

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2088

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



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

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

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

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

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

62 73-15-3. \* \* \* The Mississippi Board of Nursing is a  
63 consumer protection agency with the authority to regulate the  
64 practice of nursing through licensure and to establish the scope  
65 of nursing practice. The purpose of this law is to protect the  
66 health, safety and welfare of the residents of this state.

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



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

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

74           ( \* \* \* 3) \* \* \* "Practice \* \* \* by a registered nurse" means  
75 the performance for compensation of services which requires  
76 substantial knowledge of the biological, physical, behavioral,  
77 psychological and sociological sciences and of nursing theory as  
78 the basis for assessment, diagnosis, planning, intervention and  
79 evaluation in the promotion and maintenance of health; management  
80 of individuals' responses to illness, injury or infirmity; the  
81 restoration of optimum function; or the achievement of a dignified  
82 death. \* \* \* Nursing practice \* \* \* includes, but is not limited  
83 to, administration, teaching, counseling, delegation and  
84 supervision of nursing, and execution of the medical regimen,  
85 including the administration of medications and treatments  
86 prescribed by any licensed or legally authorized physician or  
87 dentist. The foregoing shall not be deemed to include acts of  
88 medical diagnosis or prescriptions of medical, therapeutic or  
89 corrective measures, except as may be set forth by rules and  
90 regulations promulgated and implemented by the \* \* \* board \* \* \*.  
91 \* \* \*

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



94 approved by the board which, by virtue of graduate education and  
95 experience are appropriately performed by an advanced practice  
96 registered nurse in addition to the practice as a registered  
97 nurse. The advanced practice registered nurse may diagnose,  
98 treat, prescribe and manage medical conditions. This may include  
99 controlled substance prescriptive authority being granted as  
100 identified by the board. Advanced practice registered  
101 nurses \* \* \* may, but shall not be required to practice in a  
102 collaborative/consultative relationship with a physician or  
103 dentist with an unrestricted license to practice in the State of  
104 Mississippi and advanced nursing must be performed within the  
105 framework of \* \* \* evidence-based standards of practice.

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



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

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

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

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

138 \* \* \*

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



144 roles: certified registered nurse \* \* \* midwife, certified  
145 registered nurse \* \* \* anesthetist, certified registered  
146 nurse \* \* \* practitioner and clinical nurse specialist. "APRN" is  
147 the abbreviation for the title of Advanced Practice Registered  
148 Nurse. "CNM" is the abbreviation for the title of Certified  
149 Registered Nurse Midwife, "CRNA" is the abbreviation for the title  
150 of Certified Registered Nurse Anesthetist. "CNP" is the  
151 abbreviation for the title of Certified Registered Nurse  
152 Practitioner. "CNS" is the abbreviation for the title of Clinical  
153 Nurse Specialist.

154 \* \* \*

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

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

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



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

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

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

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

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

181           \* \* \*

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

186           \* \* \*

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

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

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



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

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





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

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

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

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

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



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

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

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

263 \* \* \*

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



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

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

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

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

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

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

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



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

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

301 \* \* \*

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

308 \* \* \*

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



318 experience as an APRN, at least three (3) of which immediately  
319 preceded appointment.

320 ( \* \* \*5) The physician member shall be a physician licensed  
321 to practice in the State of Mississippi and a member of the State  
322 Board of Medical Licensure.

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

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

330 73-15-17. The \* \* \* board \* \* \* is authorized and empowered  
331 to:

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

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

340 (c) \* \* \* Develop standards for maintaining competence  
341 of licensees and requirements for returning to practice.



342 (d) \* \* \* Certify and regulate Certified Clinical  
343 Hemodialysis Technicians (CCHTs).

344 (e) \* \* \* Develop and enforce standards for nursing  
345 practice.

346 (f) \* \* \* Issue advisory opinions, interpretive  
347 statements and declaratory statements regarding the interpretation  
348 and application of the Nurse Practice Law and regulations adopted  
349 under this law.

350 (g) Regulate the manner in which nurses announce their  
351 practice to the public.

352 (h) Implement the discipline process:

353 (i) Issue subpoenas in connection with  
354 investigations, inspections and hearings.

355 (ii) Obtain access to records as reasonably  
356 requested by the board to assist the board in its investigation.  
357 The board shall maintain any records under this subparagraph as  
358 confidential data.

359 (iii) Order licensees to submit and pay for  
360 physical, mental health or chemical dependency evaluations for  
361 cause.

362 (iv) Prosecute alleged violations of this law.

