

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

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

32 73-15-5. (1) "Board" means the Mississippi Board of
 33 Nursing.

34 (2) The "practice of nursing" by a registered nurse means
 35 the performance for compensation of services which require
 36 substantial knowledge of the biological, physical, behavioral,
 37 psychological and sociological sciences and of nursing theory as
 38 the basis for assessment, diagnosis, planning, intervention and
 39 evaluation in the promotion and maintenance of health; management
 40 of individuals' responses to illness, injury or infirmity; the

41 restoration of optimum function; or the achievement of a dignified
42 death. "Nursing practice" includes, but is not limited to,
43 administration, teaching, counseling, delegation and supervision
44 of nursing, and execution of the medical regimen, including the
45 administration of medications and treatments prescribed by any
46 licensed or legally authorized physician, dentist or optometrist.
47 The foregoing shall not be deemed to include acts of medical
48 diagnosis or prescriptions of medical, therapeutic or corrective
49 measures, except as may be set forth by rules and regulations
50 promulgated jointly by the State Board of Medical Licensure and
51 the Mississippi Board of Nursing and implemented by the
52 Mississippi Board of Nursing.

53 (3) The "practice of nursing" by a licensed practical nurse
54 means the performance for compensation of services requiring basic
55 knowledge of the biological, physical, behavioral, psychological
56 and sociological sciences and of nursing procedures which do not
57 require the substantial skill, judgment and knowledge required of
58 a registered nurse. These services are performed under the
59 direction of a registered nurse or a licensed physician, * * *
60 dentist or optometrist, and utilize standardized procedures in the
61 observation and care of the ill, injured and infirm; in the
62 maintenance of health; in action to safeguard life and health; and
63 in the administration of medications and treatments prescribed by
64 any licensed physician, * * * dentist or optometrist authorized by
65 state law to prescribe. On a selected basis, and within safe
66 limits, the role of the licensed practical nurse shall be expanded
67 by the board under its rule-making authority to more complex
68 procedures and settings commensurate with additional preparation
69 and experience.

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

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

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

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

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

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

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

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

103 **SECTION 2.** Section 73-15-17, Mississippi Code of 1972, is
104 amended as follows:

105 73-15-17. The Mississippi Board of Nursing is authorized
106 and empowered to:

107 (a) Adopt and from time to time revise such rules and
108 regulations consistent with the law as shall be necessary to
109 govern its proceedings and carry into effect the provisions of
110 this chapter.

111 (b) Require the secretary to keep records of all
112 meetings of the board and keep a record of all proceedings, and to
113 prepare a register of registered nurses and a register of licensed
114 practical nurses, all nurses appearing thereon to be duly licensed
115 under this chapter, and which registers shall be open for public
116 inspection at all reasonable times.

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

119 (d) Cause the prosecution of all persons violating the
120 provisions of this chapter, and incur such necessary expenses
121 therefor.

122 (e) Conduct hearings upon charges calling for
123 discipline of a licensee or revocation of a license or of the
124 privilege to practice.

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

128 (g) Maintain an office in the greater Jackson area for
129 the administration of this chapter.

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

133 (i) File an annual list of all certificates of
134 registration issued by the board to registered nurses, including
135 addresses of the persons with the Mississippi Nurses' Association;
136 and file a similar list of all certificates of registration issued
137 to licensed practical nurses, including addresses of the persons,

138 with the Mississippi Federation of Licensed Practical Nurses and
139 the Mississippi Licensed Practical Nurses Association.

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

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

148 (l) Examine, license and renew licenses of duly
149 qualified applicants.

150 (m) Appoint and employ a qualified person who shall not
151 be a member of the board to serve as executive director, define
152 the duties, fix the compensation, and delegate to him or her those
153 activities that will expedite the functions of the board. The
154 executive director shall meet all the qualifications for board
155 members, and shall in addition:

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

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

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

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

168 (p) To enter into contracts with any other state or
169 federal agency or with any private person, organization or group

170 capable of contracting, if it finds such action to be in the
171 public interest and in the furtherance of its responsibilities.

