

By: Representatives Coleman (65th), Hines

To: Public Health and Human Services

HOUSE BILL NO. 1260  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REQUIREMENT THAT CERTAIN REGULATIONS RELATING TO THE  
3 PRACTICE OF NURSING SHALL BE JOINTLY PROMULGATED BY THE STATE  
4 BOARD OF NURSING AND THE STATE BOARD OF MEDICAL LICENSURE; TO  
5 DEFINE THE TERM "ADVANCE PRACTICE REGISTERED NURSE" FOR THE  
6 PURPOSES OF THE NURSING PRACTICE LAW; TO CREATE NEW SECTION  
7 73-15-20, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE  
8 QUALIFICATIONS FOR THE LICENSURE OF ADVANCE PRACTICE REGISTERED  
9 NURSES; TO PRESCRIBE THE PRACTICE REQUIREMENTS FOR ADVANCE  
10 PRACTICE REGISTERED NURSES; TO AMEND SECTION 83-41-213,  
11 MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT CERTIFIED  
12 NURSE PRACTITIONERS SHALL BE UNDER THE SUPERVISION OF A LICENSED  
13 PHYSICIAN FOR INSURANCE REIMBURSEMENT PURPOSES; AND FOR RELATED  
14 PURPOSES.

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

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

18 [Until July 1, 2010, Section 73-15-5 shall read as follows:]

19 73-15-5. (1) "Board" means the Mississippi Board of  
20 Nursing.

21 (2) The "practice of nursing" by a registered nurse means  
22 the performance for compensation of services which requires  
23 substantial knowledge of the biological, physical, behavioral,  
24 psychological and sociological sciences and of nursing theory as  
25 the basis for assessment, diagnosis, planning, intervention and  
26 evaluation in the promotion and maintenance of health; management  
27 of individuals' responses to illness, injury or infirmity; the  
28 restoration of optimum function; or the achievement of a dignified  
29 death. "Nursing practice" includes, but is not limited to,  
30 administration, teaching, counseling, delegation and supervision  
31 of nursing, and execution of the medical regimen, including the  
32 administration of medications and treatments prescribed by any



33 licensed or legally authorized physician or dentist. The  
34 foregoing shall not be deemed to include acts of medical diagnosis  
35 or prescriptions of medical, therapeutic or corrective measures,  
36 except as may be set forth by rules and regulations  
37 promulgated \* \* \* and implemented by the Mississippi Board of  
38 Nursing.

39 (3) "Clinical nurse specialist practice" by a certified  
40 clinical nurse specialist means the delivery of advanced practice  
41 nursing care to individuals or groups using advanced diagnostic  
42 and assessment skills to manage and improve the health status of  
43 individuals and families; diagnose human responses to actual or  
44 potential health problems; plan for health promotion, disease  
45 prevention, and therapeutic intervention in collaboration with the  
46 patient or client; implement therapeutic interventions based on  
47 the nurse specialist's area of expertise and within the scope of  
48 advanced nursing practice, including, but not limited to, direct  
49 patient care, counseling, teaching, collaboration with other  
50 licensed health care providers; and, coordination of health care  
51 as necessary and appropriate and evaluation of the effectiveness  
52 of care.

53 (4) "Advanced nursing practice" means, in addition to the  
54 practice of professional nursing, the performance of  
55 advanced-level nursing approved by the board which, by virtue of  
56 graduate education and experience are appropriately performed by  
57 an advanced practice registered nurse. The advanced practice  
58 registered nurse may diagnose, treat and manage medical  
59 conditions. This may include prescriptive authority as identified  
60 by the board. Advanced practice registered nurses must practice  
61 in a collaborative/consultative relationship with a physician or  
62 dentist with an unrestricted license to practice in the State of  
63 Mississippi and advanced nursing must be performed within the  
64 framework of a standing protocol or practice guidelines, as  
65 appropriate.



66       (5) The "practice of nursing" by a licensed practical nurse  
67 means the performance for compensation of services requiring basic  
68 knowledge of the biological, physical, behavioral, psychological  
69 and sociological sciences and of nursing procedures which do not  
70 require the substantial skill, judgment and knowledge required of  
71 a registered nurse. These services are performed under the  
72 direction of a registered nurse or a licensed physician or  
73 licensed dentist and utilize standardized procedures in the  
74 observation and care of the ill, injured and infirm; in the  
75 maintenance of health; in action to safeguard life and health; and  
76 in the administration of medications and treatments prescribed by  
77 any licensed physician or licensed dentist authorized by state law  
78 to prescribe. On a selected basis, and within safe limits, the  
79 role of the licensed practical nurse shall be expanded by the  
80 board under its rule-making authority to more complex procedures  
81 and settings commensurate with additional preparation and  
82 experience.