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

366 (vi) Provide alternatives to discipline:



367 1. Establish alternative programs for  
368 monitoring of nurses who agree to seek treatment of substance use  
369 disorders, mental health or physical health conditions that could  
370 lead to disciplinary action by the board as established by rule of  
371 the board; and

372 2. Establish programs to educate and  
373 remediate nurses with practice concerns who meet criteria  
374 established by rule of the board.

375 (i) Discipline nurses for violation of any provision of  
376 this law.

377 (j) Maintain a record of all persons regulated by the  
378 board.

379 (k) Maintain records of proceedings as required by the  
380 laws of this state.

381 (l) Collect and analyze data regarding nursing  
382 education, nursing practice and nursing resources. Data may be  
383 collected with license applications.

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

386 ( \* \* \*n) Maintain an office in the greater Jackson  
387 area for the administration of this article.

388 \* \* \*

389 ( \* \* \*o) File an annual list of all certificates of  
390 registration issued by the board to registered nurses, including  
391 addresses of the persons with the Mississippi Nurses' Association;



392 and file a similar list of all certificates of registration issued  
393 to licensed practical nurses, including addresses of the persons,  
394 with \* \* \* the Mississippi Licensed Practical Nurses Association.

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

401 \* \* \*

402 ( \* \* \*q) Examine, license and renew licenses of duly  
403 qualified applicants.

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

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

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





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

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

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

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

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

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



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

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

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

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

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



464 (d) Apply for and administer grants from public and  
465 private sources for the development of the Nursing Workforce  
466 Program prescribed in this section.

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

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

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



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

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

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

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

510 73-15-19. (1) **Registered nurse applicant qualifications.**  
511 Any applicant for a license to practice as a registered nurse  
512 shall \* \* \*:



513 (a) Submit to the board an attested written application  
514 on a Board of Nursing form;

515 (b) Submit to the board written official evidence of  
516 completion of a nursing program approved by the Board of Trustees  
517 of State Institutions of Higher Learning, or one (1) approved by a  
518 legal accrediting agency of another state, territory or possession  
519 of the United States, the District of Columbia, or a foreign  
520 country \* \* \* that is satisfactory to this board;

521 (c) Submit to the board evidence of competence in  
522 English related to nursing, provided the first language is not  
523 English;

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



537 Federal Bureau of Investigation Identification Division for this  
538 purpose.

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

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

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



562           The board may, in its discretion, refuse to accept the  
563 application of any person who has been convicted of a criminal  
564 offense under any provision of Title 97 of the Mississippi Code of  
565 1972, as now or hereafter amended, or any provision of this  
566 article \* \* \*;

567           (e) Submit to the board any other official records  
568 required by the board.

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

580           (b) \* \* \* The board shall authorize the administration  
581 of the examination to applicants for licensure as RNs.

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



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

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

594 (3) **Licensure by examination of internationally educated**  
595 **applicants.** Requirements include:

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

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

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

607 (d) Disclosure of nursing licensure status in country  
608 of origin, if applicable.

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





611 examination to an applicant who has been duly licensed as a  
612 registered nurse under the laws of another state, territory or  
613 possession of the United States, the District of Columbia, or a  
614 foreign country if, in the opinion of the board, the applicant  
615 meets the qualifications required of licensed registered nurses in  
616 this state and has previously achieved the passing score or scores  
617 on the licensing examination required by this state, at the time  
618 of his or her graduation. The issuance of a license by  
619 endorsement to a military-trained applicant or military spouse  
620 shall be subject to the provisions of Section 73-50-1.

621 \* \* \*

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

626 (6) **Temporary permit.** (a) \* \* \* The board may issue a  
627 temporary permit for a period of ninety (90) days to a registered  
628 nurse who is currently licensed in another state, territory or  
629 possession of the United States or the District of Columbia and  
630 who is an applicant for licensure by endorsement. Such permit is  
631 not renewable except by board action. The issuance of a temporary  
632 permit to a military-trained applicant or military spouse shall be  
633 subject to the provisions of Section 73-50-1.

634 \* \* \*



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

640 ( \* \* \*c) The board may adopt such regulations as are  
641 necessary to limit the practice of persons to whom temporary  
642 permits are issued.

643 (7) **Temporary license.** The board may issue a temporary  
644 license to practice nursing at a youth camp licensed by the  
645 State \* \* \* Department of Health to nonresident registered nurses  
646 and retired resident registered nurses under the provisions of  
647 Section 75-74-8.

648 (8) **Title and abbreviation.** Any person who holds a license  
649 or holds the privilege to practice as a registered nurse in this  
650 state shall have the right to use the title "registered nurse" and  
651 the abbreviation "RN" No other person shall assume such title or  
652 use such abbreviation, or any words, letters, signs or devices to  
653 indicate that the person using the same is a registered nurse.