172 **SECTION 3.** Section 73-15-18, Mississippi Code of 1972, is
173 amended as follows:

174 73-15-18. (1) The Mississippi Board of Nursing is
175 designated as the state agency responsible for the administration
176 and supervision of the Nursing Workforce Program as an educational
177 curriculum in the State of Mississippi. It is the intent of the
178 Legislature to develop a nursing work force able to carry out the
179 scope of service and leadership tasks required of the profession
180 by promoting a strong educational infrastructure between nursing
181 practice and nursing education.

182 (2) The Mississippi Board of Nursing is authorized to
183 establish an Office of Nursing Workforce within the administrative
184 framework of the board for the purpose of providing coordination
185 and consultation to nursing education and practice. The Nursing
186 Workforce Program shall encompass five (5) interdependent
187 components:

188 (a) Develop and facilitate implementation of a state
189 educational program directed toward nursing educators regarding
190 health care delivery system changes * * * and the impact that
191 these changes will have on curriculum and on the service needs of
192 nurses.

193 (b) Determine the continuing education needs of the
194 nursing work force * * * and facilitate that continuing education
195 coursework through the university/college schools of nursing in
196 the state and the community/junior college nursing programs in the
197 state.

198 (c) Promote and coordinate through the schools of
199 nursing opportunities for nurses prepared at the associate degree
200 and bachelor degree levels to obtain higher degrees.

201 (d) Apply for and administer grants from public and
202 private sources for the development of the Nursing Workforce
203 Program prescribed in this section.

204 (e) Establish systems to ensure an adequate supply of
205 nurses to meet the health care needs of the citizens of
206 Mississippi. This will include, but is not limited to, gathering
207 and quantifying dependable data on current nursing work force
208 capacities and forecasting future requirements. The Office of
209 Nursing Workforce will report its findings annually to the
210 Mississippi Legislature.

211 (3) Pursuant to the provisions of subsections (1) and (2),
212 the Board of Nursing is authorized to provide for the services of
213 an Office of Nursing Workforce Director and such other
214 professional and nonprofessional staff as may be needed and as
215 funds are available to the Board of Nursing to implement the
216 Nursing Workforce Program prescribed in this section. It shall be
217 the responsibility of such professional staff to coordinate
218 efforts of the bachelor degree schools of nursing, the associate
219 degree schools of nursing and other appropriate agencies in the
220 State of Mississippi to implement the Nursing Workforce Program.

221 (4) The Board of Nursing shall appoint a Nursing Workforce
222 Advisory Committee composed of health care professionals, health
223 agency administrators, nursing educators and other appropriate
224 individuals to provide technical advice to the Office of Nursing
225 Workforce created in this section. The members of the committee
226 shall be appointed by the Board of Nursing from a list of nominees
227 submitted by appropriate nursing and health care organizations in
228 the State of Mississippi. The members of the committee shall
229 receive no compensation for their services, but may be reimbursed
230 for actual travel expenses and mileage authorized by law for
231 necessary committee business.

232 (5) All funds made available to the Board of Nursing for the
233 purpose of nursing work force shall be administered by the board

234 office for that purpose. The Board of Nursing is authorized to
235 enter into contract with any private person, organization or
236 entity capable of contracting for the purpose of administering
237 this section.

238 (6) The Nursing Workforce Program and the Office of Nursing
239 Workforce provided for in this section will be established and
240 implemented only if sufficient funds are appropriated to or
241 otherwise available to the Board of Nursing for that purpose.