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

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

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

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

97       (10) A "clinical nurse specialist" is a person licensed or  
98 holds the privilege to practice under this article in this state



99 to practice professional nursing and who in this state practices  
100 advanced nursing as defined herein. "C.N.S." is the abbreviation  
101 for the title of Clinical Nurse Specialist.

102 (11) An "advance practice registered nurse" is a person who  
103 is licensed or holds the privilege to practice under this article  
104 and who is certified in advanced practice registered nurse or  
105 specialized nursing practice and includes certified registered  
106 nurse midwives, certified registered nurse anesthetists and  
107 certified nurse practitioners. "C.N.M" is the abbreviation for  
108 the title of Certified Nurse Midwife, "C.R.N.A." is the  
109 abbreviation for the title of Certified Registered Nurse  
110 Anesthetist. "C.N.P." is the abbreviation for the title of  
111 Certified Nurse Practitioner.

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

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

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

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



131 **[From and after July 1, 2010, Section 73-15-5 shall read as**  
132 **follows:]**

133 73-15-5. (1) "Board" means the Mississippi Board of  
134 Nursing.

135 (2) The "practice of nursing" by a registered nurse means  
136 the performance for compensation of services which require  
137 substantial knowledge of the biological, physical, behavioral,  
138 psychological and sociological sciences and of nursing theory as  
139 the basis for assessment, diagnosis, planning, intervention and  
140 evaluation in the promotion and maintenance of health; management  
141 of individuals' responses to illness, injury or infirmity; the  
142 restoration of optimum function; or the achievement of a dignified  
143 death. "Nursing practice" includes, but is not limited to,  
144 administration, teaching, counseling, delegation and supervision  
145 of nursing, and execution of the medical regimen, including the  
146 administration of medications and treatments prescribed by any  
147 licensed or legally authorized physician or dentist. The  
148 foregoing shall not be deemed to include acts of medical diagnosis  
149 or prescriptions of medical, therapeutic or corrective measures,  
150 except as may be set forth by rules and regulations promulgated  
151 jointly by the State Board of Medical Licensure and the  
152 Mississippi Board of Nursing and implemented by the Mississippi  
153 Board of Nursing.

154 (3) The "practice of nursing" by a licensed practical nurse  
155 means the performance for compensation of services requiring basic  
156 knowledge of the biological, physical, behavioral, psychological  
157 and sociological sciences and of nursing procedures which do not  
158 require the substantial skill, judgment and knowledge required of  
159 a registered nurse. These services are performed under the  
160 direction of a registered nurse or a licensed physician or  
161 licensed dentist and utilize standardized procedures in the  
162 observation and care of the ill, injured and infirm; in the  
163 maintenance of health; in action to safeguard life and health; and



164 in the administration of medications and treatments prescribed by  
165 any licensed physician or licensed dentist authorized by state law  
166 to prescribe. On a selected basis, and within safe limits, the  
167 role of the licensed practical nurse shall be expanded by the  
168 board under its rule-making authority to more complex procedures  
169 and settings commensurate with additional preparation and  
170 experience.

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

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

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

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

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

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



196 family member who holds vested interests in the provision of  
197 health services at any level.

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

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

204 **SECTION 2.** The following shall be codified as Section  
205 73-15-20, Mississippi Code of 1972:

206 73-15-20. (1) **Advanced practice registered nurses.** Any  
207 nurse desiring to be certified as an advanced practice registered  
208 nurse shall apply to the board and submit proof that he or she  
209 holds a current license to practice professional nursing and that  
210 he or she meets one or more of the following requirements:

211 (a) Satisfactory completion of a formal post-basic  
212 educational program of at least one (1) academic year, the primary  
213 purpose of which is to prepare nurses for advanced or specialized  
214 practice.

215 (b) Certification by a board-approved certifying body.  
216 Such certification shall be required for initial state  
217 certification and any recertification as a registered nurse  
218 anesthetist, nurse practitioner or nurse midwife. The board may  
219 by rule provide for provisional or temporary state certification  
220 of graduate nurse practitioners for a period of time determined to  
221 be appropriate for preparing and passing the National  
222 Certification Examination. Those with provisional or temporary  
223 certifications must practice under the direct supervision of a  
224 licensed physician or a certified nurse practitioner or certified  
225 nurse midwife with at least five (5) years of experience.