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

658 ( \* \* \*10) **Registered nurses licensed under a previous law.**  
659 Any person holding a license to practice nursing as a registered



660 nurse issued by this board which is valid on July 1, 1981, shall  
661 thereafter be deemed to be licensed as a registered nurse under  
662 the provisions of this article upon payment of the fee provided in  
663 Section 73-15-27.

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

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

669 73-15-20. (1) \* \* \* **Title and scope of practice.** (a)  
670 Advanced Practice Registered Nurse (APRN) is the title given to an  
671 individual who is licensed to practice advanced practice  
672 registered nursing within one (1) of the four (4) following roles:  
673 Certified Registered Nurse Practitioner (CNP), Certified  
674 Registered Nurse Anesthetist (CRNA), Certified Registered Nurse  
675 Midwife (CNM) or Clinical Nurse Specialist (CNS), and who  
676 functions in a population focus as set forth by rule of the board.  
677 An APRN may serve as primary or acute care provider of record.

678 (b) Population focus shall include:

679 (i) Family/individual across the lifespan;

680 (ii) Adult gerontology;

681 (iii) Neonatal;

682 (iv) Pediatrics;

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

684 (vi) Psychiatric/mental health;



685           (c) In addition to the RN scope of practice and within  
686 the APRN role and population focus, APRN practice shall include:  
687           (i) Conducting an advanced assessment;  
688           (ii) Ordering and interpreting diagnostic  
689 procedures;  
690           (iii) Establishing primary and differential  
691 diagnoses;  
692           (iv) Prescribing, ordering, administering,  
693 distributing;  
694           (v) Delegating and assigning therapeutic measures  
695 to licensed personnel;  
696           (vi) Consulting with other disciplines and  
697 providing referrals to health care agencies, health care providers  
698 and community resources;  
699           (vii) Wearing identification that clearly  
700 identifies the nurse as an APRN when providing direct patient  
701 care, unless wearing identification creates a safety or health  
702 risk for either the nurse or patient;  
703           (viii) Other acts that require education and  
704 training consistent with professional standards and commensurate  
705 with the APRN's education, certification, demonstrated  
706 competencies and experience.  
707           (d) APRNs are licensed independent practitioners within  
708 standards established or recognized by the board. Each APRN is  
709 accountable to patients, the nursing profession and the board for:



710                   (i) Complying with the requirements of this law  
711 and the quality of advanced nursing care rendered;  
712                   (ii) Recognizing limits of knowledge and  
713 experience;  
714                   (iii) Planning for the management of situations  
715 beyond the APRN's expertise.  
716                   (iv) Consulting with or referring patients to  
717 other health care providers as appropriate.  
718                   (v) \* \* \* Performing functions authorized in this  
719 section within a collaborative/consultative relationship with a  
720 physician or dentist \* \* \* who holds an unrestricted license to  
721 practice medicine or dentistry \* \* \* in this state and  
722 within \* \* \* evidence-based standards of practice that \* \* \* are  
723 filed with the board upon \* \* \* licensure application \* \* \* or  
724 renewal, or after entering into a new collaborative/consultative  
725 relationship or making changes to the \* \* \*  
726 collaborative/consultative agreement or changing practice site.  
727 The board shall review and approve \* \* \* this  
728 collaborative/consultative agreement to ensure compliance with  
729 applicable regulatory standards. \* \* \*

730       \* \* \*

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

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



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

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

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

744                   (v) Provide other evidence as required by rule of  
745 the board.

746                   (vi) Report any criminal conviction, nolo  
747 contendere plea, Alford plea or other plea arrangement in lieu of  
748 conviction.

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

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



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



785 requesting and obtaining state and national criminal history  
786 records information on the applicant. The board may, in its  
787 discretion, refuse to accept the application of any person who has  
788 been convicted of a criminal offense under any provision of Title  
789 97 of the Mississippi Code of 1972, as now or hereafter amended,  
790 or any provision of this article.

791 (b) Endorsement. The board may issue a license by  
792 endorsement to an APRN licensed under the laws of another state  
793 if, in the opinion of the board, the applicant meets the  
794 qualifications for licensure in this state. An applicant for APRN  
795 licensure by endorsement shall:

796 (i) Submit a completed written application for RN  
797 endorsement and initial APRN licensure and appropriate fees as  
798 established by the board.

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

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

803 (iv) Be currently certified by a national  
804 certifying body recognized by the board in the APRN role and at  
805 least one (1) population focus appropriate to educational  
806 preparation.

807 (v) Report any criminal conviction, nolo  
808 contendere plea, Alford plea or other plea arrangement in lieu of  
809 conviction.





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

812                   (vii) Provide other evidence as required by the  
813 board in its rules.

