

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2931

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 73-15-27, MISSISSIPPI CODE OF 1972, TO REMOVE THE CAP ON CERTAIN
22 FEES; TO AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO
23 INCREASE THE AMOUNT OF A FINE THAT THE BOARD MAY IMPOSE IN
24 DISCIPLINARY ACTIONS AGAINST NURSING LICENSEES; TO AMEND SECTION
25 73-15-33, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM FINE
26 THAT THE COURT MAY IMPOSE FOR CRIMINAL VIOLATIONS OF THE NURSING
27 PRACTICE LAW; TO AMEND SECTION 73-15-35, MISSISSIPPI CODE OF 1972,
28 TO CLARIFY CERTAIN LANGUAGE IN THE SECTION AUTHORIZING INJUNCTIONS
29 TO PREVENT THE UNAUTHORIZED PRACTICE OF NURSING; AND FOR RELATED
30 PURPOSES.

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

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

34 73-15-5. (1) "Board" means the Mississippi Board of
35 Nursing.

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

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

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

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

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

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

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

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

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

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

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

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

107 73-15-17. The Mississippi Board of Nursing is authorized
108 and empowered to:

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

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

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

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

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

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

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

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

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

140 with the Mississippi Federation of Licensed Practical Nurses and
141 the Mississippi Licensed Practical Nurses Association.

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

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

150 (l) Examine, license and renew licenses of duly
151 qualified applicants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

246 73-15-19. (1) **Registered nurse applicant qualifications.**

247 Any applicant for a license to practice as a registered nurse
248 shall submit to the board:

249 (a) An attested written application on a board of
250 nursing form;

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

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

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

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

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

269 offense under any provision of Title 97 of the Mississippi Code of
270 1972, as now or hereafter amended, or any provision of this
271 chapter.

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

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

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

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

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

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

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

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

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

326 (6) **Temporary permit.**

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

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

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

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

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

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

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

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

360 (7) **Temporary license.** The board may issue a temporary
361 license to practice nursing at a youth camp licensed by the State
362 Board of Health to nonresident registered nurses and retired
363 resident registered nurses under the provisions of Section
364 75-48-8.

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

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

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

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

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

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

385 (a) An attested written application on a Board of
386 Nursing form;

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

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

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

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

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

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

406 The board may, in its discretion, refuse to accept the
407 application of any person who has been convicted of a criminal
408 offense under any provision of Title 97 of the Mississippi Code of
409 1972, as now or hereafter amended, or any provision of this
410 chapter.

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

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

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

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

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

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

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

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

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

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

467 examination for those persons failing the examination on the first
468 writing or subsequent writing.

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

472 (7) **Temporary permit.**

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

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

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

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

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

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

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

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

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

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

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

524 **SECTION 6.** Section 73-15-27, Mississippi Code of 1972, is
525 amended as follows:

526 73-15-27. The license of every person licensed under the
527 provisions of this chapter shall be renewed biennially except as
528 hereinafter provided:

529 (a) Registered nurses:

530 (i) The license to practice as a registered nurse
531 shall be valid for two (2) calendar years, beginning January 1 of
532 each uneven-numbered year and expiring December 31 in each

533 even-numbered year of the biennial period and subject to renewal
534 for each period of two (2) years thereafter.

535 (ii) An application for renewal of licensure will
536 be mailed by the board on or before November 1 of the year the
537 license expires to every person to whom a license was issued or
538 renewed during the biennial period. Such application shall be
539 completed and returned to the board by December 31 of that year
540 with the biennial renewal fee to be set at the discretion of the
541 board * * *.

542 (iii) Upon receipt of the application and fee, the
543 board shall verify the accuracy of the application and issue to
544 the applicant a certificate of renewal for the ensuing period of
545 two (2) years. Such renewal shall render the holder thereof the
546 right to practice as a registered nurse.

547 (iv) A registered nurse may request in writing to
548 the board that his or her license be placed on inactive status.
549 The board may grant such request and shall have authority, in its
550 discretion, to attach conditions to the licensure of such
551 registered nurse while on inactive status. A biennial renewal fee
552 for inactive registered nurses shall be set at the discretion of
553 the board * * *.

554 (v) Any registered nurse applying for a license,
555 renewal of an active license, reinstatement of a lapsed license,
556 or change from inactive to active status may be required to
557 provide evidence of continuing basic nursing competencies when
558 such nurse has not practiced nursing for compensation or performed
559 the function of a registered nurse in a voluntary capacity with or
560 without compensation within the five-year period immediately prior
561 to such application for a license, renewal, reinstatement or
562 change of status.

563 (vi) Any registered nurse who permits his or her
564 license to lapse by failing to renew the license as provided above
565 may be reinstated by the board on satisfactory explanation for

566 such failure to renew his or her license, by compliance with all
567 other applicable provisions of this chapter, by completion of a
568 reinstatement form, and upon payment of a reinstatement fee set by
569 the board which shall not include the renewal fee for the current
570 biennial period. Any registered nurse who permits his or her
571 license to lapse shall be notified by the board within fifteen
572 (15) days of such lapse.