226 (c) Graduation from a program leading to a master's or  
227 post-master's degree in a nursing clinical specialty area with  
228 preparation in specialized practitioner skills.



229           (2) **Rulemaking.** The board shall provide by rule the  
230 appropriate requirements for advanced practice registered nurses  
231 in the categories of certified registered nurse anesthetist,  
232 certified nurse midwife and advance practice registered nurse.

233           (3) **Collaboration.** An advanced practice registered nurse  
234 shall perform those functions authorized in this section within a  
235 collaborative/consultative relationship with a dentist or  
236 physician with an unrestricted license to practice dentistry or  
237 medicine in this state and within an established protocol or  
238 practice guidelines, as appropriate, that is filed with the board  
239 upon license application, license renewal, after entering into a  
240 new collaborative/consultative relationship or making changes to  
241 the protocol or practice guidelines or practice site. The board  
242 shall review and approve the protocol to ensure compliance with  
243 applicable regulatory standards. The advanced practice registered  
244 nurse may not practice as an APRN if there is no  
245 collaborative/consultative relationship with a physician or  
246 dentist and a board-approved protocol or practice guidelines.

247           (4) **Renewal.** The board shall renew a license for an  
248 advanced practice registered nurse upon receipt of the renewal  
249 application, fees and protocol or practice guidelines. The board  
250 shall adopt rules establishing procedures for license renewals.  
251 The board shall by rule prescribe continuing education  
252 requirements for advanced practice nurses not to exceed forty (40)  
253 hours biennially as a condition for renewal of a license or  
254 certificate.

255           (5) **Reinstatement.** Advanced practice registered nurses may  
256 reinstate a lapsed privilege to practice upon submitting  
257 documentation of a current active license to practice professional  
258 nursing, a reinstatement application and fee, a protocol or  
259 practice guidelines, documentation of current certification as an  
260 advanced practice nurse in a designated area of practice by a  
261 national certification organization recognized by the board and





262 documentation of at least forty (40) hours of continuing education  
263 related to the advanced clinical practice of the nurse  
264 practitioner within the previous two-year period. The board shall  
265 adopt rules establishing the procedure for reinstatement.

266 (6) **Changes in status.** The advanced practice registered  
267 nurse shall notify the board immediately regarding changes in the  
268 collaborative/consultative relationship with a licensed physician  
269 or dentist. If changes leave the advanced practice registered  
270 nurse without a board-approved collaborative/consultative  
271 relationship with a physician or dentist, the advanced practice  
272 nurse may not practice as an advanced practice registered nurse.

273 (7) **Practice requirements.** The advanced practice registered  
274 nurse shall practice:

275 (a) According to standards and guidelines of the  
276 National Certification Organization.

277 (b) In a collaborative/consultative relationship with a  
278 licensed physician whose practice is compatible with that of the  
279 nurse practitioner. Certified registered nurse anesthetists may  
280 collaborate/consult with licensed dentists. The advanced practice  
281 nurse must be able to communicate reliably with a  
282 collaborating/consulting physician or dentist while practicing.

283 (c) According to a board-approved protocol or practice  
284 guidelines.

285 (d) Advanced practice registered nurses practicing as  
286 nurse anesthetists must practice according to board-approved  
287 practice guidelines that address pre-anesthesia preparation and  
288 evaluation; anesthesia induction, maintenance, and emergence;  
289 post-anesthesia care; peri-anesthetic and clinical support  
290 functions.

291 (e) Advanced practice registered nurses practicing in  
292 other specialty areas must practice according to a board-approved  
293 protocol that has been mutually agreed upon by the nurse  
294 practitioner and a Mississippi licensed physician or dentist whose



295 practice or prescriptive authority is not limited as a result of  
296 voluntary surrender or legal/regulatory order.

297 (f) Each collaborative/consultative relationship shall  
298 include and implement a formal quality assurance/quality  
299 improvement program which shall be maintained on site and shall be  
300 available for inspection by representatives of the board. This  
301 quality assurance/quality improvement program must be sufficient  
302 to provide a valid evaluation of the practice and be a valid basis  
303 for change, if any.

304 (g) Nurse practitioners may not write prescriptions  
305 for, dispense or order the use of or administration of any  
306 schedule of controlled substances except as contained in this  
307 chapter.

