

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 694

1 AN ACT TO AMEND SECTIONS 73-15-19 AND 73-15-21, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A REGISTERED
3 NURSE OR LICENSED PRACTICAL NURSE TO UNDERGO A FINGERPRINT-BASED
4 CRIMINAL HISTORY CHECK; TO AMEND SECTION 73-15-17, MISSISSIPPI
5 CODE OF 1972, TO AUTHORIZE THE BOARD OF NURSING, UPON REASONABLE
6 SUSPICION THAT A LICENSEE HAS VIOLATED ANY STATUTORY GROUND FOR
7 DENIAL OF LICENSURE OR IS GUILTY OF ANY OF CERTAIN OFFENSES, TO
8 REQUIRE THE LICENSEE TO UNDERGO A FINGERPRINT-BASED CRIMINAL
9 HISTORY RECORDS CHECK IN THE SAME MANNER AS REQUIRED FOR
10 APPLICANTS FOR LICENSURE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 73-15-19, Mississippi Code of 1972, is
13 amended as follows:

14 73-15-19. (1) **Registered nurse applicant qualifications.**

15 Any applicant for a license to practice as a registered nurse
16 shall submit to the board:

17 (a) An attested written application on a Board of
18 Nursing form;

19 (b) Written official evidence of completion of a
20 nursing program approved by the Board of Trustees of State
21 Institutions of Higher Learning, or one approved by a legal
22 accrediting agency of another state, territory or possession of
23 the United States, the District of Columbia, or a foreign country
24 which is satisfactory to this board;

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

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

28 In addition to the requirements specified in paragraphs (a)
29 through (d) of this subsection, in order to qualify for a license
30 to practice as a registered nurse, an applicant must have



31 successfully been cleared for licensure through an investigation
32 that shall consist of a determination as to good moral character
33 and verification that the prospective licensee is not guilty of or
34 in violation of any statutory ground for denial of licensure as
35 set forth in Section 73-15-29 or guilty of any offense specified
36 in Section 73-15-33. To assist the board in conducting its
37 licensure investigation, all applicants shall undergo a
38 fingerprint-based criminal history records check of the
39 Mississippi central criminal database and the Federal Bureau of
40 Investigation criminal history database. Each applicant shall
41 submit a full set of his or her fingerprints in a form and manner
42 prescribed by the board, which shall be forwarded to the
43 Mississippi Department of Public Safety (department) and the
44 Federal Bureau of Investigation Identification Division for this
45 purpose.

46 Any and all state or national criminal history records
47 information obtained by the board that is not already a matter of
48 public record shall be deemed nonpublic and confidential
49 information restricted to the exclusive use of the board, its
50 members, officers, investigators, agents and attorneys in
51 evaluating the applicant's eligibility or disqualification for
52 licensure, and shall be exempt from the Mississippi Public Records
53 Act of 1983. Except when introduced into evidence in a hearing
54 before the board to determine licensure, no such information or
55 records related thereto shall, except with the written consent of
56 the applicant or by order of a court of competent jurisdiction, be
57 released or otherwise disclosed by the board to any other person
58 or agency.

59 The board shall provide to the department the fingerprints of
60 the applicant, any additional information that may be required by
61 the department, and a form signed by the applicant consenting to
62 the check of the criminal records and to the use of the



63 fingerprints and other identifying information required by the
64 state or national repositories.

65 The board shall charge and collect from the applicant, in
66 addition to all other applicable fees and costs, such amount as
67 may be incurred by the board in requesting and obtaining state and
68 national criminal history records information on the applicant.

69 The board may, in its discretion, refuse to accept the
70 application of any person who has been convicted of a criminal
71 offense under any provision of Title 97 of the Mississippi Code of
72 1972, as now or hereafter amended, or any provision of this
73 article.

74 (2) **Licensure by examination.** (a) Upon the board being
75 satisfied that an applicant for a license as a registered nurse
76 has met the qualifications set forth in subsection (1) of this
77 section, the board shall proceed to examine such applicant in such
78 subjects as the board shall, in its discretion, determine. The
79 subjects in which applicants shall be examined shall be in
80 conformity with curricula in schools of nursing approved by the
81 Board of Trustees of State Institutions of Higher Learning, or one
82 approved by a legal accrediting agency of another state, territory
83 or possession of the United States, the District of Columbia, or a
84 foreign country which is satisfactory to the board.