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

817                   (i) Submit a renewal application as directed by  
818 the board and remit the required fee as set forth by rule of the  
819 board.

820                   (ii) Maintain national certification in the  
821 appropriate APRN role and at least one (1) population focus,  
822 authorized by licensure, through an ongoing certification  
823 maintenance program of a nationally recognized certifying body  
824 recognized by the board.

825                   (iii) Have completed the requirements for  
826 continuing education. The board shall by rule prescribe  
827 continuing education requirements for \* \* \* APRNs of not less than  
828 forty (40) hours biennially as a condition for renewal of a  
829 license \* \* \*.

830                   (iv) Meet other requirements as set forth by the  
831 board.

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



834           (3) Titles and abbreviations. (a) Only those who hold a  
835 license or privilege to practice advanced practice registered  
836 nursing in this state shall have the right to use the title  
837 "Advanced Practice Registered Nurse" and the roles of "Certified  
838 Registered Nurse Anesthetist," "Certified Registered Nurse  
839 Midwife," "Clinical Nurse Specialist" and "Certified Registered  
840 Nurse Practitioner," and the abbreviations "APRN," "CRNA," "CNM,"  
841 "CNS," and "CNP," respectively.

842           (b) The abbreviation for the APRN designation of a  
843 certified registered nurse anesthetist, a certified registered  
844 nurse midwife, a clinical nurse specialist and a certified  
845 registered nurse practitioner will be APRN, plus the role title,  
846 i.e., CRNA, CNM, CNS and CNP.

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

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



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

864 \* \* \*

865 ( \* \* \*5) **Practice requirements.** The advanced practice  
866 registered nurse shall practice:

867 (a) According to standards and guidelines of the  
868 National Certification Organization.

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

876 \* \* \*

877 ( \* \* \*c) Advanced practice registered nurses  
878 practicing as nurse anesthetists must practice according to  
879 board-approved practice guidelines that address pre-anesthesia  
880 preparation and evaluation; anesthesia induction, maintenance, and  
881 emergence; post-anesthesia care; peri-anesthetic and clinical  
882 support functions.



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

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

898 \* \* \*

899 (f) The advanced practice registered nurse shall notify  
900 the board immediately regarding changes in the  
901 collaborative/consultative relationship with a licensed physician  
902 or dentist.

903 ( \* \* \*6) **Prescribing controlled substances and medications.**  
904 Certified registered nurse midwives \* \* \*, certified registered  
905 nurse anesthetists, certified registered nurse practitioners and  
906 clinical nurse specialists may apply for controlled substance  
907 prescriptive authority after completing a board-approved



908 educational program. Certified registered nurse midwives \* \* \*,  
909 certified registered nurse anesthetists, certified registered  
910 nurse practitioners and clinical nurse specialists who have  
911 completed the program and received prescription authority from the  
912 board and obtained a valid DEA number may prescribe Schedules  
913 II-V. The words "administer," "controlled substances" and  
914 "ultimate user," shall have the same meaning as set forth in  
915 Section 41-29-105, unless the context otherwise requires. The  
916 board shall \* \* \* establish rules governing prescribing of  
917 controlled substances \* \* \* in accordance with Section 41-29-101  
918 et seq. Prescribing any controlled substance in violation of the  
919 rules \* \* \* established by the board shall constitute a violation  
920 of Section 73-15-29(1) \* \* \* and shall be grounds for disciplinary  
921 action. The prescribing, administering or distributing of any  
922 legend drug or other medication in violation of the rules \* \* \*  
923 established by the board shall constitute a violation of Section  
924 73-15-29(1) \* \* \* and shall be grounds for disciplinary action.

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

927 73-15-21. (1) **Licensed practical nurse applicant**  
928 **qualifications.** Any applicant for a license to practice practical  
929 nursing as a licensed practical nurse shall submit \* \* \*:

930 (a) Submit to the board an attested written application  
931 on a board \* \* \* form;

932 \* \* \*



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

939           ( \* \* \*c) Submit to the board evidence of competence in  
940 English related to nursing, provided the first language is not  
941 English;

942       \* \* \*

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



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

971 The board shall provide to the department the fingerprints of  
972 the applicant, any additional information that may be required by  
973 the department, and a form signed by the applicant consenting to  
974 the check of the criminal records and to the use of the  
975 fingerprints and other identifying information required by the  
976 state or national repositories.

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

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



983 offense under any provision of Title 97 of the Mississippi Code of  
984 1972, as now or hereafter amended, or any provision of this  
985 article.

986 (e) Submit to the board any other official records  
987 required by the board.

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

995 (b) \* \* \* The board shall authorize the administration  
996 of the examination to applicants for licensure as LPNs.

