

By: Representative Barker

To: Public Health and Human
Services

HOUSE BILL NO. 938

1 AN ACT TO AMEND SECTION 73-15-1, MISSISSIPPI CODE OF 1972, TO
2 CHANGE THE TITLE OF THE MISSISSIPPI NURSING PRACTICE LAW TO THE
3 MISSISSIPPI NURSE PRACTICE LAW; TO AMEND SECTION 73-15-3,
4 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PURPOSE OF THE NURSE
5 PRACTICE LAW; TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972,
6 TO REVISE SEVERAL DEFINITIONS UNDER THE NURSE PRACTICE LAW; TO
7 AMEND SECTION 73-15-7, MISSISSIPPI CODE OF 1972, TO REVISE THE
8 EXCEPTIONS FROM THE NURSE PRACTICE LAW; TO AMEND SECTION 73-15-9,
9 MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE
10 MISSISSIPPI BOARD OF NURSING; TO AMEND SECTION 73-15-11,
11 MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER OF GIVING NOTICE OF
12 SPECIAL MEETINGS OF THE BOARD TO THE MEMBERS; TO AMEND SECTION
13 73-15-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT
14 FUNDS OF THE BOARD BE DEPOSITED IN THE STATE TREASURY; TO AMEND
15 SECTION 73-15-15, MISSISSIPPI CODE OF 1972, TO REVISE THE
16 QUALIFICATIONS FOR MEMBERS OF THE BOARD; TO AMEND SECTION
17 73-15-17, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND
18 DUTIES OF THE BOARD; TO AMEND SECTION 73-15-18, MISSISSIPPI CODE
19 OF 1972, TO REVISE THE COMPOSITION OF THE NURSING WORKFORCE
20 ADVISORY COMMITTEE; TO AMEND SECTION 73-15-19, MISSISSIPPI CODE OF
21 1972, TO REVISE THE LICENSE APPLICATION AND ISSUANCE PROCEDURES
22 FOR REGISTERED NURSES; TO AMEND SECTION 73-15-20, MISSISSIPPI CODE
23 OF 1972, TO REVISE THE LICENSE APPLICATION AND ISSUANCE PROCEDURES
24 FOR ADVANCED PRACTICE REGISTERED NURSES; TO AMEND SECTION
25 73-15-21, MISSISSIPPI CODE OF 1972, TO REVISE THE LICENSE
26 APPLICATION AND ISSUANCE PROCEDURES FOR LICENSED PRACTICAL NURSES;
27 TO BRING FORWARD SECTION 73-15-22, MISSISSIPPI CODE OF 1972, WHICH
28 IS THE NURSE LICENSURE COMPACT, FOR AMENDMENT; TO AMEND SECTION
29 73-15-23, MISSISSIPPI CODE OF 1972, TO CLARIFY A REFERENCE TO THE
30 NURSE LICENSURE COMPACT ADMINISTRATOR; TO REPEAL SECTION 73-15-25,
31 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE STATE DEPARTMENT OF
32 EDUCATION THROUGH ITS DIVISION OF VOCATIONAL EDUCATION TO CONTRACT
33 WITH THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO ESTABLISH UNIFORM
34 STANDARDS FOR THE ACCREDITATION OF SCHOOLS OF PRACTICAL NURSING IN



35 THIS STATE; TO AMEND SECTION 73-15-27, MISSISSIPPI CODE OF 1972,
36 TO CLARIFY CERTAIN PROVISIONS REGARDING THE RENEWAL AND
37 REINSTATEMENT OF LICENSES; TO AMEND SECTION 73-15-29, MISSISSIPPI
38 CODE OF 1972, TO CLARIFY CERTAIN PROVISIONS REGARDING THE GROUNDS
39 FOR SUSPENDING OR REVOKING LICENSES AND PENALTIES FOR ENGAGING IN
40 PROHIBITED CONDUCT; TO AMEND SECTION 73-15-31, MISSISSIPPI CODE OF
41 1972, TO REVISE THE PROVISIONS APPLICABLE TO DISCIPLINARY
42 PROCEEDINGS; TO CREATE NEW SECTION 73-15-32, MISSISSIPPI CODE OF
43 1972, TO CONSOLIDATE THE PROCEDURES FOR RESTORATION OF SUSPENDED
44 OR REVOKED LICENSES; TO AMEND SECTION 73-15-33, MISSISSIPPI CODE
45 OF 1972, TO CLARIFY CERTAIN PROVISIONS REGARDING VIOLATIONS AND
46 PENALTIES; TO AMEND SECTION 73-15-35, MISSISSIPPI CODE OF 1972, TO
47 CLARIFY CERTAIN PROVISIONS REGARDING INJUNCTIVE RELIEF; TO AMEND
48 SECTION 73-15-101, MISSISSIPPI CODE OF 1972, TO REVISE THE LICENSE
49 APPLICATION AND ISSUANCE PROCEDURES FOR CERTIFIED CLINICAL
50 HEMODIALYSIS TECHNICIANS; AND FOR RELATED PURPOSES.

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

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

54 73-15-1. This article shall be cited as the
55 "Mississippi * * * Nurse Practice Law * * *," which creates and
56 empowers the Mississippi Board of Nursing to regulate nursing and
57 to enforce the provisions of the law.

58 **SECTION 2.** Section 73-15-3, Mississippi Code of 1972, is
59 amended as follows:

60 73-15-3. * * *

61 The board is a consumer protection agency with the authority
62 to regulate the practice of nursing through licensure and to
63 establish the scope of nursing practice. The purpose of this law
64 is to protect the health, safety and welfare of the residents of
65 this state.

66 **SECTION 3.** Section 73-15-5, Mississippi Code of 1972, is
67 amended as follows:



68 73-15-5. (1) "Board" means the Mississippi Board of
69 Nursing.

70 (2) "Nurse" means a person licensed to practice nursing in
71 Mississippi or otherwise authorized to practice as provided in
72 this article.

73 (* * * 3) * * * "Practice * * * by a registered nurse" means
74 the performance for compensation of services which requires
75 substantial knowledge of the biological, physical, behavioral,
76 psychological and sociological sciences and of nursing theory as
77 the basis for assessment, diagnosis, planning, intervention and
78 evaluation in the promotion and maintenance of health; management
79 of individuals' responses to illness, injury or infirmity; the
80 restoration of optimum function; or the achievement of a dignified
81 death. * * * Nursing practice * * * includes, but is not limited
82 to, administration, teaching, counseling, delegation and
83 supervision of nursing, and execution of the medical regimen,
84 including the administration of medications and treatments
85 prescribed by any licensed or legally authorized physician or
86 dentist. The foregoing shall not be deemed to include acts of
87 medical diagnosis or prescriptions of medical, therapeutic or
88 corrective measures, except as may be set forth by rules and
89 regulations promulgated and implemented by the * * * board * * *.
90 * * *

91 (4) " * * * Practice by an advance practice registered
92 nurse" means * * * the performance of advanced-level nursing



93 approved by the board which, by virtue of graduate education and
94 experience are appropriately performed by an advanced practice
95 registered nurse in addition to the practice as a registered
96 nurse. The advanced practice registered nurse may diagnose,
97 treat, prescribe and manage medical conditions. This may include
98 controlled substance prescriptive authority being granted as
99 identified by the board. Advanced practice registered nurses must
100 practice in a collaborative/consultative relationship with a
101 physician or dentist with an unrestricted license to practice in
102 the State of Mississippi and advanced nursing must be performed
103 within the framework of * * * evidence-based standards of
104 practice.

105 (5) * * * "Practice * * * by a licensed practical nurse"
106 means the performance for compensation of services requiring basic
107 knowledge of the biological, physical, behavioral, psychological
108 and sociological sciences and of nursing procedures which do not
109 require the substantial skill, judgment and knowledge required of
110 a registered nurse. These services are performed under the
111 direction of a registered nurse, an advanced practice registered
112 nurse, or a licensed physician or licensed dentist and * * * use
113 standardized procedures in the observation and care of the ill,
114 injured and infirm; in the maintenance of health; in action to
115 safeguard life and health; and in the administration of
116 medications and treatments prescribed by any licensed physician,
117 advanced practice registered nurse, or licensed dentist authorized



118 by state law to prescribe. On a selected basis, and within safe
119 limits, the role of the licensed practical nurse shall be expanded
120 by the board under its rule-making authority to more complex
121 procedures and settings commensurate with additional preparation
122 and experience.

123 (6) * * * "License" means an authorization to practice
124 nursing as a registered nurse, an advanced practice registered
125 nurse, or a licensed practical nurse * * * as defined in this
126 section.

127 (7) * * * "Registered nurse" * * * means a person who is
128 licensed or holds the privilege to practice under the provisions
129 of this article and who practices nursing as defined * * * in
130 this section. " * * * RN" is the abbreviation for the title of
131 Registered Nurse.

132 (8) * * * "Licensed practical nurse" * * * means a person
133 who is licensed or holds the privilege to practice under this
134 article and who practices practical nursing as defined * * * in
135 this section. " * * * LPN" is the abbreviation for the title of
136 Licensed Practical Nurse.

137 * * *

138 (* * * 9) * * * "Advance practice registered nurse" * * *
139 means a person who is licensed or holds the privilege to practice
140 under this article and * * * is * * * licensed in advanced
141 practice * * * nursing. An advance practice registered nurse is
142 recognized in one (1) of the four (4) following advanced practice



143 roles: certified registered nurse * * * midwife, certified
144 registered nurse * * * anesthetist, certified registered
145 nurse * * * practitioner and clinical nurse specialist. "APRN" is
146 the abbreviation for the title of advanced practice registered
147 nurse. " * * * CNM" is the abbreviation for the title of certified
148 registered nurse midwife, " * * * CRNA" is the abbreviation for the
149 title of certified registered nurse anesthetist. " * * * CNP" is
150 the abbreviation for the title of certified registered nurse
151 practitioner. "CNS" is the abbreviation for the title of clinical
152 nurse specialist.

153 * * *

154 (* * * 10) * * * "Consumer representative" * * * means a
155 person representing the interests of the general public, who may
156 use services of a health agency or health professional
157 organization or its members but who is neither a provider of
158 health services, nor employed in the health services field, nor
159 holds a vested interest in the provision of health services at any
160 level, nor has an immediate family member who holds vested
161 interests in the provision of health services at any level.

162 (* * * 11) "Privilege to practice" means the authorization
163 to practice nursing in the state as described in the Nurse
164 Licensure Compact provided for in Section 73-15-22.

165 (* * * 12) "Licensee" * * * means a person who has been
166 issued a license to practice nursing in the state or who holds the
167 privilege to practice nursing in the state.



168 **SECTION 4.** Section 73-15-7, Mississippi Code of 1972, is
169 amended as follows:

170 73-15-7. The following shall be excepted from the provisions
171 of this article:

172 (a) Gratuitous nursing by friends and members of the
173 family.

174 (b) The furnishing of nursing assistance in an
175 emergency.

176 (c) The practice of nursing * * * that is incidental to
177 a program of study by a student enrolled in an approved
178 educational program of nursing, provided the practice is under the
179 supervision of a registered nurse licensed in Mississippi.

180 * * *

181 (* * * d) The practice of nursing by any legally
182 qualified nurse of another state who is employed by the United
183 States government or any bureau, division or agency thereof while
184 in the discharge of his or her official duties.

185 * * *

186 (* * * e) The infliction of the punishment of
187 death * * * under Section 99-19-51.

188 **SECTION 5.** Section 73-15-9, Mississippi Code of 1972, is
189 amended as follows:

190 73-15-9. (1) There is * * * created a board to be known as
191 the Mississippi Board of Nursing, composed of thirteen (13)
192 members, * * * including seven (7) registered nurses, one (1) of



193 whom shall be an advanced practice registered nurse; four (4)
194 licensed practical nurses; one (1) licensed physician who * * *
195 currently serves as a member of the State Board of Medical
196 Licensure; and one (1) * * * representative of consumers of health
197 services. There shall be at least one (1) board member from each
198 congressional district in the state; * * * however, * * * the
199 physician member, the consumer representative member and one (1)
200 registered nurse member shall be at large always.

201 (2) Members of the * * * board of * * *, excepting the
202 member of the State Board of Medical Licensure, shall be appointed
203 by the Governor, with the advice and consent of the Senate, from
204 lists of nominees submitted by any Mississippi * * * nurse
205 organization and/or association chartered by the State of
206 Mississippi whose board of directors is elected by the membership
207 and whose membership includes * * * nurses statewide * * *.
208 Nominations submitted by any such * * * nurse organization or
209 association to fill vacancies on the board shall be made and voted
210 on by * * * nurses only. Each list of nominees shall contain a
211 minimum of three (3) names for each vacancy to be filled. The
212 list of names shall be submitted at least thirty (30) days before
213 the expiration of the term for each position. If such list is not
214 submitted, the Governor is authorized to make an appointment from
215 the group affected and without nominations. Appointments made to
216 fill vacancies for unexpired terms shall be for the duration of
217 such terms and until a successor is duly appointed.