242 **SECTION 4.** Section 73-15-19, Mississippi Code of 1972, is
243 amended as follows:

244 73-15-19. (1) **Registered nurse applicant qualifications.**

245 Any applicant for a license to practice as a registered nurse
246 shall submit to the board:

247 (a) An attested written application on a board of
248 nursing form;

249 (b) Written official evidence of completion of a
250 nursing program approved by the Board of Trustees of State
251 Institutions of Higher Learning, or one approved by a legal
252 accrediting agency of another state, territory or possession of
253 the United States, the District of Columbia, or a foreign country
254 which is satisfactory to this board;

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

257 (d) Written consent to a criminal history background
258 check by the Mississippi Department of Public Safety and the
259 United States Department of Justice based upon fingerprints and
260 other identifying information required by these entities or state
261 or national registries. The applicant shall pay a fee not to
262 exceed One Hundred Dollars (\$100.00) for the criminal history
263 background check; and

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

265 The board may, in its discretion, refuse to accept the
266 application of any person who has been convicted of a criminal

267 offense under any provision of Title 97 of the Mississippi Code of
268 1972, as now or hereafter amended, or any provision of this
269 chapter.

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

271 (a) Upon the board being satisfied that an applicant
272 for a license as a registered nurse has met the qualifications set
273 forth in subsection (1) of this section, the board shall proceed
274 to examine such applicant in such subjects as the board shall, in
275 its discretion, determine. The subjects in which applicants shall
276 be examined shall be in conformity with curricula in schools of
277 nursing approved by the Board of Trustees of State Institutions of
278 Higher Learning, or one approved by a legal accrediting agency of
279 another state, territory or possession of the United States, the
280 District of Columbia, or a foreign country which is satisfactory
281 to the board.

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

284 (c) Upon successful completion of such examination, the
285 board shall issue to the applicant a license to practice as a
286 registered nurse.

287 (d) The board may use any part or all of the state
288 board test pool examination for registered nurse licensure, its
289 successor examination, or any other nationally standardized
290 examination identified by the board in its rules. The passing
291 score shall be established by the board in its rules.

292 (e) The board may require the applicant for licensure
293 by examination to submit written consent to a criminal history
294 background check by the Mississippi Department of Public Safety
295 and the United States Department of Justice based upon
296 fingerprints and other identifying information required by these
297 entities or state or national registries. The applicant shall pay
298 a fee not to exceed One Hundred Dollars (\$100.00) for the criminal
299 history background check.

300 (3) **Licensure by endorsement.** The board may issue a license
301 to practice nursing as a registered nurse without examination to
302 an applicant who has been duly licensed as a registered nurse
303 under the laws of another state, territory or possession of the
304 United States, the District of Columbia, or a foreign country if,
305 in the opinion of the board, the applicant meets the
306 qualifications required of licensed registered nurses in this
307 state and has previously achieved the passing score or scores on
308 the licensing examination required by this state, at the time of
309 his or her graduation. The board may require the applicant for
310 licensure by endorsement to submit written consent to a criminal
311 history background check by the Mississippi Department of Public
312 Safety and the United States Department of Justice based upon
313 fingerprints and other identifying information required by these
314 entities or state or national registries. The applicant shall pay
315 a fee not to exceed One Hundred Dollars (\$100.00) for the criminal
316 history background check.

317 (4) **Requirements for rewriting the examination.** The board
318 shall establish in its rules the requirements for rewriting the
319 examination for those persons failing the examination on the first
320 writing or subsequent rewriting.

321 (5) **Fee.** The applicant applying for a license by
322 examination or by endorsement to practice as a registered nurse
323 shall pay a fee * * * to the board.

324 (6) **Temporary permit.**

325 (a) The board may issue a temporary permit to practice
326 nursing to a graduate of an approved school of nursing pending the
327 results of the examination in Mississippi, and to a qualified
328 applicant from another state, territory or possession of the
329 United States, or District of Columbia, or pending licensure
330 procedures as provided for elsewhere in this chapter. * * *

331 (b) The board may issue a temporary permit for a period
332 of ninety (90) days to a registered nurse who is currently

333 licensed in another state, territory or possession of the United
334 States or the District of Columbia and who is an applicant for
335 licensure by endorsement. Such permit is not renewable except by
336 board action.