997 (c) \* \* \* An applicant applying for licensure by  
998 examination must report any criminal conviction, nolo contendere  
999 plea, Alford plea, deferred judgment, or other plea arrangements  
1000 in lieu of conviction.

1001 (d) The board may \* \* \* employ, contract and cooperate  
1002 with any entity in the preparation and process for determining  
1003 results of a uniform licensure examination. When such an  
1004 examination is utilized, the board shall restrict access to  
1005 questions and answers.





1006           (e) The board shall determine whether a licensure  
1007 examination may be repeated, the frequency of reexamination and  
1008 any requisite education before reexamination.

1009           (3) **Licensure by examination of internationally educated**  
1010 **applicants.** Requirements include:

1011           (a) Graduation from a nursing program comparable to a  
1012 board-approved pre-licensure RN or LPN program, whichever is  
1013 applicable, and meet all other requirements.

1014           (b) Submission by the applicant of credentials by a  
1015 credentials review agency for the level of licensure being sought.

1016           (c) Successful passage of an English proficiency  
1017 examination that includes the components of reading, speaking,  
1018 writing and listening, except for applicants from countries where  
1019 English is the native language, and the nursing program where the  
1020 applicant attended was taught in English, used English textbooks  
1021 and clinical experiences were conducted in English.

1022           (d) Disclosure of nursing licensure status in country  
1023 of origin, if applicable.

1024           (4) **Licensure by equivalent amount of theory and clinical**  
1025 **experience.** In the discretion of the board, former students of a  
1026 state-accredited school preparing students to become registered  
1027 nurses may be granted permission to take the examination for  
1028 licensure to practice as a licensed practical nurse, provided the  
1029 applicant's record or transcript indicates the former student  
1030 completed an equivalent amount of theory and clinical experiences



1031 as required of a graduate of a practical nursing program, and  
1032 provided the school attended was, at the time of the student's  
1033 attendance, an accredited school of nursing.

1034 ( \* \* \*5) **Licensure by endorsement.** The board may issue a  
1035 license to practice practical nursing as a licensed practical  
1036 nurse without examination to an applicant who has been duly  
1037 licensed as a licensed practical nurse under the laws of another  
1038 state, territory or possession of the United States, the District  
1039 of Columbia, or a foreign country if, in the opinion of the board,  
1040 the applicant meets the qualifications required of licensed  
1041 practical nurses in this state and has previously achieved the  
1042 passing score or scores on the licensing examination required by  
1043 this state at the time of his or her graduation. The issuance of  
1044 a license by endorsement to a military-trained applicant or  
1045 military spouse shall be subject to the provisions of Section  
1046 73-50-1.

1047 \* \* \*

1048 (6) **Fee.** The applicant applying for a license by  
1049 examination or by endorsement to practice as a licensed practical  
1050 nurse shall pay a fee not to exceed \* \* \* One Hundred Dollars  
1051 (\$100.00) to the board.

1052 (7) **Temporary permit.** (a) \* \* \* The board may issue a  
1053 temporary permit for a period of ninety (90) days to a licensed  
1054 practical nurse who is currently licensed in another state,  
1055 territory or possession of the United States or the District of



1056 Columbia and who is an applicant for licensure by endorsement.  
1057 Such permit is not renewable except by board action. The issuance  
1058 of a temporary permit to a military-trained applicant or military  
1059 spouse shall be subject to the provisions of Section 73-50-1.

1060 \* \* \*

1061 ( \* \* \*b) The board may issue a temporary permit for a  
1062 period of thirty (30) days to any licensed practical nurse during  
1063 the time enrolled in a nursing reorientation program. This time  
1064 period may be extended by board action. The fee shall not exceed  
1065 Twenty-five Dollars (\$25.00).

1066 ( \* \* \*c) The board may adopt such regulations as are  
1067 necessary to limit the practice of persons to whom temporary  
1068 permits are issued.

1069 (8) **Title and abbreviation.** Any person who holds a license  
1070 or holds the privilege to practice as a licensed practical nurse  
1071 in this state shall have the right to use the title "licensed  
1072 practical nurse" and the abbreviation "LPN" No other person shall  
1073 assume such title or use such abbreviation, or any words, letters,  
1074 signs or devices to indicate that a person using the same is a  
1075 licensed practical nurse.

1076 (9) **Identification.** The nurse shall wear identification  
1077 that clearly identifies the nurse as an LPN when providing direct  
1078 patient care, unless wearing identification creates a safety or  
1079 health risk for either the nurse or patient.



1080 ( \* \* \*10) **Licensed practical nurses licensed under a**  
1081 **previous law.** Any person holding a license to practice nursing as  
1082 a practical nurse issued by this board which is valid on July 1,  
1083 1981, shall thereafter be deemed to be licensed as a practical  
1084 nurse under the provisions of this article upon payment of the fee  
1085 prescribed in Section 73-15-27.