218 (3) Members of the board shall be appointed in staggered
219 terms for four (4) years or until a successor shall be duly
220 qualified. No member may serve more than two (2) consecutive full
221 terms. * * *

222 (4) Vacancies occurring by reason of resignation, death or
223 otherwise shall be filled by appointment of the Governor upon
224 nominations from a list of nominees from the affected group to be
225 submitted within not more than thirty (30) days after such a
226 vacancy occurs. In the absence of such list, the Governor is
227 authorized to fill such vacancy in accordance with the provisions
228 for making full-term appointments. All vacancy appointments shall
229 be for the unexpired terms.

230 (5) Any member may be removed from the board by the
231 Governor * * * following a recommendation by the executive
232 committee * * * and a quorum vote by the board at a regular or
233 special meeting.

234 **SECTION 6.** Section 73-15-11, Mississippi Code of 1972, is
235 amended as follows:

236 73-15-11. (1) The members of the * * * board * * * shall
237 meet annually and organize for the ensuing year by election of one
238 (1) of its members as president, one (1) as secretary, and one (1)
239 as treasurer. The physician member and the representative of
240 consumers of health services may discuss and nominate but shall
241 not vote for officers nor hold office in such elections.



242 (2) The board shall meet at least once every four (4) months
243 for the purpose of transacting such business as may come before
244 the board. Any member who shall not attend two (2) consecutive
245 meetings of the board shall be subject to removal by the Governor.
246 The president of the board shall notify the Governor in writing
247 when any such member has failed to attend two (2) consecutive
248 regular meetings.

249 (3) Special meetings of the board may be held on call of the
250 president or upon call of any seven (7) members. A written notice
251 of time, place and purpose of any special meeting shall be * * *
252 sent by the executive director to all members of the board not
253 less than ten (10) days before the meeting is held.

254 (4) On all matters the board shall function as a board of
255 thirteen (13) members, and seven (7) members, including at least
256 three (3) registered nurses and two (2) practical nurses, shall
257 constitute a quorum. In any case, the affirmative vote of a
258 majority of the members present and participating shall be
259 necessary to take action. In all cases pertaining to practical
260 nursing, such majority must include the affirmative vote of at
261 least one (1) of the practical nurse members of the board.

262 * * *

263 (* * *5) Each member of the board shall receive a per diem
264 compensation as provided in Section 25-3-69 for attendance at
265 board meetings, together with necessary travel and other expenses
266 incurred in the discharge of his or her duties as a board member.



267 **SECTION 7.** Section 73-15-13, Mississippi Code of 1972, is
268 amended as follows:

269 73-15-13. (1) All fees from examination, registration and
270 licensure of nurses as provided for hereafter, and all monies
271 coming into possession of the board * * * shall be deposited * * *
272 to the credit of the board.

273 (2) The funds collected by this board shall be expended
274 only * * * upon appropriation approved by the Legislature and as
275 provided by law.

276 (3) The treasurer and executive director shall execute
277 surety bonds in a sum to be determined by the board, conditioned
278 upon the faithful performance of their duties and upon their
279 accounting for all monies coming into their hands. The premium
280 for the bond shall be paid by the board funds. Funds shall not be
281 withdrawn or expended except upon approval of the board.

282 (4) All administrative funds collected for administrative
283 costs shall be deposited into a special fund operating account of
284 the board.

285 **SECTION 8.** Section 73-15-15, Mississippi Code of 1972, is
286 amended as follows:

287 73-15-15. (1) Each board member shall be a citizen of the
288 United States, a resident of the State of Mississippi, and shall
289 before entering upon duties of said office take the oath
290 prescribed by Section 268 of the Constitution of the State of
291 Mississippi and file same with the Office of the Secretary of



292 State who shall thereupon issue such person so appointed a
293 certificate of appointment.

294 (2) Each * * * RN board member shall * * * be a graduate
295 from an approved educational program for the preparation of RNs;
296 be licensed in good standing under the provisions of this article;
297 be currently engaged in RN practice; and have no less than five
298 (5) years' experience as an RN, at least three (3) of which
299 immediately preceded appointment.

300 (3) Each * * * LPN board member * * * be a graduate from an
301 approved educational program for the preparation of LPNs; be
302 licensed in good standing under the provisions of this article; be
303 currently engaged in LPN practice; and have no less than five (5)
304 years' experience as an LPN, at least three (3) of which
305 immediately preceded appointment.

306 (4) The APRN Board member shall have completed a formal
307 comprehensive program with a graduate or post graduate
308 certification (either post-masters or post-doctoral) that is
309 awarded by an academic institute and accredited by a nursing or
310 nursing-related accrediting organization recognized by the United
311 States Department of Education (USDE) and/or the Council for
312 Higher Education Accreditation (CHEA); be licensed in good
313 standing under the provisions of this article; be currently
314 engaged in APRN practice; and have no less than five (5) years'
315 experience as an APRN, at least three (3) of which immediately
316 preceded appointment.



317 (* * * 5) The physician board member shall be a physician
318 licensed to practice in the State of Mississippi and a member of
319 the State Board of Medical Licensure.

320 (6) The consumer board member shall be a resident of this
321 state and shall not be, nor shall ever have been, a person who has
322 ever had any material financial interest in the provision of
323 nursing service or who has engaged in any activity directly
324 related to nursing.

325 **SECTION 9.** Section 73-15-17, Mississippi Code of 1972, is
326 amended as follows:

327 73-15-17. The * * * board * * * is authorized and empowered
328 to:

329 (a) * * * Make, adopt, amend, repeal and enforce such
330 administrative rules consistent with the law as it deems necessary
331 for the proper administration of this law and to protect public
332 health, safety and welfare.

333 (b) * * * Maintain membership in national organizations
334 that develop national licensure examinations and exclusively
335 promote the improvement of the legal standards of the practice of
336 nursing for the protection of public health, safety and welfare.

337 (c) * * * Develop standards for maintaining competence
338 of licensees and requirements for returning to practice.

339 (d) * * * Certify and regulate Certified Clinical
340 Hemodialysis Technicians (CCHTs).



341 (e) * * * Develop and enforce standards for nursing
342 practice.

343 (f) * * * Issue advisory opinions, interpretive
344 statements and declaratory statements regarding the interpretation
345 and application of the Nurse Practice Law and regulations adopted
346 under this law.

347 (g) Regulate the manner in which nurses announce their
348 practice to the public.

349 (h) Implement the discipline process:

350 (i) Issue subpoenas in connection with
351 investigations, inspections and hearings.

352 (ii) Obtain access to records as reasonably
353 requested by the board to assist the board in its investigation;
354 the board shall maintain any records under this subparagraph as
355 confidential data.

356 (iii) Order licensees to submit and pay for
357 physical, mental health or chemical dependency evaluations for
358 cause.

359 (iv) Prosecute alleged violations of this law.

360 (v) Conduct hearings, compel attendance of
361 witnesses and administer oaths to persons giving testimony at
362 hearings, consistent with administrative rules of the board.

363 (vi) Provide alternatives to discipline:

364 1. Establish alternative programs for
365 monitoring of nurses who agree to seek treatment of substance use



366 disorders, mental health or physical health conditions that could
367 lead to disciplinary action by the board as established by rule of
368 the board; and

369 2. Establish programs to educate and
370 remediate nurses with practice concerns who meet criteria
371 established by rule of the board.

372 (i) Discipline nurses for violation of any provision of
373 this law.

374 (j) Maintain a record of all persons regulated by the
375 board.

376 (k) Maintain records of proceedings as required by the
377 laws of this state.

378 (l) Collect and analyze data regarding nursing
379 education, nursing practice and nursing resources. Data may be
380 collected with license applications.

381 (m) Submit an annual report to the Governor summarizing
382 the board's proceedings and activities.

383 (* * *n) Maintain an office in the greater Jackson
384 area for the administration of this article.

385 * * *

386 (* * *o) File an annual list of all certificates of
387 registration issued by the board to registered nurses, including
388 addresses of the persons with the Mississippi Nurses' Association;
389 and file a similar list of all certificates of registration issued



390 to licensed practical nurses, including addresses of the persons,
391 with * * * the Mississippi Licensed Practical Nurses Association.

392 (* * *p) Adopt a seal which shall be in the form of a
393 circle with the image of an eagle in the center, and around the
394 margin the words "Mississippi Board of Nursing," and under the
395 image of the eagle the word "Official." The seal shall be affixed
396 to certificates and warrants issued by the board, and to all
397 records sent up on appeal from its decisions.

398 * * *

399 (* * *q) Examine, license and renew licenses of duly
400 qualified applicants.

401 (* * *r) Appoint and employ a qualified person who
402 shall not be a member of the board to serve as executive director,
403 define the duties, fix the compensation, and delegate to him or
404 her those activities that will expedite the functions of the
405 board. The executive director shall meet all the qualifications
406 for board members, and shall in addition:

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

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



413 (* * *s) Employ, discharge, define duties, and fix
414 compensation of such other persons as may be necessary to carry
415 out the provisions of this article.

416 (* * *t) Secure the services of * * * consultants as
417 deemed necessary who shall receive a per diem, travel and other
418 necessary expenses incurred while engaged by the board.

419 (* * *u) Enter into contracts with any other state or
420 federal agency or with any private person, organization or group
421 capable of contracting, if it finds such action to be in the
422 public interest and in the furtherance of its responsibilities.

423 (* * *y) Upon reasonable suspicion that a holder of a
424 license issued under this article has violated any statutory
425 ground for denial of licensure as set forth in Section 73-15-29 or
426 is guilty of any offense specified in Section 73-15-33, require
427 the license holder to undergo a fingerprint-based criminal history
428 records check of the Mississippi central criminal database and the
429 Federal Bureau of Investigation criminal history database, in the
430 same manner as required for applicants for licensure under * * *
431 this article.

432 **SECTION 10.** Section 73-15-18, Mississippi Code of 1972, is
433 amended as follows:

434 73-15-18. (1) The * * * board * * * is designated as the
435 state agency responsible for the administration and supervision of
436 the Nursing Workforce Program as an educational curriculum in the
437 State of Mississippi. It is the intent of the Legislature to



438 develop a nursing workforce able to carry out the scope of service
439 and leadership tasks required of the profession by promoting a
440 strong educational infrastructure between nursing practice and
441 nursing education.

442 (2) The * * * board * * * is authorized to establish an
443 Office of Nursing Workforce within the administrative framework of
444 the board for the purpose of providing coordination and
445 consultation to nursing education and practice. The Nursing
446 Workforce Program shall encompass five (5) interdependent
447 components:

448 (a) Develop and facilitate implementation of a state
449 educational program directed toward nursing educators regarding
450 health care delivery system changes and the impact these changes
451 will have on curriculum and on the service needs of nurses.

452 (b) Determine the continuing education needs of the
453 nursing workforce and facilitate such continuing education
454 coursework through the university/college schools of nursing in
455 the state and the community/junior college nursing programs in the
456 state.

457 (c) Promote and coordinate through the schools of
458 nursing opportunities for nurses prepared at the practical nurse
459 certificate, associate nurse degree and * * * baccalaureate nurse
460 degree levels to obtain higher degrees.



461 (d) Apply for and administer grants from public and
462 private sources for the development of the Nursing Workforce
463 Program prescribed in this section.

464 (e) Establish systems to ensure an adequate supply of
465 nurses to meet the health care needs of the citizens of
466 Mississippi. This will include, but is not limited to, gathering
467 and quantifying dependable data on current nursing workforce
468 capacities and forecasting future requirements. The Office of
469 Nursing Workforce will report its findings annually to the * * *
470 Legislature.

471 (3) Pursuant to the provisions of subsections (1) and (2),
472 the board * * * is authorized to provide for the services of an
473 Office of Nursing Workforce Director and such other professional
474 and nonprofessional staff as may be needed and as funds are
475 available to the board * * * to implement the Nursing Workforce
476 Program prescribed in this section. It shall be the
477 responsibility of such professional staff to coordinate efforts of
478 the * * * baccalaureate degree schools of nursing, the associate
479 degree schools of nursing, practical nurse programs and other
480 appropriate state agencies * * * to implement the Nursing
481 Workforce Program.