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

341 (d) The board may issue a temporary permit for a period
342 of thirty (30) days to any registered nurse during the time
343 enrolled in a nursing reorientation program. This time period may
344 be extended by board action. * * *

345 (e) The applicant shall pay a fee to the board for the
346 temporary permit.

347 (f) The board may require the applicant for a temporary
348 permit to submit written consent to a criminal history background
349 check by the Mississippi Department of Public Safety and the
350 United States Department of Justice based upon fingerprints and
351 other identifying information required by these entities or state
352 or national registries. The applicant shall pay a fee not to
353 exceed One Hundred Dollars (\$100.00) for the criminal history
354 background check.

355 (g) The board may adopt such regulations as are
356 necessary to limit the practice of persons to whom temporary
357 permits are issued.

358 (7) **Temporary license.** The board may issue a temporary
359 license to practice nursing at a youth camp licensed by the State
360 Board of Health to nonresident registered nurses and retired
361 resident registered nurses under the provisions of Section
362 75-48-8.

363 (8) **Title and abbreviation.** Any person who holds a license
364 or holds the privilege to practice as a registered nurse in this
365 state shall have the right to use the title "registered nurse" and

366 the abbreviation "R.N." No other person shall assume such title
367 or use such abbreviation, or any words, letters, signs or devices
368 to indicate that the person using the same is a registered nurse.

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

375 (10) Each application or filing made under this section
376 shall include the social security number(s) of the applicant in
377 accordance with Section 93-11-64.

378 **SECTION 5.** Section 73-15-21, Mississippi Code of 1972, is
379 amended as follows:

380 73-15-21. (1) **Licensed practical nurse applicant**
381 **qualifications.** Any applicant for a license to practice practical
382 nursing as a licensed practical nurse shall submit to the board:

383 (a) An attested written application on a Board of
384 Nursing form;

385 (b) A diploma from an approved high school or the
386 equivalent thereof, as determined by the appropriate educational
387 agency;

388 (c) Written official evidence of completion of a
389 practical nursing program approved by the State Department of
390 Education through its Division of Vocational Education, or one
391 approved by a legal accrediting agency of another state, territory
392 or possession of the United States, the District of Columbia, or a
393 foreign country which is satisfactory to this board;

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

396 (e) Written consent to a criminal history background
397 check by the Mississippi Department of Public Safety and the
398 United States Department of Justice based upon fingerprints and

399 other identifying information required by these entities or state
400 or national registries. The applicant shall pay a fee not to
401 exceed One Hundred Dollars (\$100.00) for the criminal history
402 background check; and

403 (f) Any other official records required by the board.

404 The board may, in its discretion, refuse to accept the
405 application of any person who has been convicted of a criminal
406 offense under any provision of Title 97 of the Mississippi Code of
407 1972, as now or hereafter amended, or any provision of this
408 chapter.

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

410 (a) Upon the board being satisfied that an applicant
411 for a license as a practical nurse has met the qualifications set
412 forth in subsection (1) of this section, the board shall proceed
413 to examine such applicant in such subjects as the board shall, in
414 its discretion, determine. The subjects in which applicants shall
415 be examined shall be in conformity with curricula in schools of
416 practical nursing approved by the State Department of Education.

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

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

422 (d) The board may use any part or all of the state
423 board test pool examination for practical nurse licensure, its
424 successor examination, or any other nationally standardized
425 examination identified by the board in its rules. The passing
426 score shall be established by the board in its rules.

427 (e) The board may require the applicant for licensure
428 by examination to submit written consent to a criminal history
429 background check by the Mississippi Department of Public Safety
430 and the United States Department of Justice based upon
431 fingerprints and other identifying information required by these

432 entities or state or national registries. The applicant shall pay
433 a fee not to exceed One Hundred Dollars (\$100.00) for the criminal
434 history background check.