1086 ( \* \* \*11) Each application or filing made under this  
1087 section shall include the social security number(s) of the  
1088 applicant in accordance with Section 93-11-64.

1089 **SECTION 14.** Section 73-15-22, Mississippi Code of 1972, is  
1090 brought forward as follows:

1091 73-15-22. The Nurse Licensure Compact is enacted into law  
1092 and entered into by this state with any and all states legally  
1093 joining in the compact in accordance with its terms, in the form  
1094 substantially as follows:

1095 **NURSE LICENSURE COMPACT**

1096 **ARTICLE I**

1097 **Findings and Declaration of Purpose**

1098 (a) The party states find that:

1099 (1) The health and safety of the public are  
1100 affected by the degree of compliance with and the effectiveness of  
1101 enforcement activities related to state nurse licensure laws;  
1102 (2) Violations of nurse licensure and other laws  
1103 regulating the practice of nursing may result in injury or harm to  
1104 the public;



1105                   (3) The expanded mobility of nurses and the use of  
1106 advanced communication technologies as part of our nation's  
1107 healthcare delivery system require greater coordination and  
1108 cooperation among states in the area of nurse licensure and  
1109 regulation;

1110                   (4) New practice modalities and technology make  
1111 compliance with individual state nurse licensure laws difficult  
1112 and complex;

1113                   (5) The current system of duplicative licensure  
1114 for nurses practicing in multiple states is cumbersome and  
1115 redundant to both nurses and states.

1116                   (b) The general purposes of this Compact are to:

1117                   (1) Facilitate the states' responsibility to  
1118 protect the public's health and safety;

1119                   (2) Ensure and encourage the cooperation of party  
1120 states in the areas of nurse licensure and regulation;

1121                   (3) Facilitate the exchange of information between  
1122 party states in the areas of nurse regulation, investigation and  
1123 adverse actions;

1124                   (4) Promote compliance with the laws governing the  
1125 practice of nursing in each jurisdiction;

1126                   (5) Invest all party states with the authority to  
1127 hold a nurse accountable for meeting all state practice laws in  
1128 the state in which the patient is located at the time care is  
1129 rendered through the mutual recognition of party state licenses.



1130 **ARTICLE II**

1131 **Definitions**

1132 As used in this Compact:

1133 (a) "Adverse action" means a home or remote state  
1134 action.

1135 (b) "Alternative program" means a voluntary,  
1136 nondisciplinary monitoring program approved by a nurse licensing  
1137 board.

1138 (c) "Coordinated licensure information system" means an  
1139 integrated process for collecting, storing and sharing information  
1140 on nurse licensure and enforcement activities related to nurse  
1141 licensure laws, which is administered by a nonprofit organization  
1142 composed of and controlled by state nurse licensure boards.

1143 (d) "Current significant investigative information"  
1144 means:

1145 (1) Investigative information that a licensing  
1146 board, after a preliminary inquiry that includes notification and  
1147 an opportunity for the nurse to respond if required by state law,  
1148 has reason to believe is not groundless and, if proved true, would  
1149 indicate more than a minor infraction; or

1150 (2) Investigative information that indicates that  
1151 the nurse represents an immediate threat to public health and  
1152 safety regardless of whether the nurse has been notified and had  
1153 an opportunity to respond.



1154 (e) "Home state" means the party state which is the  
1155 nurse's primary state of residence.

1156 (f) "Home state action" means any administrative,  
1157 civil, equitable or criminal action permitted by the home state's  
1158 laws which are imposed on a nurse by the home state's licensing  
1159 board or other authority including actions against an individual's  
1160 license such as: revocation, suspension, probation or any other  
1161 action which affects a nurse's authorization to practice.

1162 (g) "Licensing board" means a party state's regulatory  
1163 body responsible for issuing nurse licenses.

1164 (h) "Multistate licensure privilege" means current,  
1165 official authority from a remote state permitting the practice of  
1166 nursing as either a registered nurse or a licensed  
1167 practical/vocational nurse in such party state. All party states  
1168 have the authority, in accordance with existing state due process  
1169 law, to take actions against the nurse's privilege such as:  
1170 revocation, suspension, probation or any other action which  
1171 affects a nurse's authorization to practice.

1172 (i) "Nurse" means a registered nurse or licensed  
1173 practical/vocational nurse, as those terms are defined by each  
1174 party's state practice laws.

1175 (j) "Party state" means any state that has adopted this  
1176 Compact.