482 (4) * * * There shall be a Nursing Workforce Advisory
483 Committee composed of health care professionals, health agency
484 administrators, nursing educators and other appropriate
485 individuals to provide technical advice to the Office of Nursing



486 Workforce created in this section. The members of the committee
487 shall be appointed by the board * * * from a list of nominees
488 submitted by appropriate nursing and health care organizations in
489 the State of Mississippi. The executive director of the board
490 shall be a permanent committee member of the Nursing Workforce
491 Advisory Committee. The members of the committee shall receive no
492 compensation for their services, but may be reimbursed for actual
493 travel expenses and mileage authorized by law for necessary
494 committee business.

495 (5) All funds made available to the board * * * for the
496 purpose of nursing workforce shall be administered by the board
497 office for that purpose. The board * * * is authorized to enter
498 into contract with any private person, organization or entity
499 capable of contracting for the purpose of administering this
500 section.

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

505 **SECTION 11.** Section 73-15-19, Mississippi Code of 1972, is
506 amended as follows:

507 73-15-19. (1) **Registered nurse applicant qualifications.**
508 Any applicant for a license to practice as a registered nurse
509 shall * * *:



510 (a) Submit to the board an attested written application
511 on a board * * * form;

512 (b) Submit to the board written official evidence of
513 completion of a nursing program approved by the Board of Trustees
514 of State Institutions of Higher Learning, or one approved by a
515 legal accrediting agency of another state, territory or possession
516 of the United States, the District of Columbia, or a foreign
517 country * * * that is satisfactory to this board;

518 (c) Submit to the board evidence of competence in
519 English related to nursing, provided the first language is not
520 English;

521 (d) * * * Have successful clearance for licensure
522 through an investigation that shall consist of a determination as
523 to good moral character and verification that the prospective
524 licensee is not guilty of or in violation of any statutory ground
525 for denial of licensure as set forth in Section 73-15-29 or guilty
526 of any offense specified in Section 73-15-33. To assist the board
527 in conducting its licensure investigation, all applicants shall
528 undergo a fingerprint-based criminal history records check of the
529 Mississippi central criminal database and the Federal Bureau of
530 Investigation criminal history database. Each applicant shall
531 submit a full set of his or her fingerprints in a form and manner
532 prescribed by the board, which shall be forwarded to the
533 Mississippi Department of Public Safety (department) and the



534 Federal Bureau of Investigation Identification Division for this
535 purpose.

536 Any and all state or national criminal history records
537 information obtained by the board that is not already a matter of
538 public record shall be deemed nonpublic and confidential
539 information restricted to the exclusive use of the board, its
540 members, officers, investigators, agents and attorneys in
541 evaluating the applicant's eligibility or disqualification for
542 licensure, and shall be exempt from the Mississippi Public Records
543 Act of 1983. Except when introduced into evidence in a hearing
544 before the board to determine licensure, no such information or
545 records related thereto shall, except with the written consent of
546 the applicant or by order of a court of competent jurisdiction, be
547 released or otherwise disclosed by the board to any other person
548 or agency.

549 The board shall provide to the department the fingerprints of
550 the applicant, any additional information that may be required by
551 the department, and a form signed by the applicant consenting to
552 the check of the criminal records and to the use of the
553 fingerprints and other identifying information required by the
554 state or national repositories.

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



559 The board may, in its discretion, refuse to accept the
560 application of any person who has been convicted of a criminal
561 offense under any provision of Title 97 of the Mississippi Code of
562 1972, as now or hereafter amended, or any provision of this
563 article.

564 (e) Submit to the board any other official records
565 required by the board.

566 (2) **Licensure by examination.** (a) Upon the board being
567 satisfied that an applicant for a license as a registered nurse
568 has met the qualifications set forth in subsection (1) of this
569 section, the board shall proceed to * * * give authorization for
570 examination. The subjects in which applicants shall be examined
571 shall be in conformity with curricula in schools of nursing
572 approved by the Board of Trustees of State Institutions of Higher
573 Learning, or one approved by a legal accrediting agency of another
574 state, territory or possession of the United States, the District
575 of Columbia, or a foreign country which is satisfactory to the
576 board.

577 (b) * * * The board shall authorize the administration
578 of the examination to applicants for licensure as RNs.

579 (c) * * * An applicant applying for licensure by
580 examination must report any criminal conviction, nolo contendere
581 plea, Alford plea, deferred judgment, or other plea arrangements
582 in lieu of conviction.



583 (d) * * * The board may employ, contract and cooperate
584 with any entity in the preparation and process for determining
585 results of a uniform licensure examination. When such an
586 examination is used, the board shall restrict access to questions
587 and answers.

588 (e) The board shall determine whether a licensure
589 examination may be repeated, the frequency of reexamination and
590 any requisite education before reexamination.

591 (3) **Licensure by examination of internationally educated**
592 **applicants.** Requirements include:

593 (a) Graduation from a nursing program comparable to
594 board-approved pre-licensure RN or LPN program, whichever is
595 applicable, and meet all other requirements.

596 (b) Submission by the applicant of credentials by a
597 credentials review agency for the level of licensure being sought.

598 (c) Successful passage of an English proficiency
599 examination that includes the components of reading, speaking,
600 writing and listening, except for applicants from countries where
601 English is the native language, and the nursing program where the
602 applicant attended was taught in English, used English textbooks
603 and clinical experiences were conducted in English.

604 (d) Disclosure of nursing licensure status in country
605 of origin, if applicable.

606 (* * *4) **Licensure by endorsement.** The board may issue a
607 license to practice nursing as a registered nurse without



608 examination to an applicant who has been duly licensed as a
609 registered nurse under the laws of another state, territory or
610 possession of the United States, the District of Columbia, or a
611 foreign country if, in the opinion of the board, the applicant
612 meets the qualifications required of licensed registered nurses in
613 this state and has previously achieved the passing score or scores
614 on the licensing examination required by this state, at the time
615 of his or her graduation.

616 * * *

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

621 (6) **Temporary permit.** (a) * * * The board may issue a
622 temporary permit for a period of ninety (90) days to a registered
623 nurse who is currently licensed in another state, territory or
624 possession of the United States or the District of Columbia and
625 who is an applicant for licensure by endorsement. Such permit is
626 not renewable except by board action.

627 * * *

628 (* * * b) The board may issue a temporary permit for a
629 period of thirty (30) days to any registered nurse during the time
630 enrolled in a nursing reorientation program. This time period may
631 be extended by board action. The fee shall not exceed Twenty-five
632 Dollars (\$25.00).



633 (* * *c) The board may adopt such regulations as are
634 necessary to limit the practice of persons to whom temporary
635 permits are issued.

636 (7) **Temporary license.** The board may issue a temporary
637 license to practice nursing at a youth camp licensed by the
638 State * * * Department of Health to nonresident registered nurses
639 and retired resident registered nurses under the provisions of
640 Section 75-74-8.

641 (8) **Title and abbreviation.** Any person who holds a license
642 or holds the privilege to practice as a registered nurse in this
643 state shall have the right to use the title "registered nurse" and
644 the abbreviation" * * *RN" No other person shall assume such
645 title or use such abbreviation, or any words, letters, signs or
646 devices to indicate that the person using the same is a registered
647 nurse.

648 (9) **Identification.** The nurse shall wear identification
649 that clearly identifies the nurse as an RN when providing direct
650 patient care, unless wearing identification creates a safety or
651 health risk for either the nurse or patient.

652 (* * *10) **Registered nurses licensed under a previous law.**
653 Any person holding a license to practice nursing as a registered
654 nurse issued by this board which is valid on July 1, 1981, shall
655 thereafter be deemed to be licensed as a registered nurse under
656 the provisions of this article upon payment of the fee provided in
657 Section 73-15-27.



658 (* * * 11) Each application or filing made under this
659 section shall include the social security number(s) of the
660 applicant in accordance with Section 93-11-64.

661 **SECTION 12.** Section 73-15-20, Mississippi Code of 1972, is
662 amended as follows:

663 73-15-20. * * *

664 (1) **Title and scope of practice.** (a) Advanced Practice
665 Registered Nurse (APRN) is the title given to an individual who is
666 licensed to practice advanced practice registered nursing within
667 one (1) of the four (4) following roles: certified registered
668 nurse practitioner (CNP), certified registered nurse anesthetist
669 (CRNA), certified registered nurse midwife (CNM) or clinical nurse
670 specialist (CNS), and who functions in a population focus as set
671 forth by rule of the board. An APRN may serve as primary or acute
672 care provider of record.

673 (b) Population focus shall include:

674 (i) Family/individual across the lifespan;

675 (ii) Adult-gerontology;

676 (iii) Neonatal;

677 (iv) Pediatrics;

678 (v) Women's health/gender-related;

679 (vi) Psychiatric/mental health;

680 (c) In addition to the RN scope of practice and within
681 the APRN role and population focus, APRN practice shall include:

682 (i) Conducting an advanced assessment;



683 (ii) Ordering and interpreting diagnostic
684 procedures;

685 (iii) Establishing primary and differential
686 diagnoses;

687 (iv) Prescribing, ordering, administering,
688 distributing;

689 (v) Delegating and assigning therapeutic measures
690 to licensed personnel;

691 (vi) Consulting with other disciplines and
692 providing referrals to health care agencies, health care providers
693 and community resources;

694 (vii) Wearing identification that clearly
695 identifies the nurse as an APRN when providing direct patient
696 care, unless wearing identification creates a safety or health
697 risk for either the nurse or patient;

698 (viii) Other acts that require education and
699 training consistent with professional standards and commensurate
700 with the APRN's education, certification, demonstrated
701 competencies and experience.

702 (d) APRNs are licensed independent practitioners within
703 standards established or recognized by the board. Each APRN is
704 accountable to patients, the nursing profession and the board for:

705 (i) Complying with the requirements of this law
706 and the quality of advanced nursing care rendered;



707 (ii) Recognizing limits of knowledge and
708 experience;

709 (iii) Planning for the management of situations
710 beyond the APRN's expertise.

711 (iv) Consulting with or referring patients to
712 other health care providers as appropriate.

713 (* * * y) * * * Performing functions authorized in
714 this section within a collaborative/consultative relationship with
715 a physician or dentist * * * who holds any an unrestricted license
716 to practice medicine or dentistry * * * in this state and
717 within * * * evidence-based standards of practice that * * * are
718 filed with the board upon * * * licensure application * * * or
719 renewal, or after entering into a new collaborative/consultative
720 relationship or making changes to the * * *
721 collaborative/consultative agreement or changing practice site.
722 The board shall review and approve * * * this
723 collaborative/consultative agreement to ensure compliance with
724 applicable regulatory standards. * * *

725 * * *

726 (2) **Licensure.** (a) Initial licensure. An applicant for
727 initial licensure to practice as an APRN shall:

728 (i) Submit a completed written application and
729 appropriate fees as established by the board.



730 (ii) Hold a current RN license or privilege to
731 practice and shall not hold an encumbered license or privilege to
732 practice as an RN in any state or territory.

733 (iii) Have completed an accredited graduate or
734 post-graduate level APRN program in one (1) of the four (4) roles
735 and at least one (1) population focus.

736 (iv) Be currently certified by a national
737 certifying body recognized by the board in the APRN role and
738 population foci appropriate to educational preparation.

739 (v) Provide other evidence as required by rule of
740 the board.

741 (vi) Report any criminal conviction, nolo
742 contendere plea, Alford plea or other plea arrangement in lieu of
743 conviction.

744 (vii) Have committed no acts or omissions that are
745 grounds for disciplinary action as set forth in this law.

746 (viii) Have successful clearance for licensure
747 through an investigation that shall consist of a determination as
748 to good moral character and verification that the prospective
749 licensee is not guilty of or in violation of any statutory ground
750 for denial of licensure as set forth in Section 73-15-29 or guilty
751 of any offense specified in Section 73-15-33. To assist the board
752 in conducting its licensure investigation, all applicants shall
753 undergo a fingerprint-based criminal history records check of the
754 Mississippi central criminal database and the Federal Bureau of



755 Investigation criminal history database. Each applicant shall
756 submit a full set of his or her fingerprints in a form and manner
757 prescribed by the board, which shall be forwarded to the
758 Mississippi Department of Public Safety (department) and the
759 Federal Bureau of Investigation Identification Division for this
760 purpose. Any and all state or national criminal history records
761 information obtained by the board that is not already a matter of
762 public record shall be deemed nonpublic and confidential
763 information restricted to the exclusive use of the board, its
764 members, officers, investigators, agents and attorneys in
765 evaluating the applicant's eligibility or disqualification for
766 licensure, and shall be exempt from the Mississippi Public Records
767 Act of 1983. Except when introduced into evidence in a hearing
768 before the board to determine licensure, no such information or
769 records related thereto shall, except with the written consent of
770 the applicant or by order of a court of competent jurisdiction, be
771 released or otherwise disclosed by the board to any other person
772 or agency. The board shall provide to the department the
773 fingerprints of the applicant, any additional information that may
774 be required by the department, and a form signed by the applicant
775 consenting to the check of the criminal records and to the use of
776 the fingerprints and other identifying information required by the
777 state or national repositories. The board shall charge and
778 collect from the applicant, in addition to all other applicable
779 fees and costs, such amount as may be incurred by the board in



780 requesting and obtaining state and national criminal history
781 records information on the applicant. The board may, in its
782 discretion, refuse to accept the application of any person who has
783 been convicted of a criminal offense under any provision of Title
784 97 of the Mississippi Code of 1972, as now or hereafter amended,
785 or any provision of this article.