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

87 (c) Upon successful completion of such examination, the
88 board shall issue to the applicant a license to practice as a
89 registered nurse.

90 (d) The board may use any part or all of the state
91 board test pool examination for registered nurse licensure, its
92 successor examination, or any other nationally standardized
93 examination identified by the board in its rules. The passing
94 score shall be established by the board in its rules.



95 (3) **Licensure by endorsement.** The board may issue a license
96 to practice nursing as a registered nurse without examination to
97 an applicant who has been duly licensed as a registered nurse
98 under the laws of another state, territory or possession of the
99 United States, the District of Columbia, or a foreign country if,
100 in the opinion of the board, the applicant meets the
101 qualifications required of licensed registered nurses in this
102 state and has previously achieved the passing score or scores on
103 the licensing examination required by this state, at the time of
104 his or her graduation.

105 (4) **Requirements for rewriting the examination.** The board
106 shall establish in its rules the requirements for rewriting the
107 examination for those persons failing the examination on the first
108 writing or subsequent rewriting.

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

113 (6) **Temporary permit.** (a) The board may issue a temporary
114 permit to practice nursing to a graduate of an approved school of
115 nursing pending the results of the examination in Mississippi, and
116 to a qualified applicant from another state, territory or
117 possession of the United States, or District of Columbia, or
118 pending licensure procedures as provided for elsewhere in this
119 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

120 (b) The board may issue a temporary permit for a period
121 of ninety (90) days to a registered nurse who is currently
122 licensed in another state, territory or possession of the United
123 States or the District of Columbia and who is an applicant for
124 licensure by endorsement. Such permit is not renewable except by
125 board action.

126 (c) The board may issue a temporary permit to a
127 graduate of an approved school of nursing pending the results of



128 the first licensing examination scheduled after application. Such
129 permit is not renewable except by board action.

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

135 (e) The board may adopt such regulations as are
136 necessary to limit the practice of persons to whom temporary
137 permits are issued.

138 (7) **Temporary license.** The board may issue a temporary
139 license to practice nursing at a youth camp licensed by the State
140 Board of Health to nonresident registered nurses and retired
141 resident registered nurses under the provisions of Section
142 75-74-8.

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

149 (9) **Registered nurses licensed under a previous law.** Any
150 person holding a license to practice nursing as a registered nurse
151 issued by this board which is valid on July 1, 1981, shall
152 thereafter be deemed to be licensed as a registered nurse under
153 the provisions of this article upon payment of the fee provided in
154 Section 73-15-27.

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

158 **SECTION 2.** Section 73-15-21, Mississippi Code of 1972, is
159 amended as follows:



160 73-15-21. (1) **Licensed practical nurse applicant**
161 **qualifications.** Any applicant for a license to practice practical
162 nursing as a licensed practical nurse shall submit to the board:

163 (a) An attested written application on a Board of
164 Nursing form;

165 (b) A diploma from an approved high school or the
166 equivalent thereof, as determined by the appropriate educational
167 agency;

168 (c) Written official evidence of completion of a
169 practical nursing program approved by the State Department of
170 Education through its Division of Vocational Education, or one
171 approved by a legal accrediting agency of another state, territory
172 or possession of the United States, the District of Columbia, or a
173 foreign country which is satisfactory to this board;

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

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

177 In addition to the requirements specified in paragraphs (a)
178 through (e) of this subsection, in order to qualify for a license
179 to practice practical nursing as a licensed practical nurse, an
180 applicant must have successfully been cleared for licensure
181 through an investigation that shall consist of a determination as
182 to good moral character and verification that the prospective
183 licensee is not guilty of or in violation of any statutory ground
184 for denial of licensure as set forth in Section 73-15-29 or guilty
185 of any offense specified in Section 73-15-33. To assist the board
186 in conducting its licensure investigation, all applicants shall
187 undergo a fingerprint-based criminal history records check of the
188 Mississippi central criminal database and the Federal Bureau of
189 Investigation criminal history database. Each applicant shall
190 submit a full set of his or her fingerprints in a form and manner
191 prescribed by the board, which shall be forwarded to the
192 Mississippi Department of Public Safety (department) and the