573 (vii) Any person practicing as a registered nurse
574 during the time his or her license has lapsed shall be considered
575 in violation of this chapter and shall be subject to the penalties
576 provided for violation of this chapter, provided the registered
577 nurse has not submitted the required reinstatement form and fees
578 within fifteen (15) days after notification by the board of such
579 lapse.

580 (b) Licensed practical nurses:

581 (i) The license to practice as a licensed
582 practical nurse shall be valid for two (2) calendar years,
583 beginning January 1 of each even-numbered year and expiring
584 December 31 in each uneven-numbered year of the biennial period
585 and subject to renewal for each period of two (2) years
586 thereafter.

587 (ii) An application for renewal of licensure will
588 be mailed by the board on or before November 1 of the year the
589 license expires to every person to whom a license was issued or
590 renewed during the biennial period. Such application shall be
591 completed and returned to the board by December 31 of that year
592 with the biennial renewal fee to be set at the discretion of the
593 board * * *.

594 (iii) Upon receipt of the application and fee, the
595 board shall verify the accuracy of the application and issue to
596 the applicant a certificate of renewal for the ensuing period of
597 two (2) years. Such renewal shall render the holder thereof the
598 right to practice as a licensed practical nurse.

599 (iv) A licensed practical nurse may request in
600 writing to the board that his or her license be placed on inactive
601 status. The board may grant such request and shall have
602 authority, in its discretion, to attach conditions to the
603 licensure of such licensed practical nurse while on inactive
604 status. A biennial renewal fee for inactive licensed practical
605 nurses shall be set at the discretion of the board * * *.

606 (v) Any licensed practical nurse applying for a
607 license, renewal of an active license, reinstatement of a lapsed
608 license, or change from inactive to active status may be required
609 to provide evidence of continuing basic nursing competencies when
610 such nurse has not practiced nursing for compensation or performed
611 the function of a licensed practical nurse in a voluntary capacity
612 with or without compensation within the five-year period
613 immediately prior to such application for a license, renewal,
614 reinstatement or change of status.

615 (vi) Any licensed practical nurse who permits his
616 or her license to lapse by failing to renew the license as
617 provided above may be reinstated by the board upon satisfactory
618 explanation for such failure to renew his or her license, by
619 compliance with all other applicable provisions of this chapter,
620 by completion of a reinstatement form, and upon payment of the
621 reinstatement fee set by the board, which shall not include the
622 renewal fee for the current biennial period. Any licensed
623 practical nurse who permits his or her license to lapse shall be
624 notified by the board within fifteen (15) days of such lapse.

625 (vii) Any person practicing as a licensed
626 practical nurse during the time his or her license has lapsed
627 shall be considered an illegal practitioner and shall be subject
628 to the penalties provided for violation of this chapter, provided
629 the licensed practical nurse has not submitted the required
630 reinstatement form and fees within fifteen (15) days after
631 notification by the board of such lapse.

632 **SECTION 7.** Section 73-15-29, Mississippi Code of 1972, is
633 amended as follows:

634 73-15-29. (1) The board shall have power to revoke, suspend
635 or refuse to renew any license issued by the board, or to revoke
636 or suspend any privilege to practice, or to deny an application
637 for a license, or to fine, place on probation and/or discipline a
638 licensee, in any manner specified in this chapter, upon proof that
639 such person:

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

642 (b) Has been convicted of felony, or a crime involving
643 moral turpitude or has had accepted by a court a plea of nolo
644 contendere to a felony or a crime involving moral turpitude (a
645 certified copy of the judgment of the court of competent
646 jurisdiction of such conviction or pleas shall be prima facie
647 evidence of such conviction);

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

651 (d) Has had a license or privilege to practice as a
652 registered nurse or a licensed practical nurse suspended or
653 revoked in any jurisdiction, has voluntarily surrendered such
654 license or privilege to practice in any jurisdiction, has been
655 placed on probation as a registered nurse or licensed practical
656 nurse in any jurisdiction or has been placed under a disciplinary
657 order(s) in any manner as a registered nurse or licensed practical
658 nurse in any jurisdiction, (a certified copy of the order of
659 suspension, revocation, probation or disciplinary action shall be
660 prima facie evidence of such action);

661 (e) Has negligently or willfully practiced nursing in a
662 manner that fails to meet generally accepted standards of such
663 nursing practice;

664 (f) Has negligently or willfully violated any order,
665 rule or regulation of the board pertaining to nursing practice or
666 licensure;

667 (g) Has falsified or in a repeatedly negligent manner
668 made incorrect entries or failed to make essential entries on
669 records;

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

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

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

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

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

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

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

692 (a) Denying application for a license or other
693 authorization to practice nursing or practical nursing;

694 (b) Administering a reprimand;

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

698 (d) Revoking the license or other authorization to
699 practice nursing or practical nursing;

700 (e) Requiring the discipline to submit to care,
701 counseling or treatment by persons and/or agencies approved or
702 designated by the board as a condition for initial, continued or
703 renewed licensure or other authorization to practice nursing or
704 practical nursing;