786 (b) Endorsement. The board may issue a license by
787 endorsement to an APRN licensed under the laws of another state
788 if, in the opinion of the board, the applicant meets the
789 qualifications for licensure in this state. An applicant for APRN
790 licensure by endorsement shall:

791 (i) Submit a completed written application for RN
792 endorsement and initial APRN licensure and appropriate fees as
793 established by the board.

794 (ii) Hold a current unencumbered license or
795 privilege to practice as an RN and APRN in a state or territory.

796 (iii) Have completed an accredited graduate or
797 post-graduate level APRN program in one (1) of the four (4) roles.

798 (iv) Be currently certified by a national
799 certifying body recognized by the board in the APRN role and at
800 least one (1) population focus appropriate to educational
801 preparation.

802 (v) Report any criminal conviction, nolo
803 contendere plea, Alford plea or other plea arrangement in lieu of
804 conviction.



805 (vi) Have committed no acts or omissions that are
806 grounds for disciplinary action as set forth in this law.

807 (vii) Provide other evidence as required by the
808 board in its rules.

809 (c) Renewal. APRN licenses issued under this law shall
810 be renewed biennially according to a schedule established by the
811 board. An applicant for APRN license renewal shall:

812 (i) Submit a renewal application as directed by
813 the board and remit the required fee as set forth by rule of the
814 board.

815 (ii) Maintain national certification in the
816 appropriate APRN role and at least one population focus,
817 authorized by licensure, through an ongoing certification
818 maintenance program of a nationally recognized certifying body
819 recognized by the board.

820 (iii) Have completed the requirements for
821 continuing education. The board shall by rule prescribe
822 continuing education requirements for * * * APRNs of not less than
823 forty (40) hours biennially as a condition for renewal of a
824 license * * *.

825 (iv) Meet other requirements as set forth by the
826 board.

827 (d) Reinstatement. The board may reinstate an APRN
828 license as set forth by rule of the board.



829 (3) **Titles and Abbreviations.** (a) Only those who hold a
830 license or privilege to practice advanced practice registered
831 nursing in this state shall have the right to use the title
832 "advanced practice registered nurse" and the roles of "certified
833 registered nurse anesthetist," "certified registered nurse
834 midwife," "clinical nurse specialist" and "certified registered
835 nurse practitioner," and the abbreviations "APRN," "CRNA," "CNM,"
836 "CNS," and "CNP," respectively.

837 (b) The abbreviation for the APRN designation of a
838 certified registered nurse anesthetist, a certified registered
839 nurse midwife, a clinical nurse specialist and a certified
840 registered nurse practitioner will be APRN, plus the role title,
841 i.e., CRNA, CNM, CNS and CNP.

842 (c) It shall be unlawful for any person to use the
843 title "APRN" or "APRN" plus their respective role titles, the role
844 title alone, authorized abbreviations or any other title that
845 would lead a person to believe the individual is an APRN, unless
846 permitted by this law.

847 (* * *4) **Reinstatement.** * * * APRNs may reinstate a lapsed
848 privilege to practice upon submitting documentation of a current
849 active license to practice professional nursing, a reinstatement
850 application and fee, a * * * collaborative/consultative agreement,
851 documentation of current certification as an advanced practice
852 registered nurse in * * * one (1) of the four (4) recognized roles
853 by a national certification organization recognized by the board



854 and documentation of * * * not less than forty (40) hours of
855 continuing education related to the advanced * * * practice
856 registered nurse's area of certification and specialty, if
857 applicable, within the previous two-year period. The board shall
858 adopt rules establishing the procedure for reinstatement.

859 * * *

860 (* * * 5) **Practice requirements.** The advanced practice
861 registered nurse shall practice:

862 (a) According to standards and guidelines of the
863 National Certification Organization.

864 (b) In a collaborative/consultative relationship with a
865 licensed physician whose practice is compatible with that of
866 the * * * APRN. Certified registered nurse anesthetists may
867 collaborate/consult with licensed physicians and dentists who hold
868 unrestricted licensure. The * * * APRN must be able to
869 communicate reliably with a collaborating/consulting physician or
870 dentist while practicing.

871 * * *

872 (* * * c) Advanced practice registered nurses
873 practicing as nurse anesthetists must practice according to
874 board-approved practice guidelines that address pre-anesthesia
875 preparation and evaluation; anesthesia induction, maintenance, and
876 emergence; post-anesthesia care; peri-anesthetic and clinical
877 support functions.



878 (* * *d) Advanced practice registered nurses
879 practicing in other specialty areas must practice according to a
880 board-approved * * * specialty certification that has been
881 mutually agreed upon by the * * * advance practice registered
882 nurse in agreement with the collaborative/consultative
883 relationship with a Mississippi licensed physician or dentist
884 whose practice or prescriptive authority is not limited as a
885 result of voluntary surrender or legal/regulatory order.

886 (* * *e) Each collaborative/consultative relationship
887 shall include and implement a formal quality assurance/quality
888 improvement program which shall be maintained on site and shall be
889 available for inspection by representatives of the board. This
890 quality assurance/quality improvement program must be sufficient
891 to provide a valid evaluation of the practice and be a valid basis
892 for change, if any.

893 * * *

894 (f) The advanced practice registered nurse shall notify
895 the board immediately regarding changes in the
896 collaborative/consultative relationship with a licensed physician
897 or dentist.

898 (* * *6) **Prescribing controlled substances and medications.**
899 Certified registered nurse midwives * * *, certified registered
900 nurse anesthetists, certified registered nurse practitioners and
901 clinical nurse specialists may apply for controlled substance
902 prescriptive authority after completing a board-approved



903 educational program. Certified registered nurse midwives * * *,
904 certified registered nurse anesthetists, certified registered
905 nurse practitioners and clinical nurse specialists who have
906 completed the program and received prescription authority from the
907 board and obtained a valid DEA number may prescribe Schedules
908 II-V. The words "administer," "controlled substances" and
909 "ultimate user," shall have the same meaning as set forth in
910 Section 41-29-105, unless the context otherwise requires. The
911 board shall * * * establish rules governing prescribing of
912 controlled substances * * * in accordance with Section 41-29-101
913 et seq. Prescribing any controlled substance in violation of the
914 rules * * * established by the board shall constitute a violation
915 of Section 73-15-29(1) * * * and shall be grounds for disciplinary
916 action. The prescribing, administering or distributing of any
917 legend drug or other medication in violation of the rules * * *
918 established by the board shall constitute a violation of Section
919 73-15-29(1) * * * and shall be grounds for disciplinary action.

920 **SECTION 13.** Section 73-15-21, Mississippi Code of 1972, is
921 amended as follows:

922 73-15-21. (1) **Licensed practical nurse applicant**
923 **qualifications.** Any applicant for a license to practice practical
924 nursing as a licensed practical nurse shall * * *:

925 (a) Submit to the board an attested written application
926 on a board * * * form;

927 * * *



928 (* * *b) Submit to the board written official evidence
929 of completion of a practical nursing program approved by the * * *
930 Mississippi Community College Board, or one (1) approved by a
931 legal accrediting agency of another state, territory or possession
932 of the United States, the District of Columbia, or a foreign
933 country which is satisfactory to this board;

934 (* * *c) Submit to the board evidence of competence in
935 English related to nursing, provided the first language is not
936 English;

937 * * *

938 (d) Have successful clearance for licensure through an
939 investigation that shall consist of a determination as to good
940 moral character and verification that the prospective licensee is
941 not guilty of or in violation of any statutory ground for denial
942 of licensure as set forth in Section 73-15-29 or guilty of any
943 offense specified in Section 73-15-33. To assist the board in
944 conducting its licensure investigation, all applicants shall
945 undergo a fingerprint-based criminal history records check of the
946 Mississippi central criminal database and the Federal Bureau of
947 Investigation criminal history database. Each applicant shall
948 submit a full set of his or her fingerprints in a form and manner
949 prescribed by the board, which shall be forwarded to the
950 Mississippi Department of Public Safety (department) and the
951 Federal Bureau of Investigation Identification Division for this
952 purpose.



953 Any and all state or national criminal history records
954 information obtained by the board that is not already a matter of
955 public record shall be deemed nonpublic and confidential
956 information restricted to the exclusive use of the board, its
957 members, officers, investigators, agents and attorneys in
958 evaluating the applicant's eligibility or disqualification for
959 licensure, and shall be exempt from the Mississippi Public Records
960 Act of 1983. Except when introduced into evidence in a hearing
961 before the board to determine licensure, no such information or
962 records related thereto shall, except with the written consent of
963 the applicant or by order of a court of competent jurisdiction, be
964 released or otherwise disclosed by the board to any other person
965 or agency.

966 The board shall provide to the department the fingerprints of
967 the applicant, any additional information that may be required by
968 the department, and a form signed by the applicant consenting to
969 the check of the criminal records and to the use of the
970 fingerprints and other identifying information required by the
971 state or national repositories.

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

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



978 offense under any provision of Title 97 of the Mississippi Code of
979 1972, as now or hereafter amended, or any provision of this
980 article.

981 (e) Submit to the board any other official records
982 required by the board.

983 (2) **Licensure by examination.** (a) Upon the board being
984 satisfied that an applicant for a license as a practical nurse has
985 met the qualifications set forth in subsection (1) of this
986 section, the board shall proceed to * * * give authorization for
987 examination. The subjects in which applicants shall be examined
988 shall be in conformity with curricula in schools of practical
989 nursing approved by the * * * Mississippi Community College Board.

990 * * *

991 (b) The board shall authorize the administration of the
992 examination to applicants for licensure as LPNs.

993 (c) An applicant applying for licensure by examination
994 must report any criminal conviction, nolo contendere plea, Alford
995 plea, deferred judgment, or other plea arrangements in lieu of
996 conviction.

997 (d) The board may employ, contract and cooperate with
998 any entity in the preparation and process for determining results
999 of a uniform licensure examination. When such an examination is
1000 utilized, the board shall restrict access to questions and
1001 answers.



1002 (e) The board shall determine whether a licensure
1003 examination may be repeated, the frequency of reexamination and
1004 any requisite education before reexamination.

1005 (3) **Licensure by examination of internationally educated**
1006 **applicants.** Requirements include:

1007 (a) Graduation from a nursing program comparable to a
1008 board-approved pre-licensure RN or LPN program, whichever is
1009 applicable, and meet all other requirements.

1010 (b) Submission by the applicant of credentials by a
1011 credentials review agency for the level of licensure being sought.

1012 (c) Successful passage of an English proficiency
1013 examination that includes the components of reading, speaking,
1014 writing and listening, except for applicants from countries where
1015 English is the native language, and the nursing program where the
1016 applicant attended was taught in English, used English textbooks
1017 and clinical experiences were conducted in English.

1018 (d) Disclosure of nursing licensure status in country
1019 of origin, if applicable.

1020 (4) **Licensure by equivalent amount of theory and clinical**
1021 **experience.** In the discretion of the board, former students of a
1022 state accredited school preparing students to become registered
1023 nurses may be granted permission to take the examination for
1024 licensure to practice as a licensed practical nurse, provided the
1025 applicant's record or transcript indicates the former student
1026 completed an equivalent amount of theory and clinical experiences



1027 as required of a graduate of a practical nursing program, and
1028 provided the school attended was, at the time of the student's
1029 attendance, an accredited school of nursing.

1030 (* * *5) **Licensure by endorsement.** The board may issue a
1031 license to practice practical nursing as a licensed practical
1032 nurse without examination to an applicant who has been duly
1033 licensed as a licensed practical nurse under the laws of another
1034 state, territory or possession of the United States, the District
1035 of Columbia, or a foreign country if, in the opinion of the board,
1036 the applicant meets the qualifications required of licensed
1037 practical nurses in this state and has previously achieved the
1038 passing score or scores on the licensing examination required by
1039 this state at the time of his or her graduation.

1040 * * *

1041 (6) **Fee.** The applicant applying for a license by
1042 examination or by endorsement to practice as a licensed practical
1043 nurse shall pay a fee not to exceed * * * One Hundred Dollars
1044 (\$100.00) to the board.