193 Federal Bureau of Investigation Identification Division for this
194 purpose.

195 Any and all state or national criminal history records
196 information obtained by the board that is not already a matter of
197 public record shall be deemed nonpublic and confidential
198 information restricted to the exclusive use of the board, its
199 members, officers, investigators, agents and attorneys in
200 evaluating the applicant's eligibility or disqualification for
201 licensure, and shall be exempt from the Mississippi Public Records
202 Act of 1983. Except when introduced into evidence in a hearing
203 before the board to determine licensure, no such information or
204 records related thereto shall, except with the written consent of
205 the applicant or by order of a court of competent jurisdiction, be
206 released or otherwise disclosed by the board to any other person
207 or agency.

208 The board shall provide to the department the fingerprints of
209 the applicant, any additional information that may be required by
210 the department, and a form signed by the applicant consenting to
211 the check of the criminal records and to the use of the
212 fingerprints and other identifying information required by the
213 state or national repositories.

214 The board shall charge and collect from the applicant, in
215 addition to all other applicable fees and costs, such amount as
216 may be incurred by the board in requesting and obtaining state and
217 national criminal history records information on the applicant.

218 The board may, in its discretion, refuse to accept the
219 application of any person who has been convicted of a criminal
220 offense under any provision of Title 97 of the Mississippi Code of
221 1972, as now or hereafter amended, or any provision of this
222 article.

223 (2) **Licensure by examination.** (a) Upon the board being
224 satisfied that an applicant for a license as a practical nurse has
225 met the qualifications set forth in subsection (1) of this



226 section, the board shall proceed to examine such applicant in such
227 subjects as the board shall, in its discretion, determine. The
228 subjects in which applicants shall be examined shall be in
229 conformity with curricula in schools of practical nursing approved
230 by the State Department of Education.

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

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

236 (d) The board may use any part or all of the state
237 board test pool examination for practical nurse licensure, its
238 successor examination, or any other nationally standardized
239 examination identified by the board in its rules. The passing
240 score shall be established by the board in its rules.

241 (3) **Licensure by endorsement.** The board may issue a license
242 to practice practical nursing as a licensed practical nurse
243 without examination to an applicant who has been duly licensed as
244 a licensed practical nurse under the laws of another state,
245 territory or possession of the United States, the District of
246 Columbia, or a foreign country if, in the opinion of the board,
247 the applicant meets the qualifications required of licensed
248 practical nurses in this state and has previously achieved the
249 passing score or scores on the licensing examination required by
250 this state at the time of his or her graduation.

251 (4) **Licensure by equivalent amount of theory and clinical**
252 **experience.** In the discretion of the board, former students of a
253 state accredited school preparing students to become registered
254 nurses may be granted permission to take the examination for
255 licensure to practice as a licensed practical nurse, provided the
256 applicant's record or transcript indicates the former student
257 completed an equivalent amount of theory and clinical experiences
258 as required of a graduate of a practical nursing program, and



259 provided the school attended was, at the time of the student's
260 attendance, an accredited school of nursing.

261 (5) **Requirements for rewriting the examination.** The board
262 shall establish in its rules the requirements for rewriting the
263 examination for those persons failing the examination on the first
264 writing or subsequent writing.

265 (6) **Fee.** The applicant applying for a license by
266 examination or by endorsement to practice as a licensed practical
267 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
268 board.

269 (7) **Temporary permit.** (a) The board may issue a temporary
270 permit to practice practical nursing to a graduate of an approved
271 school of practical nursing pending the results of the examination
272 in Mississippi, and to a qualified applicant from another state,
273 territory or possession of the United States, or the District of
274 Columbia, pending licensing procedures as provided for elsewhere
275 in this article. The fee shall not exceed Twenty-five Dollars
276 (\$25.00).

277 (b) The board may issue a temporary permit for a period
278 of ninety (90) days to a licensed practical nurse who is currently
279 licensed in another state, territory or possession of the United
280 States or the District of Columbia and who is an applicant for
281 licensure by endorsement. Such permit is not renewable except by
282 board action.