435 (3) **Licensure by endorsement.** The board may issue a license
436 to practice practical nursing as a licensed practical nurse
437 without examination to an applicant who has been duly licensed as
438 a licensed practical nurse under the laws of another state,
439 territory or possession of the United States, the District of
440 Columbia, or a foreign country if, in the opinion of the board,
441 the applicant meets the qualifications required of licensed
442 practical nurses in this state and has previously achieved the
443 passing score or scores on the licensing examination required by
444 this state at the time of his or her graduation. The board may
445 require the applicant for licensure by endorsement to submit
446 written consent to a criminal history background check by the
447 Mississippi Department of Public Safety and the United States
448 Department of Justice based upon fingerprints and other
449 identifying information required by these entities or state or
450 national registries. The applicant shall pay a fee not to exceed
451 One Hundred Dollars (\$100.00) for the criminal history background
452 check.

453 (4) **Licensure by equivalent amount of theory and clinical**
454 **experience.** In the discretion of the board, former students of a
455 state accredited school preparing students to become registered
456 nurses may be granted permission to take the examination for
457 licensure to practice as a licensed practical nurse, provided the
458 applicant's record or transcript indicates the former student
459 completed an equivalent amount of theory and clinical experiences
460 as required of a graduate of a practical nursing program, and
461 provided the school attended was, at the time of the student's
462 attendance, an accredited school of nursing.

463 (5) **Requirements for rewriting the examination.** The board
464 shall establish in its rules the requirements for rewriting the

465 examination for those persons failing the examination on the first
466 writing or subsequent writing.

467 (6) **Fee.** The applicant applying for a license by
468 examination or by endorsement to practice as a licensed practical
469 nurse shall pay a fee * * * to the board.

470 (7) **Temporary permit.**

471 (a) The board may issue a temporary permit to practice
472 practical nursing to a graduate of an approved school of practical
473 nursing pending the results of the examination in Mississippi, and
474 to a qualified applicant from another state, territory or
475 possession of the United States, or the District of Columbia,
476 pending licensing procedures as provided for elsewhere in this
477 chapter. * * *

478 (b) The board may issue a temporary permit for a period
479 of ninety (90) days to a licensed practical nurse who is currently
480 licensed in another state, territory or possession of the United
481 States or the District of Columbia and who is an applicant for
482 licensure by endorsement. Such permit is not renewable except by
483 board action.

484 (c) The board may issue a temporary permit to a
485 graduate of an approved practical nursing education program or an
486 equivalent program satisfactory to the board pending the results
487 of the first licensing examination scheduled after application.
488 Such permit is not renewable except by board action.

489 (d) The board may issue a temporary permit for a period
490 of thirty (30) days to any licensed practical nurse during the
491 time enrolled in a nursing reorientation program. This time
492 period may be extended by board action. * * *

493 (e) The applicant shall pay a fee to the board for the
494 temporary permit.

495 (f) The board may require the applicant for a temporary
496 permit to submit written consent to a criminal history background
497 check by the Mississippi Department of Public Safety and the

498 United States Department of Justice based upon fingerprints and
499 other identifying information required by these entities or state
500 or national registries. The applicant shall pay a fee not to
501 exceed One Hundred Dollars (\$100.00) for the criminal history
502 background check.

503 (g) The board may adopt such regulations as are
504 necessary to limit the practice of persons to whom temporary
505 permits are issued.

506 (8) **Title and abbreviation.** Any person who holds a license
507 or holds the privilege to practice as a licensed practical nurse
508 in this state shall have the right to use the title "licensed
509 practical nurse" and the abbreviation "L.P.N." No other person
510 shall assume such title or use such abbreviation, or any words,
511 letters, signs or devices to indicate that a person using the same
512 is a licensed practical nurse.