1045 (7) **Temporary permit.** (a) * * * The board may issue a
1046 temporary permit for a period of ninety (90) days to a licensed
1047 practical nurse who is currently licensed in another state,
1048 territory or possession of the United States or the District of
1049 Columbia and who is an applicant for licensure by endorsement.
1050 Such permit is not renewable except by board action.

1051 * * *



1052 (* * *b) The board may issue a temporary permit for a
1053 period of thirty (30) days to any licensed practical nurse during
1054 the time enrolled in a nursing reorientation program. This time
1055 period may be extended by board action. The fee shall not exceed
1056 Twenty-five Dollars (\$25.00).

1057 (* * *c) The board may adopt such regulations as are
1058 necessary to limit the practice of persons to whom temporary
1059 permits are issued.

1060 (8) **Title and abbreviation.** Any person who holds a license
1061 or holds the privilege to practice as a licensed practical nurse
1062 in this state shall have the right to use the title "licensed
1063 practical nurse" and the abbreviation " * * *LPN." No other
1064 person shall assume such title or use such abbreviation, or any
1065 words, letters, signs or devices to indicate that a person using
1066 the same is a licensed practical nurse.

1067 (9) **Identification.** The nurse shall wear identification
1068 that clearly identifies the nurse as an LPN when providing direct
1069 patient care, unless wearing identification creates a safety or
1070 health risk for either the nurse or patient.

1071 (* * *10) **Licensed practical nurses licensed under a**
1072 **previous law.** Any person holding a license to practice nursing as
1073 a practical nurse issued by this board which is valid on July 1,
1074 1981, shall thereafter be deemed to be licensed as a practical
1075 nurse under the provisions of this article upon payment of the fee
1076 prescribed in Section 73-15-27.



1077 (* * *11) Each application or filing made under this
1078 section shall include the social security number(s) of the
1079 applicant in accordance with Section 93-11-64.

1080 **SECTION 14.** Section 73-15-22, Mississippi Code of 1972, is
1081 brought forward as follows:

1082 73-15-22. The Nurse Licensure Compact is enacted into law
1083 and entered into by this state with any and all states legally
1084 joining in the compact in accordance with its terms, in the form
1085 substantially as follows:

1086 **NURSE LICENSURE COMPACT**

1087 **ARTICLE I**

1088 **Findings and Declaration of Purpose**

1089 (a) The party states find that:

1090 (1) The health and safety of the public are affected by
1091 the degree of compliance with and the effectiveness of enforcement
1092 activities related to state nurse licensure laws;

1093 (2) Violations of nurse licensure and other laws
1094 regulating the practice of nursing may result in injury or harm to
1095 the public;

1096 (3) The expanded mobility of nurses and the use of
1097 advanced communication technologies as part of our nation's
1098 healthcare delivery system require greater coordination and
1099 cooperation among states in the area of nurse licensure and
1100 regulation;



1101 (4) New practice modalities and technology make
1102 compliance with individual state nurse licensure laws difficult
1103 and complex;

1104 (5) The current system of duplicative licensure for
1105 nurses practicing in multiple states is cumbersome and redundant
1106 to both nurses and states.

1107 (b) The general purposes of this Compact are to:

1108 (1) Facilitate the states' responsibility to protect
1109 the public's health and safety;

1110 (2) Ensure and encourage the cooperation of party
1111 states in the areas of nurse licensure and regulation;

1112 (3) Facilitate the exchange of information between
1113 party states in the areas of nurse regulation, investigation and
1114 adverse actions;

1115 (4) Promote compliance with the laws governing the
1116 practice of nursing in each jurisdiction;

1117 (5) Invest all party states with the authority to hold
1118 a nurse accountable for meeting all state practice laws in the
1119 state in which the patient is located at the time care is rendered
1120 through the mutual recognition of party state licenses.

1121 **ARTICLE II**

1122 **Definitions**

1123 As used in this Compact:

1124 (a) "Adverse action" means a home or remote state
1125 action.



1126 (b) "Alternative program" means a voluntary,
1127 nondisciplinary monitoring program approved by a nurse licensing
1128 board.

1129 (c) "Coordinated licensure information system" means an
1130 integrated process for collecting, storing and sharing information
1131 on nurse licensure and enforcement activities related to nurse
1132 licensure laws, which is administered by a nonprofit organization
1133 composed of and controlled by state nurse licensure boards.

1134 (d) "Current significant investigative information"
1135 means:

1136 (1) Investigative information that a licensing
1137 board, after a preliminary inquiry that includes notification and
1138 an opportunity for the nurse to respond if required by state law,
1139 has reason to believe is not groundless and, if proved true, would
1140 indicate more than a minor infraction; or

1141 (2) Investigative information that indicates that
1142 the nurse represents an immediate threat to public health and
1143 safety regardless of whether the nurse has been notified and had
1144 an opportunity to respond.

1145 (e) "Home state" means the party state which is the
1146 nurse's primary state of residence.

1147 (f) "Home state action" means any administrative,
1148 civil, equitable or criminal action permitted by the home state's
1149 laws which are imposed on a nurse by the home state's licensing
1150 board or other authority including actions against an individual's



1151 license such as: revocation, suspension, probation or any other
1152 action which affects a nurse's authorization to practice.

1153 (g) "Licensing board" means a party state's regulatory
1154 body responsible for issuing nurse licenses.

1155 (h) "Multistate licensure privilege" means current,
1156 official authority from a remote state permitting the practice of
1157 nursing as either a registered nurse or a licensed
1158 practical/vocational nurse in such party state. All party states
1159 have the authority, in accordance with existing state due process
1160 law, to take actions against the nurse's privilege such as:
1161 revocation, suspension, probation or any other action which
1162 affects a nurse's authorization to practice.

1163 (i) "Nurse" means a registered nurse or licensed
1164 practical/vocational nurse, as those terms are defined by each
1165 party's state practice laws.

1166 (j) "Party state" means any state that has adopted this
1167 Compact.

1168 (k) "Remote state" means a party state, other than the
1169 home state,

1170 (1) Where the patient is located at the time
1171 nursing care is provided, or,

1172 (2) In the case of the practice of nursing not
1173 involving a patient, in such party state where the recipient of
1174 nursing practice is located.

1175 (l) "Remote state action" means:



1176 (1) Any administrative, civil, equitable or
1177 criminal action permitted by a remote state's laws which are
1178 imposed on a nurse by the remote state's licensing board or other
1179 authority including actions against an individual's multistate
1180 licensure privilege to practice in the remote state, and

1181 (2) Cease and desist and other injunctive or
1182 equitable orders issued by remote states or the licensing boards
1183 thereof.

1184 (m) "State" means a state, territory or possession of
1185 the United States, the District of Columbia or the Commonwealth of
1186 Puerto Rico.

1187 (n) "State practice laws" means those individual
1188 party's state laws and regulations that govern the practice of
1189 nursing, define the scope of nursing practice, and create the
1190 methods and grounds for imposing discipline. "State practice
1191 laws" does not include the initial qualifications for licensure or
1192 requirements necessary to obtain and retain a license, except for
1193 qualifications or requirements of the home state.

1194 **ARTICLE III**

1195 **General Provisions and Jurisdiction**

1196 (a) A license to practice registered nursing issued by a
1197 home state to a resident in that state will be recognized by each
1198 party state as authorizing a multistate licensure privilege to
1199 practice as a registered nurse in such party state. A license to
1200 practice licensed practical/vocational nursing issued by a home



1201 state to a resident in that state will be recognized by each party
1202 state as authorizing a multistate licensure privilege to practice
1203 as a licensed practical/vocational nurse in such party state. In
1204 order to obtain or retain a license, an applicant must meet the
1205 home state's qualifications for licensure and license renewal as
1206 well as all other applicable state laws.

1207 (b) Party states may, in accordance with state due process
1208 laws, limit or revoke the multistate licensure privilege of any
1209 nurse to practice in their state and may take any other actions
1210 under their applicable state laws necessary to protect the health
1211 and safety of their citizens. If a party state takes such action,
1212 it shall promptly notify the administrator of the coordinated
1213 licensure information system. The administrator of the
1214 coordinated licensure information system shall promptly notify the
1215 home state of any such actions by remote states.

1216 (c) Every nurse practicing in a party state must comply with
1217 the state practice laws of the state in which the patient is
1218 located at the time care is rendered. In addition, the practice
1219 of nursing is not limited to patient care, but shall include all
1220 nursing practice as defined by the state practice laws of a party
1221 state. The practice of nursing will subject a nurse to the
1222 jurisdiction of the nurse licensing board and the courts, as well
1223 as the laws, in that party state.

1224 (d) This Compact does not affect additional requirements
1225 imposed by states for advanced practice registered nursing.



1226 However, a multistate licensure privilege to practice registered
1227 nursing granted by a party state shall be recognized by other
1228 party states as a license to practice registered nursing if one is
1229 required by state law as a precondition for qualifying for
1230 advanced practice registered nurse authorization.

1231 (e) Individuals not residing in a party state shall continue
1232 to be able to apply for nurse licensure as provided for under the
1233 laws of each party state. However, the license granted to these
1234 individuals will not be recognized as granting the privilege to
1235 practice nursing in any other party state unless explicitly agreed
1236 to by that party state.

1237 **ARTICLE IV**

1238 **Applications for Licensure in a Party State**

1239 (a) Upon application for a license, the licensing board in a
1240 party state shall ascertain, through the coordinated licensure
1241 information system, whether the applicant has ever held, or is the
1242 holder of, a license issued by any other state, whether there are
1243 any restrictions on the multistate licensure privilege, and
1244 whether any other adverse action by any state has been taken
1245 against the license.

1246 (b) A nurse in a party state shall hold licensure in only
1247 one (1) party state at a time, issued by the home state.

1248 (c) A nurse who intends to change primary state of residence
1249 may apply for licensure in the new home state in advance of such
1250 change. However, new licenses will not be issued by a party state



1251 until after a nurse provides evidence of change in primary state
1252 of residence satisfactory to the new home state's licensing board.

1253 (d) When a nurse changes primary state of residence by:

1254 (1) Moving between two (2) party states, and obtains a
1255 license from the new home state, the license from the former home
1256 state is no longer valid;

1257 (2) Moving from a nonparty state to a party state, and
1258 obtains a license from the new home state, the individual state
1259 license issued by the nonparty state is not affected and will
1260 remain in full force if so provided by the laws of the nonparty
1261 state;

1262 (3) Moving from a party state to a nonparty state, the
1263 license issued by the prior home state converts to an individual
1264 state license, valid only in the former home state, without the
1265 multistate licensure privilege to practice in other party states.

1266 **ARTICLE V**

1267 **Adverse Actions**

1268 In addition to the General Provisions described in Article
1269 III, the following provisions apply:

1270 (a) The licensing board of a remote state shall
1271 promptly report to the administrator of the coordinated licensure
1272 information system any remote state actions including the factual
1273 and legal basis for such action, if known. The licensing board of
1274 a remote state shall also promptly report any significant current
1275 investigative information yet to result in a remote state action.



1276 The administrator of the coordinated licensure information system
1277 shall promptly notify the home state of any such reports.

1278 (b) The licensing board of a party state shall have the
1279 authority to complete any pending investigations for a nurse who
1280 changes primary state of residence during the course of such
1281 investigations. It shall also have the authority to take
1282 appropriate action(s), and shall promptly report the conclusions
1283 of such investigations to the administrator of the coordinated
1284 licensure information system. The administrator of the
1285 coordinated licensure information system shall promptly notify the
1286 new home state of any such actions.

1287 (c) A remote state may take adverse action affecting
1288 the multistate licensure privilege to practice within that party
1289 state. However, only the home state shall have the power to
1290 impose adverse action against the license issued by the home
1291 state.

1292 (d) For the purposes of imposing adverse action, the
1293 licensing board of the home state shall give the same priority and
1294 effect to reported conduct received from a remote state as it
1295 would if such conduct had occurred within the home state. In so
1296 doing, it shall apply its own state laws to determine appropriate
1297 action.

1298 (e) The home state may take adverse action based on the
1299 factual findings of the remote state, so long as each state
1300 follows its own procedures for imposing such adverse action.



1301 (f) Nothing in this Compact shall override a party
1302 state's decision that participation in an alternative program may
1303 be used in lieu of licensure action and that such participation
1304 shall remain nonpublic if required by the party state's laws.
1305 Party states must require nurses who enter any alternative
1306 programs to agree not to practice in any other party state during
1307 the term of the alternative program without prior authorization
1308 from such other party state.