1177 (k) "Remote state" means a party state, other than the  
1178 home state,



1179 (1) Where the patient is located at the time  
1180 nursing care is provided, or,

1181 (2) In the case of the practice of nursing not  
1182 involving a patient, in such party state where the recipient of  
1183 nursing practice is located.

1184 (1) "Remote state action" means:

1185 (1) Any administrative, civil, equitable or  
1186 criminal action permitted by a remote state's laws which are  
1187 imposed on a nurse by the remote state's licensing board or other  
1188 authority including actions against an individual's multistate  
1189 licensure privilege to practice in the remote state, and

1190 (2) Cease and desist and other injunctive or  
1191 equitable orders issued by remote states or the licensing boards  
1192 thereof.

1193 (m) "State" means a state, territory or possession of  
1194 the United States, the District of Columbia or the Commonwealth of  
1195 Puerto Rico.

1196 (n) "State practice laws" means those individual  
1197 party's state laws and regulations that govern the practice of  
1198 nursing, define the scope of nursing practice, and create the  
1199 methods and grounds for imposing discipline. "State practice  
1200 laws" does not include the initial qualifications for licensure or  
1201 requirements necessary to obtain and retain a license, except for  
1202 qualifications or requirements of the home state.

1203 **ARTICLE III**





1204  
1205  
1206  
1207  
1208  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228

**General Provisions and Jurisdiction**

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

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

(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all



1229 nursing practice as defined by the state practice laws of a party  
1230 state. The practice of nursing will subject a nurse to the  
1231 jurisdiction of the nurse licensing board and the courts, as well  
1232 as the laws, in that party state.

1233 (d) This Compact does not affect additional requirements  
1234 imposed by states for advanced practice registered nursing.  
1235 However, a multistate licensure privilege to practice registered  
1236 nursing granted by a party state shall be recognized by other  
1237 party states as a license to practice registered nursing if one is  
1238 required by state law as a precondition for qualifying for  
1239 advanced practice registered nurse authorization.

1240 (e) Individuals not residing in a party state shall continue  
1241 to be able to apply for nurse licensure as provided for under the  
1242 laws of each party state. However, the license granted to these  
1243 individuals will not be recognized as granting the privilege to  
1244 practice nursing in any other party state unless explicitly agreed  
1245 to by that party state.

1246 **ARTICLE IV**

1247 **Applications for Licensure in a Party State**

1248 (a) Upon application for a license, the licensing board in a  
1249 party state shall ascertain, through the coordinated licensure  
1250 information system, whether the applicant has ever held, or is the  
1251 holder of, a license issued by any other state, whether there are  
1252 any restrictions on the multistate licensure privilege, and



1253 whether any other adverse action by any state has been taken  
1254 against the license.

1255 (b) A nurse in a party state shall hold licensure in only  
1256 one (1) party state at a time, issued by the home state.

1257 (c) A nurse who intends to change primary state of residence  
1258 may apply for licensure in the new home state in advance of such  
1259 change. However, new licenses will not be issued by a party state  
1260 until after a nurse provides evidence of change in primary state  
1261 of residence satisfactory to the new home state's licensing board.

1262 (d) When a nurse changes primary state of residence by:

1263 (1) Moving between two (2) party states, and obtains a  
1264 license from the new home state, the license from the former home  
1265 state is no longer valid;

1266 (2) Moving from a nonparty state to a party state, and  
1267 obtains a license from the new home state, the individual state  
1268 license issued by the nonparty state is not affected and will  
1269 remain in full force if so provided by the laws of the nonparty  
1270 state;

1271 (3) Moving from a party state to a nonparty state, the  
1272 license issued by the prior home state converts to an individual  
1273 state license, valid only in the former home state, without the  
1274 multistate licensure privilege to practice in other party states.

1275 **ARTICLE V**

1276 **Adverse Actions**



1277 In addition to the General Provisions described in Article  
1278 III, the following provisions apply:

1279 (a) The licensing board of a remote state shall  
1280 promptly report to the administrator of the coordinated licensure  
1281 information system any remote state actions including the factual  
1282 and legal basis for such action, if known. The licensing board of  
1283 a remote state shall also promptly report any significant current  
1284 investigative information yet to result in a remote state action.  
1285 The administrator of the coordinated licensure information system  
1286 shall promptly notify the home state of any such reports.

1287 (b) The licensing board of a party state shall have the  
1288 authority to complete any pending investigations for a nurse who  
1289 changes primary state of residence during the course of such  
1290 investigations. It shall also have the authority to take  
1291 appropriate action(s), and shall promptly report the conclusions  
1292 of such investigations to the administrator of the coordinated  
1293 licensure information system. The administrator of the  
1294 coordinated licensure information system shall promptly notify the  
1295 new home state of any such actions.