283 (c) The board may issue a temporary permit to a
284 graduate of an approved practical nursing education program or an
285 equivalent program satisfactory to the board pending the results
286 of the first licensing examination scheduled after application.
287 Such permit is not renewable except by board action.

288 (d) The board may issue a temporary permit for a period
289 of thirty (30) days to any licensed practical nurse during the
290 time enrolled in a nursing reorientation program. This time



291 period may be extended by board action. The fee shall not exceed
292 Twenty-five Dollars (\$25.00).

293 (e) The board may adopt such regulations as are
294 necessary to limit the practice of persons to whom temporary
295 permits are issued.

296 (8) **Title and abbreviation.** Any person who holds a license
297 or holds the privilege to practice as a licensed practical nurse
298 in this state shall have the right to use the title "licensed
299 practical nurse" and the abbreviation "L.P.N." No other person
300 shall assume such title or use such abbreviation, or any words,
301 letters, signs or devices to indicate that a person using the same
302 is a licensed practical nurse.

303 (9) **Licensed practical nurses licensed under a previous law.**
304 Any person holding a license to practice nursing as a practical
305 nurse issued by this board which is valid on July 1, 1981, shall
306 thereafter be deemed to be licensed as a practical nurse under the
307 provisions of this article upon payment of the fee prescribed in
308 Section 73-15-27.

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

312 **SECTION 3.** Section 73-15-17, Mississippi Code of 1972, is
313 amended as follows:

314 73-15-17. The Mississippi Board of Nursing is authorized and
315 empowered to:

316 (a) Adopt and from time to time revise such rules and
317 regulations consistent with the law as shall be necessary to
318 govern its proceedings and carry into effect the provisions of
319 this article.

320 (b) Require the secretary to keep records of all
321 meetings of the board and keep a record of all proceedings, and to
322 prepare a register of registered nurses and a register of licensed
323 practical nurses, all nurses appearing thereon to be duly licensed



324 under this article, and which registers shall be open for public
325 inspection at all reasonable times.

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

328 (d) Cause the prosecution of all persons violating the
329 provisions of this article, and incur such necessary expenses
330 therefor.

331 (e) Conduct hearings upon charges calling for
332 discipline of a licensee or revocation of a license or of the
333 privilege to practice.

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

337 (g) Maintain an office in the greater Jackson area for
338 the administration of this article.

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

342 (i) File an annual list of all certificates of
343 registration issued by the board to registered nurses, including
344 addresses of the persons with the Mississippi Nurses' Association;
345 and file a similar list of all certificates of registration issued
346 to licensed practical nurses, including addresses of the persons,
347 with the Mississippi Federation of Licensed Practical Nurses and
348 the Mississippi Licensed Practical Nurses Association.

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

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



357 (l) Examine, license and renew licenses of duly
358 qualified applicants.

359 (m) Appoint and employ a qualified person who shall not
360 be a member of the board to serve as executive director, define
361 the duties, fix the compensation, and delegate to him or her those
362 activities that will expedite the functions of the board. The
363 executive director shall meet all the qualifications for board
364 members, and shall in addition:

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

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

371 (n) Employ, discharge, define duties, and fix
372 compensation of such other persons as may be necessary to carry
373 out the provisions of this article.

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

377 (p) * * * Enter into contracts with any other state or
378 federal agency or with any private person, organization or group
379 capable of contracting, if it finds such action to be in the
380 public interest and in the furtherance of its responsibilities.

381 (q) Upon reasonable suspicion that a holder of a
382 license issued under this article has violated any statutory
383 ground for denial of licensure as set forth in Section 73-15-29 or
384 is guilty of any offense specified in Section 73-15-33, require
385 the license holder to undergo a fingerprint-based criminal history
386 records check of the Mississippi central criminal database and the
387 Federal Bureau of Investigation criminal history database, in the
388 same manner as required for applicants for licensure under
389 Sections 73-15-19(1) and 73-15-21(1).



390 **SECTION 4.** This act shall take effect and be in force from
391 and after July 1, 2010.