1309 **ARTICLE VI**

1310 **Additional Authorities Invested in Party State**

1311 **Nurse Licensing Boards**

1312 Notwithstanding any other powers, party state nurse licensing
1313 boards shall have the authority to:

1314 (a) If otherwise permitted by state law, recover from
1315 the affected nurse the costs of investigations and disposition of
1316 cases resulting from any adverse action taken against that nurse;

1317 (b) Issue subpoenas for both hearings and
1318 investigations which require the attendance and testimony of
1319 witnesses, and the production of evidence. Subpoenas issued by a
1320 nurse licensing board in a party state for the attendance and
1321 testimony of witnesses, and/or the production of evidence from
1322 another party state, shall be enforced in the latter state by any
1323 court of competent jurisdiction, according to the practice and
1324 procedure of that court applicable to subpoenas issued in
1325 proceedings pending before it. The issuing authority shall pay



1326 any witness fees, travel expenses, mileage and other fees required
1327 by the service statutes of the state where the witnesses and/or
1328 evidence are located;

1329 (c) Issue cease and desist orders to limit or revoke a
1330 nurse's authority to practice in their state;

1331 (d) Promulgate uniform rules and regulations as
1332 provided for in Article VIII(c).

1333 **ARTICLE VII**

1334 **Coordinated Licensure Information System**

1335 (a) All party states shall participate in a cooperative
1336 effort to create a coordinated database of all licensed registered
1337 nurses and licensed practical/vocational nurses. This system will
1338 include information on the licensure and disciplinary history of
1339 each nurse, as contributed by party states, to assist in the
1340 coordination of nurse licensure and enforcement efforts.

1341 (b) Notwithstanding any other provision of law, all party
1342 states' licensing boards shall promptly report adverse actions,
1343 actions against multistate licensure privileges, any current
1344 significant investigative information yet to result in adverse
1345 action, denials of applications, and the reasons for such denials,
1346 to the coordinated licensure information system.

1347 (c) Current significant investigative information shall be
1348 transmitted through the coordinated licensure information system
1349 only to party state licensing boards.



1350 (d) Notwithstanding any other provision of law, all party
1351 states' licensing boards contributing information to the
1352 coordinated licensure information system may designate information
1353 that may not be shared with nonparty states or disclosed to other
1354 entities or individuals without the express permission of the
1355 contributing state.

1356 (e) Any personally identifiable information obtained by a
1357 party state's licensing board from the coordinated licensure
1358 information system may not be shared with nonparty states or
1359 disclosed to other entities or individuals except to the extent
1360 permitted by the laws of the party state contributing the
1361 information.

1362 (f) Any information contributed to the coordinated licensure
1363 information system that is subsequently required to be expunged by
1364 the laws of the party state contributing that information shall
1365 also be expunged from the coordinated licensure information
1366 system.

1367 (g) The Compact administrators, acting jointly with each
1368 other and in consultation with the administrator of the
1369 coordinated licensure information system, shall formulate
1370 necessary and proper procedures for the identification, collection
1371 and exchange of information under this Compact.

1372 **ARTICLE VIII**

1373 **Compact Administration and Interchange of Information**



1374 (a) The head of the nurse licensing board, or his/her
1375 designee, of each party state shall be the administrator of this
1376 Compact for his/her state.

1377 (b) The Compact administrator of each party state shall
1378 furnish to the Compact administrator of each other party state any
1379 information and documents including, but not limited to, a uniform
1380 data set of investigations, identifying information, licensure
1381 data, and disclosable alternative program participation
1382 information to facilitate the administration of this Compact.

1383 (c) Compact administrators shall have the authority to
1384 develop uniform rules to facilitate and coordinate implementation
1385 of this Compact. These uniform rules shall be adopted by party
1386 states, under the authority invested under Article VI(d).

1387 **ARTICLE IX**

1388 **Immunity**

1389 No party state or the officers or employees or agents of a
1390 party state's nurse licensing board who acts in accordance with
1391 the provisions of this Compact shall be liable on account of any
1392 act or omission in good faith while engaged in the performance of
1393 their duties under this Compact. Good faith in this article shall
1394 not include willful misconduct, gross negligence or recklessness.

1395 **ARTICLE X**

1396 **Entry into Force, Withdrawal and Amendment**

1397 (a) This Compact shall enter into force and become effective
1398 as to any state when it has been enacted into the laws of that



1399 state. Any party state may withdraw from this Compact by enacting
1400 a statute repealing the same, but no such withdrawal shall take
1401 effect until six (6) months after the withdrawing state has given
1402 notice of the withdrawal to the executive heads of all other party
1403 states.

1404 (b) No withdrawal shall affect the validity or applicability
1405 by the licensing boards of states remaining party to the Compact
1406 of any report of adverse action occurring prior to the withdrawal.

1407 (c) Nothing contained in this Compact shall be construed to
1408 invalidate or prevent any nurse licensure agreement or other
1409 cooperative arrangement between a party state and a nonparty state
1410 that is made in accordance with the other provisions of this
1411 Compact.

1412 (d) This Compact may be amended by the party states. No
1413 amendment to this Compact shall become effective and binding upon
1414 the party states unless and until it is enacted into the laws of
1415 all party states.

1416 **ARTICLE XI**

1417 **Construction and Severability**

1418 (a) This Compact shall be liberally construed so as to
1419 effectuate the purposes thereof. The provisions of this Compact
1420 shall be severable and if any phrase, clause, sentence or
1421 provision of this Compact is declared to be contrary to the
1422 constitution of any party state or of the United States or the
1423 applicability thereof to any government, agency, person or



1424 circumstance is held invalid, the validity of the remainder of
1425 this Compact and the applicability thereof to any government,
1426 agency, person or circumstance shall not be affected thereby. If
1427 this Compact shall be held contrary to the constitution of any
1428 party state thereto, the Compact shall remain in full force and
1429 effect as to the remaining party states and in full force and
1430 effect as to the party state affected as to all severable matters.

1431 (b) In the event party states find a need for settling
1432 disputes arising under this Compact:

1433 (1) The party states may submit the issues in dispute
1434 to an arbitration panel which will be comprised of an individual
1435 appointed by the Compact administrator in the home state; an
1436 individual appointed by the Compact administrator in the remote
1437 state(s) involved; and an individual mutually agreed upon by the
1438 Compact administrators of all the party states involved in the
1439 dispute.

1440 (2) The decision of a majority of the arbitrators shall
1441 be final and binding.

1442 **SECTION 15.** Section 73-15-23, Mississippi Code of 1972, is
1443 amended as follows:

1444 73-15-23. (1) The term "head of the nurse licensing board,"
1445 as referred to in Article VIII of the Nurse Licensure Compact as
1446 set forth in Section 73-15-22, shall mean the executive director
1447 of the * * * board * * *.



1448 (2) The Governor may withdraw this state from the Nurse
1449 Licensure Compact if the board * * * notifies the Governor that a
1450 state that is a party to the compact changed, after July 1, 2001,
1451 the state's requirements for licensing a nurse and that the
1452 state's requirements, as changed, are substantially lower than the
1453 requirements for licensing a nurse in this state.

1454 (3) The effective date of the Nurse Licensure Compact shall
1455 be July 1, 2001.

1456 **SECTION 16.** Section 73-15-25, Mississippi Code of 1972,
1457 which authorizes the State Department of Education through its
1458 Division of Vocational Education to contract with the Mississippi
1459 Community College Board to establish uniform standards for the
1460 accreditation of schools of practical nursing in this state, is
1461 repealed.

1462 **SECTION 17.** Section 73-15-27, Mississippi Code of 1972, is
1463 amended as follows:

1464 73-15-27. (1) The license of every person licensed under
1465 the provisions of this article shall be renewed biennially except
1466 as hereinafter provided in this section * * *.

1467 (* * *2) Registered nurses:

1468 (* * *a) Except as provided in Section 33-1-39, the
1469 license to practice as a registered nurse shall be valid for two
1470 (2) calendar years, beginning January 1 of each * * * odd-numbered
1471 year and expiring December 31 in each even-numbered year of the



1472 biennial period and subject to renewal for each period of two (2)
1473 years thereafter.

1474 (* * *b) A * * * renewal of licensure announcement
1475 will be * * * made by the board on or before November 1 of the
1476 year the license expires to every person to whom a license was
1477 issued or renewed during the biennial period. An application
1478 shall be completed * * * online by December 31 of that year with
1479 the biennial renewal fee to be set at the discretion of the board,
1480 but not to exceed One Hundred Dollars (\$100.00).

1481 (* * *c) Upon receipt of the renewal application and
1482 fee, the board shall verify the accuracy of the application and
1483 issue * * * a renewal for the ensuing period of two (2) years.
1484 Such renewal shall render the holder thereof the right to practice
1485 as a registered nurse.

1486 (* * *d) A registered nurse may request in writing to
1487 the board that his or her license be placed on inactive status.
1488 The board may grant such request and shall have authority, in its
1489 discretion, to attach conditions to the licensure of such
1490 registered nurse while on inactive status. A biennial renewal fee
1491 for inactive registered nurses shall be set at the discretion of
1492 the board, not to exceed Fifty Dollars (\$50.00).

1493 (* * *e) Any registered nurse applying for * * *
1494 reinstatement of a lapsed license * * * or change from inactive to
1495 active status may be required to provide evidence of continuing
1496 basic nursing competencies when such nurse has not practiced



1497 nursing for compensation or performed the function of a registered
1498 nurse in a voluntary capacity with or without compensation within
1499 the five-year period immediately * * * before such application for
1500 a license, renewal, reinstatement or change of status.

1501 (* * * f) Any registered nurse who permits his or her
1502 license to lapse by failing to renew the license as provided above
1503 may be reinstated by the board on satisfactory explanation for
1504 such failure to renew his or her license, by compliance with all
1505 other applicable provisions of this article, by completion of a
1506 reinstatement form, and upon payment of a reinstatement fee not to
1507 exceed * * * Two Hundred Fifty Dollars (\$250.00), which shall not
1508 include the renewal fee for the current biennial period. * * *

1509 (* * * g) Any person practicing as a registered nurse
1510 during the time his or her license has lapsed shall be considered
1511 in violation of this article and shall be subject to the penalties
1512 provided for violation of this article * * *.

1513 (* * * 3) Licensed practical nurses:

1514 (* * * a) Except as provided in Section 33-1-39, the
1515 license to practice as a licensed practical nurse shall be valid
1516 for two (2) calendar years, beginning January 1 of each
1517 even-numbered year and expiring December 31 in each * * *
1518 odd-numbered year of the biennial period and subject to renewal
1519 for each period of two (2) years thereafter.

1520 (* * * b) A * * * renewal of licensure announcement
1521 will be * * * made by the board on or before November 1 of the



1522 year the license expires to every person to whom a license was
1523 issued or renewed during the biennial period. An application
1524 shall be completed and returned to the board online by December 31
1525 of that year with the biennial renewal fee to be set at the
1526 discretion of the board, but not to exceed One Hundred Dollars
1527 (\$100.00).

1528 (* * *c) Upon receipt of the renewal application and
1529 fee, the board shall verify the accuracy of the application and
1530 issue * * * a renewal for the ensuing period of two (2) years.
1531 Such renewal shall render the holder thereof the right to practice
1532 as a licensed practical nurse.

1533 (* * *d) A licensed practical nurse may request in
1534 writing to the board that his or her license be placed on inactive
1535 status. The board may grant such request and shall have
1536 authority, in its discretion, to attach conditions to the
1537 licensure of such licensed practical nurse while on inactive
1538 status. A biennial renewal fee for inactive licensed practical
1539 nurses shall be set at the discretion of the board, not to exceed
1540 Fifty Dollars (\$50.00).

1541 (* * *e) Any licensed practical nurse applying for a
1542 license, renewal of an active license, reinstatement of a lapsed
1543 license, or change from inactive to active status may be required
1544 to provide evidence of continuing basic nursing competencies when
1545 such nurse has not practiced nursing for compensation or performed
1546 the function of a licensed practical nurse in a voluntary capacity



1547 with or without compensation within the five-year period
1548 immediately * * * before such application for a license, renewal,
1549 reinstatement or change of status.

1550 (* * * f) Any licensed practical nurse who permits his
1551 or her license to lapse by failing to renew the license as
1552 provided above may be reinstated by the board upon satisfactory
1553 explanation for such failure to renew his or her license, by
1554 compliance with all other applicable provisions of this article,
1555 by completion of a reinstatement form, and upon payment of the
1556 reinstatement fee not to exceed * * * Two Hundred Fifty Dollars
1557 (\$250.00), which shall not include the renewal fee for the current
1558 biennial period. * * *

1559 (* * * g) Any person practicing as a licensed practical
1560 nurse during the time his or her license has lapsed shall be
1561 considered * * * in violation of this article and shall be subject
1562 to the penalties provided for violation of this article * * *.