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

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

522 **SECTION 6.** Section 73-15-29, Mississippi Code of 1972, is
523 amended as follows:

524 73-15-29. (1) The board shall have power to revoke, suspend
525 or refuse to renew any license issued by the board, or to revoke
526 or suspend any privilege to practice, or to deny an application
527 for a license, or to fine, place on probation and/or discipline a
528 licensee, in any manner specified in this chapter, upon proof that
529 such person:

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

532 (b) Has been convicted of felony, or a crime involving
533 moral turpitude or has had accepted by a court a plea of nolo
534 contendere to a felony or a crime involving moral turpitude (a
535 certified copy of the judgment of the court of competent
536 jurisdiction of such conviction or pleas shall be prima facie
537 evidence of such conviction);

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

541 (d) Has had a license or privilege to practice as a
542 registered nurse or a licensed practical nurse suspended or
543 revoked in any jurisdiction, has voluntarily surrendered such
544 license or privilege to practice in any jurisdiction, has been
545 placed on probation as a registered nurse or licensed practical
546 nurse in any jurisdiction or has been placed under a disciplinary
547 order(s) in any manner as a registered nurse or licensed practical
548 nurse in any jurisdiction, (a certified copy of the order of
549 suspension, revocation, probation or disciplinary action shall be
550 prima facie evidence of such action);

551 (e) Has negligently or willfully practiced nursing in a
552 manner that fails to meet generally accepted standards of such
553 nursing practice;

554 (f) Has negligently or willfully violated any order,
555 rule or regulation of the board pertaining to nursing practice or
556 licensure;

557 (g) Has falsified or in a repeatedly negligent manner
558 made incorrect entries or failed to make essential entries on
559 records;

560 (h) Is addicted to or dependent on alcohol or other
561 habit-forming drugs or is a habitual user of narcotics,

562 barbiturates, amphetamines, hallucinogens, or other drugs having
563 similar effect, or has misappropriated any medication;

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

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

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

575 (l) Engages in any unprofessional conduct as identified
576 by the board in its rules; or

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

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

582 (a) Denying application for a license or other
583 authorization to practice nursing or practical nursing;

584 (b) Administering a reprimand;

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

588 (d) Revoking the license or other authorization to
589 practice nursing or practical nursing;

590 (e) Requiring the discipline to submit to care,
591 counseling or treatment by persons and/or agencies approved or
592 designated by the board as a condition for initial, continued or
593 renewed licensure or other authorization to practice nursing or
594 practical nursing;

595 (f) Requiring the discipline to participate in a
596 program of education prescribed by the board as a condition for
597 initial, continued or renewed licensure or other authorization to
598 practice;

599 (g) Requiring the discipline to practice under the
600 supervision of a registered nurse for a specified period of time;
601 or

602 (h) Imposing a fine not to exceed One Thousand Five
603 Hundred Dollars (\$1,500.00).

604 (3) In addition to the grounds specified in subsection (1)
605 of this section, the board shall be authorized to suspend the
606 license or privilege to practice of any licensee for being out of
607 compliance with an order for support, as defined in Section
608 93-11-153. The procedure for suspension of a license or privilege
609 to practice for being out of compliance with an order for support,
610 and the procedure for the reissuance or reinstatement of a license
611 or privilege to practice suspended for that purpose, and the
612 payment of any fees for the reissuance or reinstatement of a
613 license or privilege to practice suspended for that purpose, shall
614 be governed by Section 93-11-157 or 93-11-163, as the case may be.
615 If there is any conflict between any provision of Section
616 93-11-157 or 93-11-163 and any provision of this chapter, the
617 provisions of Section 93-11-157 or 93-11-163, as the case may be,
618 shall control.

