

By: Senator(s) Dearing

To: Public Health and Welfare

SENATE BILL NO. 2557

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

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

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

17 * * *

18 73-15-5. (1) "Board" means the Mississippi Board of
 19 Nursing.

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



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

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

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



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

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

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

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

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

95 (10) A "clinical nurse specialist" is a person who is
96 licensed or holds the privilege to practice under this article in



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

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

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

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

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

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

129 * * *



130 **SECTION 2.** Section 73-15-20, Mississippi Code of 1972, is
131 amended as follows:

132 73-15-20. (1) **Advanced practice registered nurses.** Any
133 nurse desiring to be certified as an advanced practice registered
134 nurse shall apply to the board and submit proof that he or she
135 holds a current license to practice professional nursing and that
136 he or she meets one or more of the following requirements:

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

141 (b) Certification by a board-approved certifying body.
142 Such certification shall be required for initial state
143 certification and any recertification as a registered nurse
144 anesthetist, nurse practitioner or nurse midwife. The board may
145 by rule provide for provisional or temporary state certification
146 of graduate nurse practitioners for a period of time determined to
147 be appropriate for preparing and passing the National
148 Certification Examination. Those with provisional or temporary
149 certifications must practice under the direct supervision of a
150 licensed physician or a certified nurse practitioner or certified
151 nurse midwife with at least five (5) years of experience.

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

155 (2) **Rulemaking.** The board shall provide by rule the
156 appropriate requirements for advanced practice registered nurses
157 in the categories of certified registered nurse anesthetist,
158 certified nurse midwife and advance practice registered nurse.

159 (3) **Collaboration.** An advanced practice registered nurse
160 shall perform those functions authorized in this section within a
161 collaborative/consultative relationship with a dentist or
162 physician with an unrestricted license to practice dentistry or



163 medicine in this state and within an established protocol or
164 practice guidelines, as appropriate, that is filed with the board
165 upon license application, license renewal, after entering into a
166 new collaborative/consultative relationship or making changes to
167 the protocol or practice guidelines or practice site. The board
168 shall review and approve the protocol to ensure compliance with
169 applicable regulatory standards. The advanced practice registered
170 nurse may not practice as an APRN if there is no
171 collaborative/consultative relationship with a physician or
172 dentist and a board-approved protocol or practice guidelines.

173 (4) **Renewal.** The board shall renew a license for an
174 advanced practice registered nurse upon receipt of the renewal
175 application, fees and protocol or practice guidelines. The board
176 shall adopt rules establishing procedures for license renewals.
177 The board shall by rule prescribe continuing education
178 requirements for advanced practice nurses not to exceed forty (40)
179 hours biennially as a condition for renewal of a license or
180 certificate.

181 (5) **Reinstatement.** Advanced practice registered nurses may
182 reinstate a lapsed privilege to practice upon submitting
183 documentation of a current active license to practice professional
184 nursing, a reinstatement application and fee, a protocol or
185 practice guidelines, documentation of current certification as an
186 advanced practice nurse in a designated area of practice by a
187 national certification organization recognized by the board and
188 documentation of at least forty (40) hours of continuing education
189 related to the advanced clinical practice of the nurse
190 practitioner within the previous two-year period. The board shall
191 adopt rules establishing the procedure for reinstatement.

192 (6) **Changes in status.** The advanced practice registered
193 nurse shall notify the board immediately regarding changes in the
194 collaborative/consultative relationship with a licensed physician
195 or dentist. If changes leave the advanced practice registered



196 nurse without a board-approved collaborative/consultative
197 relationship with a physician or dentist, the advanced practice
198 nurse may not practice as an advanced practice registered nurse.

199 (7) **Practice requirements.** The advanced practice registered
200 nurse shall practice:

201 (a) According to standards and guidelines of the
202 National Certification Organization.

203 (b) In a collaborative/consultative relationship with a
204 licensed physician whose practice is compatible with that of the
205 nurse practitioner. Certified registered nurse anesthetists may
206 collaborate/consult with licensed dentists. The advanced practice
207 nurse must be able to communicate reliably with a
208 collaborating/consulting physician or dentist while practicing.

209 (c) According to a board-approved protocol or practice
210 guidelines.

211 (d) Advanced practice registered nurses practicing as
212 nurse anesthetists must practice according to board-approved
213 practice guidelines that address pre-anesthesia preparation and
214 evaluation; anesthesia induction, maintenance, and emergence;
215 post-anesthesia care; peri-anesthetic and clinical support
216 functions.

217 (e) Advanced practice registered nurses practicing in
218 other specialty areas must practice according to a board-approved
219 protocol that has been mutually agreed upon by the nurse
220 practitioner and a Mississippi licensed physician or dentist whose
221 practice or prescriptive authority is not limited as a result of
222 voluntary surrender or legal/regulatory order.

223 (f) Each collaborative/consultative relationship shall
224 include and implement a formal quality assurance/quality
225 improvement program which shall be maintained on site and shall be
226 available for inspection by representatives of the board. This
227 quality assurance/quality improvement program must be sufficient



228 to provide a valid evaluation of the practice and be a valid basis
229 for change, if any.

230 (g) Nurse practitioners may not write prescriptions
231 for, dispense or order the use of or administration of any
232 schedule of controlled substances except as contained in this
233 chapter.

234 (8) **Prescribing controlled substances and medications.**
235 Certified nurse midwives and certified nurse practitioners may
236 apply for controlled substance prescriptive authority after
237 completing a board-approved educational program. Certified nurse
238 midwives and certified nurse practitioners who have completed the
239 program and received prescription authority from the board may
240 prescribe Schedules II-V. The words "administer," "controlled
241 substances" and "ultimate user," shall have the same meaning as
242 set forth in Section 41-29-105, unless the context otherwise
243 requires. The board shall promulgate rules governing prescribing
244 of controlled substances, including distribution, record keeping,
245 drug maintenance, labeling and distribution requirements and
246 prescription guidelines for controlled substances and all
247 medications. Prescribing any controlled substance in violation of
248 the rules promulgated by the board shall constitute a violation of
249 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
250 disciplinary action. The prescribing, administering or
251 distributing of any legend drug or other medication in violation
252 of the rules promulgated by the board shall constitute a violation
253 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
254 disciplinary action.

255 * * *

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

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259 83-41-213. From and after January 1, 1999, whenever any
260 policy of insurance or any medical service plan or hospital



261 service contract or hospital and medical service contract issued,
262 delivered, administered, continued or renewed in this state
263 provides for reimbursement for any service which is within the
264 lawful scope of practice of a duly certified nurse practitioner as
265 provided for by rules and regulations implemented by the
266 Mississippi Board of Nursing under Section 73-15-5(2), the insured
267 or other person entitled to benefits under such policy shall be
268 entitled to reimbursement for such services, whether such services
269 are performed by a duly licensed physician or by a duly certified
270 nurse practitioner, notwithstanding any provision to the contrary
271 in any statute or in such policy, plan or contract. Duly
272 certified nurse practitioners shall be entitled to participate in
273 such policies, plans or contracts providing for the services of
274 nurse practitioners, as authorized by the rules and regulations
275 implemented by the Mississippi Board of Nursing under Section
276 73-15-5(2). Reimbursement shall be based on services rendered by
277 a duly certified nurse practitioner.

278 It is the intent of the Legislature by this section to
279 provide for increased access of health delivery services to the
280 underserved.

281 * * *

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