1563 **SECTION 18.** Section 73-15-29, Mississippi Code of 1972, is
1564 amended as follows:

1565 73-15-29. (1) The board shall have power to revoke, suspend
1566 or refuse to renew any license issued by the board, or to revoke
1567 or suspend any privilege to practice, or to deny an application
1568 for a license, or to fine, place on probation and/or discipline a
1569 licensee, in any manner specified in this article, upon proof that
1570 such person:



1571 (a) Has committed fraud or deceit in securing or
1572 attempting to secure such license;

1573 (b) Has been convicted of felony, or a crime involving
1574 moral turpitude or has had accepted by a court a plea of nolo
1575 contendere to a felony or a crime involving moral turpitude, or a
1576 criminal conviction or adjudication in any jurisdiction including,
1577 but not limited to, being convicted of, pleading guilty to,
1578 entering a plea of nolo contendere or no contest to, or receiving
1579 a deferred judgment or suspended sentence (a certified copy of the
1580 judgment of the court of competent jurisdiction of such conviction
1581 or pleas shall be prima facie evidence of such conviction);

1582 (c) Has negligently or willfully acted in a manner
1583 inconsistent with the health or safety of the persons under the
1584 licensee's care;

1585 (d) Has had a license or privilege to practice as a
1586 registered nurse or a licensed practical nurse suspended or
1587 revoked in any jurisdiction, has voluntarily surrendered such
1588 license or privilege to practice in any jurisdiction, has been
1589 placed on probation as a registered nurse or licensed practical
1590 nurse in any jurisdiction or has been placed under a disciplinary
1591 order(s) in any manner as a registered nurse or licensed practical
1592 nurse in any jurisdiction, (a certified copy of the order of
1593 suspension, revocation, probation or disciplinary action shall be
1594 prima facie evidence of such action);



1595 (e) Has negligently or willfully practiced nursing in a
1596 manner that fails to meet generally accepted standards of such
1597 nursing practice;

1598 (f) Has negligently or willfully violated any order,
1599 rule or regulation of the board pertaining to nursing practice or
1600 licensure;

1601 (g) Has falsified or in a repeatedly negligent manner
1602 made incorrect entries or failed to make essential entries on
1603 records;

1604 (h) Is addicted to or dependent on alcohol or other
1605 habit-forming drugs or is a habitual user of narcotics,
1606 barbiturates, amphetamines, hallucinogens, or other drugs having
1607 similar effect, or has misappropriated any medication;

1608 (i) Has a physical, mental or emotional condition that
1609 renders the licensee unable to perform nursing services or duties
1610 with reasonable skill and safety;

1611 (j) Has engaged in any other conduct, whether of the
1612 same or of a different character from that specified in this
1613 article, that would constitute a crime as defined in Title 97 of
1614 the Mississippi Code of 1972, as now or hereafter amended, and
1615 that relates to such person's employment as a registered nurse or
1616 licensed practical nurse;

1617 (k) Engages in conduct likely to deceive, defraud or
1618 harm the public;



1619 (l) Engages in any unprofessional conduct as identified
1620 by the board in its rules;

1621 (m) Has violated any provision of this article; or

1622 (n) Violation(s) of the provisions of Sections 41-121-1
1623 through 41-121-9 relating to deceptive advertisement by health
1624 care practitioners. This paragraph shall stand repealed on July
1625 1, 2016.

1626 (2) When the board finds any person unqualified because of
1627 any of the grounds set forth in subsection (1) of this section, it
1628 may enter an order imposing one or more of the following
1629 penalties:

1630 (a) Denying application for a license or other
1631 authorization to practice nursing or practical nursing;

1632 (b) Administering a reprimand;

1633 (c) Suspending or restricting the license or other
1634 authorization to practice as a * * * nurse * * * ;

1635 (d) Revoking the license or other authorization to
1636 practice nursing * * *;

1637 (e) Requiring the discipline to submit to care,
1638 counseling or treatment by persons and/or agencies approved or
1639 designated by the board as a condition for initial, continued or
1640 renewed licensure or other authorization to practice
1641 nursing * * *;

1642 (f) Requiring the discipline to participate in a
1643 program of education prescribed by the board as a condition for



1644 initial, continued or renewed licensure or other authorization to
1645 practice;

1646 (g) Requiring the discipline to practice under the
1647 supervision of a * * * licensed nurse for a specified period of
1648 time; or

1649 (h) Imposing a fine * * *.

1650 (3) If the board determines that an applicant does not
1651 possess the qualifications required for licensure or that an
1652 accused has violated any of the provisions of this article, the
1653 board may refuse to issue a license to the applicant, or revoke,
1654 suspend, refuse to renew a license, or revoke or suspend the
1655 privilege to practice, or otherwise discipline the applicant as
1656 prescribed in this article.

1657 (4) The board is authorized to summarily suspend the license
1658 of a nurse without a hearing if the board finds that there is
1659 probable cause to believe that the nurse has violated a statute or
1660 rule that the board is empowered to enforce and continued practice
1661 by the nurse would create imminent and serious risk of harm to
1662 public health, safety and welfare; or if the nurse fails to obtain
1663 a board-ordered evaluation.

1664 (* * *5) In addition to the grounds specified in subsection
1665 (1) of this section, the board shall be authorized to suspend the
1666 license or privilege to practice of any licensee for being out of
1667 compliance with an order for support, as defined in Section
1668 93-11-153. The procedure for suspension of a license or privilege



1669 to practice for being out of compliance with an order for support,
1670 and the procedure for the reissuance or reinstatement of a license
1671 or privilege to practice suspended for that purpose, and the
1672 payment of any fees for the reissuance or reinstatement of a
1673 license or privilege to practice suspended for that purpose, shall
1674 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1675 If there is any conflict between any provision of Section
1676 93-11-157 or 93-11-163 and any provision of this article, the
1677 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1678 shall control.

1679 * * *

1680 **SECTION 19.** Section 73-15-31, Mississippi Code of 1972, is
1681 amended as follows:

1682 73-15-31. (1) Charges may be brought * * * filed by the
1683 board * * * against any licensee who has allegedly committed any
1684 act in violation of this article that is grounds for disciplinary
1685 action. * * * The executive director or designee of the board
1686 shall fix a time and place for a hearing and shall cause a copy of
1687 the specific allegations and charges to be sent by certified mail
1688 or served by personal service of process together with notice of
1689 the time and place fixed for the hearing, to be served upon the
1690 accused at least fifteen (15) days prior thereto. The accused may
1691 waive notice of the hearing in writing and the board may grant the
1692 accused at least one (1) extension of time, upon the request of
1693 the accused. When personal service of process or service of



1694 process by certified mail cannot be effected, the executive
1695 director of the board shall cause to be published once in each of
1696 three (3) successive weeks a notice of the hearing in the
1697 newspapers published in the county in which the accused last
1698 practiced according to the records of the board, or in the county
1699 in which the accused last resided. When publication of the notice
1700 is necessary, the date of the hearing shall not be less than ten
1701 (10) days after the last date of the notice.

1702 (2) The board, acting by and through its executive director,
1703 shall have the power to subpoena persons and compel the production
1704 of any records, * * * papers and other documents in connection
1705 with both its investigations and hearings, which shall be served
1706 in accordance with law for the board * * * and on behalf of the
1707 accused. * * * A certified copy of any record inspected or copied
1708 in the course and scope of an investigation by the board and with
1709 reasonable cause show may be used as evidence in the disciplinary
1710 proceeding. The board shall be entitled to the assistance of the
1711 chancery court or the chancellor, in vacation, which, on petition
1712 by the board, shall issue ancillary subpoenas and petitions and
1713 may punish as for contempt of court in the event of noncompliance
1714 with the subpoenas or petitions.

1715 (3) All records of the investigation and all patient charts,
1716 records, emergency room records or any other document that may
1717 have been copied shall be kept confidential and shall not be
1718 subject to discovery or subpoena. If no disciplinary proceedings



1719 are initiated within a period of five (5) years after the
1720 determination of insufficient cause, then the board shall destroy
1721 all records obtained pursuant to this section.

1722 (4) At the hearings * * *, the licensee or applicant shall
1723 have the right to appear either personally or by counsel, or both,
1724 to produce witnesses or evidence * * * on his or her behalf, and
1725 to cross-examine witnesses * * *.

1726 (5) All disciplinary hearings shall be conducted by a
1727 hearing panel consisting of three (3) members of the board, * * *
1728 and shall not be bound by strict rules of procedure or by the laws
1729 of evidence in the conduct of its proceedings * * *. The board
1730 may adopt rules and discovery and procedure governing all
1731 proceedings. A final decision * * * by the board * * * shall
1732 include findings of fact and conclusions of law, separately
1733 stated, of which the accused shall receive a copy.

1734 * * *

1735 (6) No previously issued license to practice nursing * * *
1736 shall be revoked or suspended until after a hearing
1737 conducted * * * under this article, except where the board finds
1738 there is imminent danger to the public health or safety that
1739 warrants injunctive relief provided in this article.

1740 (7) * * * Upon the execution of an order by the board,
1741 either following a hearing or in lieu of a hearing, the board, in
1742 addition to exercising its authority as granted and specified in
1743 this article, and the disciplinary powers specified in Section



1744 73-15-31, may assess the licensee or applicant for reasonable
1745 costs expended by the board in the investigation and conduct of a
1746 proceeding to enforce these rules against a licensee or applicant,
1747 including, but not limited to, the cost of process service, court
1748 reporter fees, witness fees, expert witnesses, investigative costs
1749 and other related expenses. If a not guilty decision is rendered
1750 by the board against a licensee or applicant, no administrative
1751 cost shall be assessed. Monies collected by the board under this
1752 section shall be deposited to the credit of a special fund
1753 operating account of the board to reimburse the existing current
1754 year appropriated budget.

1755 * * *

1756 (* * *8) The licensee or applicant is granted the right to
1757 appeal from the action of the hearing panel to the full membership
1758 of the board in denying, revoking, suspending or refusing to renew
1759 any license issued by the board, or revoking or suspending any
1760 privilege to practice, or fining or otherwise disciplining any
1761 person practicing as a * * * nurse * * *. The appeal must be
1762 taken within thirty (30) days after notice of the action of the
1763 hearing panel in denying, revoking, suspending or refusing to
1764 renew the license, or revoking or suspending the privilege to
1765 practice, or fining or otherwise disciplining the person, and is
1766 perfected upon filing notice of appeal and * * * Two Hundred Fifty
1767 Dollars (\$250.00) with the executive director of the board.



1768 (* * *9) The licensee or applicant is granted the right to
1769 appeal from the action of the board in affirming the denial,
1770 revocation, suspension or refusal to renew any license issued by
1771 the board, or revoking or suspending any privilege to practice, or
1772 fining or otherwise disciplining of any person practicing as
1773 a * * * nurse * * *. Such appeal shall be made to the chancery
1774 court of the county of the residence of the licensee * * *. The
1775 appeal must be taken within thirty (30) days after notice of the
1776 action of the board in denying, revoking, suspending or refusing
1777 to renew the license, or revoking or suspending the privilege to
1778 practice, or fining or otherwise disciplining the person * * *,
1779 and is perfected upon filing notice of the appeal * * * and Five
1780 Hundred Dollars (\$500.00) with the executive director of the
1781 board.

1782 * * *

1783 (* * *10) Any member of the board and any witness appearing
1784 in a hearing before the board shall be immune from * * * civil
1785 liability in any civil action * * * related to those proceedings.

1786 * * *

1787 **SECTION 20.** The following shall be codified as Section
1788 73-15-32, Mississippi Code of 1972:

1789 73-15-32. (1) Application for restoration of a revoked,
1790 surrendered or suspended nursing license may be made for a minimum
1791 of twelve (12) months from the effective date of revocation,
1792 surrender or suspension and shall be at the discretion of the



1793 board. The nurse whose license has been revoked, surrendered or
1794 suspended shall petition for restoration of licensure and
1795 demonstrate competency and fitness of duty to ensure safety to
1796 patients. Such petition shall be made in writing and on a form
1797 prescribed by the board. The procedure for the restoration of a
1798 license that is suspended for being out of compliance with an
1799 order for support, as defined in Section 93-11-153, shall be
1800 governed by Section 93-11-157 or 93-11-163, as the case may be.

1801 (2) The petition shall be accompanied by five (5) supporting
1802 affidavits, the criteria of which are outlined in the
1803 administrative code of the board.

1804 (3) The petition may be heard at the next regular meeting of
1805 the board, but not earlier than thirty (30) days after the
1806 petition was filed. No petition shall be considered while the
1807 petitioner is under sentence for any criminal offense, including
1808 any period during which petitioner is on probation or parole. In
1809 all restoration proceedings, the petitioner has the burden of
1810 proof to show by clear and convincing evidence rehabilitation
1811 efforts, competency and ability to safely practice nursing.