705 (f) Requiring the discipline to participate in a
706 program of education prescribed by the board as a condition for
707 initial, continued or renewed licensure or other authorization to
708 practice;

709 (g) Requiring the discipline to practice under the
710 supervision of a registered nurse for a specified period of time;
711 or

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

714 (3) In addition to the grounds specified in subsection (1)
715 of this section, the board shall be authorized to suspend the
716 license or privilege to practice of any licensee for being out of
717 compliance with an order for support, as defined in Section
718 93-11-153. The procedure for suspension of a license or privilege
719 to practice for being out of compliance with an order for support,
720 and the procedure for the reissuance or reinstatement of a license
721 or privilege to practice suspended for that purpose, and the
722 payment of any fees for the reissuance or reinstatement of a
723 license or privilege to practice suspended for that purpose, shall
724 be governed by Section 93-11-157 or 93-11-163, as the case may be.
725 If there is any conflict between any provision of Section
726 93-11-157 or 93-11-163 and any provision of this chapter, the

727 provisions of Section 93-11-157 or 93-11-163, as the case may be,
728 shall control.

729 **SECTION 8.** Section 73-15-33, Mississippi Code of 1972, is
730 amended as follows:

731 73-15-33. It is unlawful for any person, including a
732 corporation or association, to:

733 (a) Sell, fraudulently obtain or furnish any nursing
734 diploma, license, renewal of license, or record, or to aid or abet
735 therein;

736 (b) Practice nursing as defined by this chapter under
737 cover of any diploma, license, renewal of license, or record
738 illegally or fraudulently obtained or signed or issued unlawfully
739 or under fraudulent representation;

740 (c) Practice or offer to practice nursing as defined by
741 this chapter unless duly licensed or privileged to practice under
742 the provisions of this chapter;

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

747 (e) Practice as a registered nurse or a licensed
748 practical nurse during the time his or her license or privilege to
749 practice issued under the provisions of this chapter is under
750 suspension or revocation;

751 (f) Conduct a nursing education program for the
752 preparation of registered nurses, unless the program has been
753 accredited by the Board of Trustees of State Institutions of
754 Higher Learning, or conduct a nursing education program for the
755 preparation of licensed practical nurses unless the program has
756 been accredited by the Department of Education through the
757 Division of Vocational Education;

758 (g) Willfully employ unlicensed persons or persons not
759 holding the privilege to practice, to practice as registered
760 nurses or licensed practical nurses; or

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

763 Any person, firm or corporation who violates any provisions
764 of this chapter shall be guilty of a misdemeanor and, upon
765 conviction thereof, shall be punished by a fine not less than One
766 Hundred Dollars (\$100.00) nor more than Two Thousand Dollars
767 (\$2,000.00) or by imprisonment in the county jail for not less
768 than twelve (12) months, or by both such fine and imprisonment.
769 It shall be necessary to prove, in any prosecution under this
770 chapter, only a single act prohibited by law, or a single holding
771 out or an attempt without proving a general course of conduct in
772 order to constitute a violation. Each violation may constitute a
773 separate offense. It shall be the duty of the Attorney General to
774 advise with the board in preparing charges, to assist in
775 conducting board disciplinary hearings, to provide assistance with
776 appropriate affidavits and other charges for filing in the
777 appropriate court, and to assist the county or district attorney
778 in prosecution, if any.

779 **SECTION 9.** Section 73-15-35, Mississippi Code of 1972, is
780 amended as follows:

781 73-15-35. The practice of nursing as a registered nurse or
782 the practice of nursing as a licensed practical nurse by any
783 person who has not been issued a license or who does not hold the
784 privilege to practice under the provisions of this chapter, or
785 whose license or privilege to practice has been suspended or
786 revoked, or has expired and not been reinstated, or has
787 negligently or willfully practiced nursing in a manner that fails
788 to meet generally accepted standards of such nursing practice, is
789 declared to be a danger to the public health and welfare and shall
790 be enjoined through appropriate court action. In addition to and

791 not in lieu of any other civil, criminal or disciplinary remedy,
792 the Attorney General, the Board of Nursing or the prosecuting
793 attorney of any county where a person is practicing or purporting
794 to practice as a registered nurse or as a licensed practical nurse
795 in violation of this chapter may, in accordance with the laws of
796 this state governing injunctions, maintain an action to enjoin
797 that person from practicing as a registered nurse or a licensed
798 practical nurse until in compliance with this chapter. The court
799 may issue a temporary injunction without notice or without bond
800 enjoining a defendant from further practicing as a registered
801 nurse or a licensed practical nurse. If it is established to the
802 satisfaction of the court that the defendant has been or is
803 practicing as a registered nurse or a licensed practical nurse
804 without being licensed or privileged to practice and in good
805 standing as provided herein, the court may enter a decree
806 perpetually enjoining the defendant from such further activities,
807 and a subsequent violation of which may be considered as contempt
808 of court by any court of competent jurisdiction. Such injunction
809 and contempt proceedings may be in addition to and not in lieu of
810 any other penalties and remedies provided by this chapter.

811 **SECTION 10.** This act shall take effect and be in force from
812 and after July 1, 2004.