308 (8) **Prescribing controlled substances and medications.**  
309 Certified nurse midwives and certified nurse practitioners may  
310 apply for controlled substance prescriptive authority after  
311 completing a board-approved educational program. Certified nurse  
312 midwives and certified nurse practitioners who have completed the  
313 program and received prescription authority from the board may  
314 prescribe Schedules II-V. The words "administer," "controlled  
315 substances" and "ultimate user," shall have the same meaning as  
316 set forth in Section 41-29-105, unless the context otherwise  
317 requires. The board shall promulgate rules governing prescribing  
318 of controlled substances, including distribution, record keeping,  
319 drug maintenance, labeling and distribution requirements and  
320 prescription guidelines for controlled substances and all  
321 medications. Prescribing any controlled substance in violation of  
322 the rules promulgated by the board shall constitute a violation of  
323 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for  
324 disciplinary action. The prescribing, administering or  
325 distributing of any legend drug or other medication in violation  
326 of the rules promulgated by the board shall constitute a violation



327 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for  
328 disciplinary action.

329 (9) Section 73-15-20 shall stand repealed from and after  
330 July 1, 2010.

331 **SECTION 3.** Section 83-41-213, Mississippi Code of 1972, is  
332 amended as follows:

333 **[Until July 1, 2010, Section 83-41-213 shall read as**  
334 **follows:]**

335 83-41-213. \* \* \* From and after January 1, 1999, whenever  
336 any policy of insurance or any medical service plan or hospital  
337 service contract or hospital and medical service contract issued,  
338 delivered, administered, continued or renewed in this state  
339 provides for reimbursement for any service which is within the  
340 lawful scope of practice of a duly certified nurse  
341 practitioner \* \* \* as provided for by rules and regulations  
342 implemented by the Mississippi Board of Nursing under Section  
343 73-15-5(2), the insured or other person entitled to benefits under  
344 such policy shall be entitled to reimbursement for such services,  
345 whether such services are performed by a duly licensed physician  
346 or by a duly certified nurse practitioner \* \* \*, notwithstanding  
347 any provision to the contrary in any statute or in such policy,  
348 plan or contract. Duly certified nurse practitioners shall be  
349 entitled to participate in such policies, plans or contracts  
350 providing for the services of nurse practitioners \* \* \*, as  
351 authorized by the rules and regulations implemented by the  
352 Mississippi Board of Nursing under Section 73-15-5(2).  
353 Reimbursement shall be based on services rendered by a duly  
354 certified nurse practitioner.

355 It is the intent of the Legislature by this section to  
356 provide for increased access of health delivery services to the  
357 underserved \* \* \*.

358 \* \* \*



359 **[From and after July 1, 2010, Section 83-41-213 shall read as**  
360 **follows:]**

361 83-41-213. (1) From and after January 1, 1999, whenever any  
362 policy of insurance or any medical service plan or hospital  
363 service contract or hospital and medical service contract issued,  
364 delivered, administered, continued or renewed in this state  
365 provides for reimbursement for any service which is within the  
366 lawful scope of practice of a duly certified nurse practitioner  
367 working under the supervision of a duly licensed physician as  
368 provided for by rules and regulations implemented by the  
369 Mississippi Board of Nursing under Section 73-15-5(2), the insured  
370 or other person entitled to benefits under such policy shall be  
371 entitled to reimbursement for such services, whether such services  
372 are performed by a duly licensed physician or by a duly certified  
373 nurse practitioner working under the supervision of a duly  
374 licensed physician, notwithstanding any provision to the contrary  
375 in any statute or in such policy, plan or contract. Duly  
376 certified nurse practitioners shall be entitled to participate in  
377 such policies, plans or contracts providing for the services of  
378 nurse practitioners working under the supervision of a duly  
379 licensed physician, as authorized by the rules and regulations  
380 implemented by the Mississippi Board of Nursing under Section  
381 73-15-5(2). Reimbursement shall be based on services rendered by  
382 a duly certified nurse practitioner.

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

390 (2) Any action taken to prohibit nurses from practicing in a  
391 manner consistent with Section 73-15-1 et seq., including any



392 limitation on clinical privileging or performing other activities  
393 consistent with standards of nursing practice, is prohibited. Any  
394 rules or regulations that impact the practice of nurse  
395 practitioners shall hereafter be jointly promulgated by the  
396 Mississippi Board of Nursing and the State Board of Medical  
397 Licensure.

398         **SECTION 4.** This act shall take effect and be in force from  
399 and after July 1, 2009.