1812 (4) The board may investigate petitioner and consider all
1813 activities of the petitioner since disciplinary action was
1814 imposed. The investigation shall require petitioner to undergo a
1815 fingerprint-based criminal history records check of the
1816 Mississippi central criminal database and the Federal Bureau of
1817 Investigation criminal history database. Each petitioner shall



1818 submit a full set of petitioner's fingerprints in a form and
1819 manner as prescribed by the board, which shall be forwarded to the
1820 Mississippi Department of Public Safety (department) and the
1821 Federal Bureau of Investigation Identification Division for this
1822 purpose. Any and all state or national criminal history records
1823 information obtained by the board that is not already a matter of
1824 public record shall be deemed nonpublic and confidential
1825 information restricted to the exclusive use of the board, its
1826 members, officers, investigators, agents and attorneys in
1827 evaluating the petitioner's eligibility or disqualification for
1828 licensure, and shall be exempt from the Mississippi Public Records
1829 Act of 1983. Except when introduced into evidence in a hearing
1830 before the board to determine licensure, no such information or
1831 records related thereto shall, except with written consent of
1832 petitioner or by order of a court of competent jurisdiction, be
1833 released or otherwise disclosed by the board to any other person
1834 or agency. The board shall provide to the department the
1835 fingerprints of the petitioner, any additional information that
1836 may be required by the department, and a form signed by petitioner
1837 consenting to the check of criminal records and the use of
1838 fingerprints and other identifying information required by state
1839 or national repositories. The board shall charge and collect from
1840 petitioner, in addition to all other applicable fees and costs,
1841 such amount as may be incurred by the board in requesting and



1842 obtaining state and national criminal history records information
1843 on petitioner.

1844 (5) The board may not consider incomplete applications.
1845 Applications for restoration of a revoked, surrendered or
1846 suspended license are incomplete until all the information
1847 required is provided under this section and the rules of the
1848 board.

1849 (6) In considering restoration of a revoked, surrendered or
1850 suspended license, the board may evaluate factors that include,
1851 but are not limited to:

1852 (a) Severity of the act(s) that resulted in revocation
1853 or suspension of license;

1854 (b) Conduct of petitioner after the revocation or
1855 suspension of license;

1856 (c) Compliance with all restoration requirements or
1857 orders by the board;

1858 (d) Rehabilitation attained by petitioner as evidenced
1859 by information provided to the board;

1860 (e) Violation by petitioner of any applicable statute
1861 or rule.

1862 **SECTION 21.** Section 73-15-33, Mississippi Code of 1972, is
1863 amended as follows:

1864 73-15-33. (1) It is unlawful for any person, including a
1865 corporation or association, to:



1866 (a) Sell, fraudulently obtain or furnish any nursing
1867 diploma, license, renewal of license, or record, or to aid or abet
1868 therein;

1869 (b) Practice nursing as defined by this article under
1870 cover of any diploma, license, renewal of license, or record
1871 illegally or fraudulently obtained or signed or issued unlawfully
1872 or under fraudulent representation;

1873 (c) Practice or offer to practice nursing as defined by
1874 this article unless duly licensed or privileged to practice under
1875 the provisions of this article;

1876 (d) Use any title, designation or abbreviation by which
1877 a person * * * represents to the public that he or she is a
1878 registered nurse, an advanced practice registered nurse, a
1879 licensed practical nurse or any other type of nurse, unless the
1880 person is duly licensed or privileged to practice under the
1881 provisions of this article; however, this paragraph does not
1882 prohibit a certified nurse assistant or certified nursing
1883 assistant from using the word "nurse" or "nursing" as part of his
1884 or her job title;

1885 (e) Practice as a registered nurse, an advanced
1886 practice registered nurse, or a licensed practical nurse * * *
1887 when his or her license * * * is suspended or revoked;

1888 (f) Conduct a nursing education program for the
1889 preparation of registered nurses, unless the program has been
1890 accredited by the Board of Trustees of State Institutions of



1891 Higher Learning, or conduct a nursing education program for the
1892 preparation of licensed practical nurses unless the program has
1893 been accredited by the Department of Education through the
1894 Division of Vocational Education;

1895 (g) Willfully employ unlicensed persons or persons not
1896 holding the privilege * * * to practice as registered nurses,
1897 advanced practice registered nurses, or licensed practical nurses;
1898 or

1899 (h) Willfully aid or abet any person who violates any
1900 provisions of this article.

1901 (2) Any person, firm or corporation who violates any
1902 provisions of this article shall be guilty of a misdemeanor and,
1903 upon conviction thereof, shall be punished by a fine not less than
1904 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
1905 (\$1,000.00) or by imprisonment in the county jail for not less
1906 than twelve (12) months, or by both such fine and imprisonment.
1907 It shall be necessary to prove, in any prosecution under this
1908 article, only a single act prohibited by law, or a single holding
1909 out or an attempt without proving a general course of conduct in
1910 order to constitute a violation. Each violation may constitute a
1911 separate offense. Except as otherwise authorized in Section
1912 7-5-39, it shall be the duty of the Attorney General to advise
1913 with the board in preparing charges, to assist in conducting board
1914 disciplinary hearings, to provide assistance with appropriate
1915 affidavits and other charges for filing in the appropriate court,



1916 and to assist the county or district attorney in prosecution, if
1917 any.

1918 **SECTION 22.** Section 73-15-35, Mississippi Code of 1972, is
1919 amended as follows:

1920 73-15-35. The practice of nursing as a registered nurse, the
1921 practice of nursing as an advanced practice registered nurse, or
1922 the practice of nursing as a licensed practical nurse by any
1923 person who has not been issued a license or who does not hold the
1924 privilege to practice under the provisions of this article, or
1925 whose license or privilege to practice has been suspended or
1926 revoked, or has expired and not been reinstated, or has
1927 negligently or willfully practiced nursing in a manner that fails
1928 to meet generally accepted standards of such nursing practice, is
1929 declared to be a danger to the public health and welfare and shall
1930 be enjoined through appropriate court action. In addition to and
1931 not in lieu of any other civil, criminal or disciplinary remedy,
1932 the Attorney General, the board * * * or the prosecuting attorney
1933 of any county where a person is practicing or purporting to
1934 practice as a registered nurse, as an advanced practice registered
1935 nurse, or as a licensed practical nurse in violation of this
1936 article may, in accordance with the laws of this state governing
1937 injunctions, maintain an action to enjoin that person from
1938 practicing as a registered nurse, an advanced practice registered
1939 nurse, or a licensed practical nurse * * *. The court may issue a
1940 temporary injunction without notice or without bond enjoining a



1941 defendant from further practicing as a registered nurse, an
1942 advanced practice registered nurse, or a licensed practical nurse.
1943 If it is established to the satisfaction of the court that the
1944 defendant has been or is practicing as a registered nurse, an
1945 advanced practice registered nurse, or a licensed practical nurse
1946 without being licensed or privileged to practice and in good
1947 standing as provided * * * in this article, the court may enter a
1948 decree perpetually enjoining the defendant from such further
1949 activities, and a subsequent violation of which may be considered
1950 as contempt of court by any court of competent jurisdiction. Such
1951 injunction and contempt proceedings may be in addition to and not
1952 in lieu of any other penalties and remedies provided by this
1953 article.

1954 **SECTION 23.** Section 73-15-101, Mississippi Code of 1972, is
1955 amended as follows:

1956 73-15-101. (1) A statewide program for certification of
1957 certified clinical hemodialysis technicians is created under
1958 the * * * board * * *.

1959 (2) Unless certified as a certified clinical hemodialysis
1960 technician under this section, no person shall:

1961 (a) Practice as a certified clinical hemodialysis
1962 technician; or

1963 (b) Use the title "certified clinical hemodialysis
1964 technician," "hemodialysis technician," or other title,



1965 abbreviation, letters, figures, signs, or devices to indicate or
1966 imply that the person is a certified hemodialysis technician.

1967 (3) The board * * * is authorized and empowered to:

1968 (a) Maintain a permanent register of all certified
1969 clinical hemodialysis technicians;

1970 (b) Adopt rules and regulations for certified clinical
1971 hemodialysis technician training programs, including standards and
1972 curricula;

1973 (c) Provide for periodic evaluation of training
1974 programs;

1975 (d) Grant, deny or withdraw approval from a training
1976 program that fails to meet prescribed standards or fails to
1977 maintain a current contract with the board;

1978 (e) Develop, maintain and administer a certification
1979 examination, or grant, deny or withdraw approval of a
1980 certification examination(s);

1981 (f) Adopt rules and regulations for certification of
1982 clinical hemodialysis technicians by examination, endorsement,
1983 renewal and reinstatement; and

1984 (g) Conduct disciplinary hearings of certified clinical
1985 hemodialysis technicians concerning the restriction, denial,
1986 suspension, revocation and/or discipline of a certificate holder
1987 in any manner specified in rules and regulations of the board.

1988 (4) Any applicant for certification to practice as a
1989 certified clinical hemodialysis technician shall * * *:



1990 (a) Submit to the board an attested written application
1991 on a board * * * form;

1992 (b) Submit to the board a diploma from an approved high
1993 school or the equivalent thereof, as determined by the appropriate
1994 education agency;

1995 (c) Submit to the board written official evidence of
1996 completion of a hemodialysis technician program approved by the
1997 board * * *;

1998 (d) Submit to the board evidence of competence in
1999 English related to health care/nursing if the first language is
2000 not English;

2001 (e) Submit to the board written official evidence that
2002 the applicant has passed the certification examination as approved
2003 by the board * * *; * * *

2004 (f) * * * Have successful clearance for licensure
2005 through an investigation that shall consist of a determination as
2006 to good moral character and verification that the prospective
2007 certificate holder is not guilty of or in violation of any
2008 statutory ground for denial of licensure for nurses as set forth
2009 in Section 73-15-29, or guilty of any offense specified in Section
2010 73-15-33, or any offense specified in subsection (5) of this
2011 section. To assist the board in conducting its licensure
2012 investigation, all applicants shall undergo a fingerprint-based
2013 criminal history records check of the Mississippi central criminal
2014 database and the Federal Bureau of Investigation criminal history



2015 database. Each applicant shall submit a full set of his or her
2016 fingerprints in a form and manner prescribed by the board, which
2017 shall be forwarded to the Mississippi Department of Public Safety
2018 (department) and the Federal Bureau of Investigation
2019 Identification Division for this purpose. Any and all state or
2020 national criminal history records information obtained by the
2021 board that is not already a matter of public record shall be
2022 deemed nonpublic and confidential information restricted to the
2023 exclusive use of the board, its members, officers, investigators,
2024 agents and attorneys in evaluating the applicant's eligibility or
2025 disqualification for licensure, and shall be exempt from the
2026 Mississippi Public Records Act of 1983. Except when introduced
2027 into evidence in a hearing before the board to determine
2028 certification, no such information or records related thereto
2029 shall, except with the written consent of the applicant or by
2030 order of a court of competent jurisdiction, be released or
2031 otherwise disclosed by the board to any other person or agency.
2032 The board shall provide to the department the fingerprints of the
2033 applicant, any additional information that may be required by the
2034 department, and a form signed by the applicant consenting to the
2035 check of the criminal records and to the use of the fingerprints
2036 and other identifying information required by the state or
2037 national repositories. The board shall charge and collect from
2038 the applicant, in addition to all other applicable fees and costs,
2039 such amount as may be incurred by the board in requesting and



2040 obtaining state and national criminal history records information
2041 on the applicant. The board may, in its discretion, refuse to
2042 accept the application of any person who has been convicted of a
2043 criminal offense under any provision of Title 97, Mississippi Code
2044 of 1972, as now or hereafter amended, or any provision of this
2045 article.

2046 (g) Submit to the board any other official records
2047 required by the board.

2048 (5) The board * * * may, in its discretion, refuse to accept
2049 the application of any person who has been convicted of a criminal
2050 offense under any provision of Title 97 of the Mississippi Code of
2051 1972, or any offense listed in Section 43-11-13(5), or any sex
2052 offense included in Section 45-33-23(g), as now or hereafter
2053 amended.

2054 (* * *6) Every certificate issued by the board * * * to
2055 practice as a certified clinical hemodialysis technician shall be
2056 renewed every two (2) years. The certified clinical hemodialysis
2057 technician seeking renewal shall submit proof of employment as a
2058 certified clinical hemodialysis technician, proof of having met
2059 continuing education requirements adopted by the board * * * and
2060 any other official records required by the board * * *.

2061 (* * *7) The board * * * shall establish nonrefundable fees
2062 necessary for the administration of this section, including, but
2063 not limited to, fees for initial certification by initial or later
2064 examination, renewal of certification, reinstatement of a lapsed



2065 certificate, endorsement, initial review and approval of a
2066 training program, and later review and approval of a training
2067 program.

2068 **SECTION 24.** This act shall take effect and be in force from
2069 and after July 1, 2013.