619 **SECTION 7.** Section 73-15-33, Mississippi Code of 1972, is
620 amended as follows:

621 73-15-33. It is unlawful for any person, including a
622 corporation or association, to:

623 (a) Sell, fraudulently obtain or furnish any nursing
624 diploma, license, renewal of license, or record, or to aid or abet
625 therein;

626 (b) Practice nursing as defined by this chapter under
627 cover of any diploma, license, renewal of license, or record

628 illegally or fraudulently obtained or signed or issued unlawfully
629 or under fraudulent representation;

630 (c) Practice or offer to practice nursing as defined by
631 this chapter unless duly licensed or privileged to practice under
632 the provisions of this chapter;

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

637 (e) Practice as a registered nurse or a licensed
638 practical nurse during the time his or her license or privilege to
639 practice issued under the provisions of this chapter is under
640 suspension or revocation;

641 (f) Conduct a nursing education program for the
642 preparation of registered nurses, unless the program has been
643 accredited by the Board of Trustees of State Institutions of
644 Higher Learning, or conduct a nursing education program for the
645 preparation of licensed practical nurses unless the program has
646 been accredited by the Department of Education through the
647 Division of Vocational Education;

648 (g) Willfully employ unlicensed persons or persons not
649 holding the privilege to practice, to practice as registered
650 nurses or licensed practical nurses; or

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

653 Any person, firm or corporation who violates any provisions
654 of this chapter shall be guilty of a misdemeanor and, upon
655 conviction thereof, shall be punished by a fine not less than One
656 Hundred Dollars (\$100.00) nor more than Two Thousand Dollars
657 (\$2,000.00) or by imprisonment in the county jail for not less
658 than twelve (12) months, or by both such fine and imprisonment.
659 It shall be necessary to prove, in any prosecution under this
660 chapter, only a single act prohibited by law, or a single holding

661 out or an attempt without proving a general course of conduct in
662 order to constitute a violation. Each violation may constitute a
663 separate offense. It shall be the duty of the Attorney General to
664 advise with the board in preparing charges, to assist in
665 conducting board disciplinary hearings, to provide assistance with
666 appropriate affidavits and other charges for filing in the
667 appropriate court, and to assist the county or district attorney
668 in prosecution, if any.

669 **SECTION 8.** Section 73-15-35, Mississippi Code of 1972, is
670 amended as follows:

671 73-15-35. The practice of nursing as a registered nurse or
672 the practice of nursing as a licensed practical nurse by any
673 person who has not been issued a license or who does not hold the
674 privilege to practice under the provisions of this chapter, or
675 whose license or privilege to practice has been suspended or
676 revoked, or has expired and not been reinstated, or has
677 negligently or willfully practiced nursing in a manner that fails
678 to meet generally accepted standards of such nursing practice, is
679 declared to be a danger to the public health and welfare and shall
680 be enjoined through appropriate court action. In addition to and
681 not in lieu of any other civil, criminal or disciplinary remedy,
682 the Attorney General, the Board of Nursing or the prosecuting
683 attorney of any county where a person is practicing or purporting
684 to practice as a registered nurse or as a licensed practical nurse
685 in violation of this chapter may, in accordance with the laws of
686 this state governing injunctions, maintain an action to enjoin
687 that person from practicing as a registered nurse or a licensed
688 practical nurse until in compliance with this chapter. The court
689 may issue a temporary injunction without notice or without bond
690 enjoining a defendant from further practicing as a registered
691 nurse or a licensed practical nurse. If it is established to the
692 satisfaction of the court that the defendant has been or is
693 practicing as a registered nurse or a licensed practical nurse

694 without being licensed or privileged to practice and in good
695 standing as provided herein, the court may enter a decree
696 perpetually enjoining the defendant from such further activities,
697 and a subsequent violation of which may be considered as contempt
698 of court by any court of competent jurisdiction. Such injunction
699 and contempt proceedings may be in addition to and not in lieu of
700 any other penalties and remedies provided by this chapter.

701 **SECTION 9.** This act shall take effect and be in force from
702 and after July 1, 2004.