1296 (c) A remote state may take adverse action affecting  
1297 the multistate licensure privilege to practice within that party  
1298 state. However, only the home state shall have the power to  
1299 impose adverse action against the license issued by the home  
1300 state.



1301 (d) For the purposes of imposing adverse action, the  
1302 licensing board of the home state shall give the same priority and  
1303 effect to reported conduct received from a remote state as it  
1304 would if such conduct had occurred within the home state. In so  
1305 doing, it shall apply its own state laws to determine appropriate  
1306 action.

1307 (e) The home state may take adverse action based on the  
1308 factual findings of the remote state, so long as each state  
1309 follows its own procedures for imposing such adverse action.

1310 (f) Nothing in this Compact shall override a party  
1311 state's decision that participation in an alternative program may  
1312 be used in lieu of licensure action and that such participation  
1313 shall remain nonpublic if required by the party state's laws.  
1314 Party states must require nurses who enter any alternative  
1315 programs to agree not to practice in any other party state during  
1316 the term of the alternative program without prior authorization  
1317 from such other party state.

1318 **ARTICLE VI**

1319 **Additional Authorities Invested in Party State**

1320 **Nurse Licensing Boards**

1321 Notwithstanding any other powers, party state nurse licensing  
1322 boards shall have the authority to:

1323 (a) If otherwise permitted by state law, recover from  
1324 the affected nurse the costs of investigations and disposition of  
1325 cases resulting from any adverse action taken against that nurse;



1326 (b) Issue subpoenas for both hearings and  
1327 investigations which require the attendance and testimony of  
1328 witnesses, and the production of evidence. Subpoenas issued by a  
1329 nurse licensing board in a party state for the attendance and  
1330 testimony of witnesses, and/or the production of evidence from  
1331 another party state, shall be enforced in the latter state by any  
1332 court of competent jurisdiction, according to the practice and  
1333 procedure of that court applicable to subpoenas issued in  
1334 proceedings pending before it. The issuing authority shall pay  
1335 any witness fees, travel expenses, mileage and other fees required  
1336 by the service statutes of the state where the witnesses and/or  
1337 evidence are located;

1338 (c) Issue cease and desist orders to limit or revoke a  
1339 nurse's authority to practice in their state;

1340 (d) Promulgate uniform rules and regulations as  
1341 provided for in Article VIII(c).

1342 **ARTICLE VII**

1343 **Coordinated Licensure Information System**

1344 (a) All party states shall participate in a cooperative  
1345 effort to create a coordinated database of all licensed registered  
1346 nurses and licensed practical/vocational nurses. This system will  
1347 include information on the licensure and disciplinary history of  
1348 each nurse, as contributed by party states, to assist in the  
1349 coordination of nurse licensure and enforcement efforts.



1350 (b) Notwithstanding any other provision of law, all party  
1351 states' licensing boards shall promptly report adverse actions,  
1352 actions against multistate licensure privileges, any current  
1353 significant investigative information yet to result in adverse  
1354 action, denials of applications, and the reasons for such denials,  
1355 to the coordinated licensure information system.

1356 (c) Current significant investigative information shall be  
1357 transmitted through the coordinated licensure information system  
1358 only to party state licensing boards.

1359 (d) Notwithstanding any other provision of law, all party  
1360 states' licensing boards contributing information to the  
1361 coordinated licensure information system may designate information  
1362 that may not be shared with nonparty states or disclosed to other  
1363 entities or individuals without the express permission of the  
1364 contributing state.

1365 (e) Any personally identifiable information obtained by a  
1366 party state's licensing board from the coordinated licensure  
1367 information system may not be shared with nonparty states or  
1368 disclosed to other entities or individuals except to the extent  
1369 permitted by the laws of the party state contributing the  
1370 information.

1371 (f) Any information contributed to the coordinated licensure  
1372 information system that is subsequently required to be expunged by  
1373 the laws of the party state contributing that information shall



1374 also be expunged from the coordinated licensure information  
1375 system.

1376 (g) The Compact administrators, acting jointly with each  
1377 other and in consultation with the administrator of the  
1378 coordinated licensure information system, shall formulate  
1379 necessary and proper procedures for the identification, collection  
1380 and exchange of information under this Compact.

1381 **ARTICLE VIII**

1382 **Compact Administration and Interchange of Information**

1383 (a) The head of the nurse licensing board, or his/her  
1384 designee, of each party state shall be the administrator of this  
1385 Compact for his/her state.

1386 (b) The Compact administrator of each party state shall  
1387 furnish to the Compact administrator of each other party state any  
1388 information and documents including, but not limited to, a uniform  
1389 data set of investigations, identifying information, licensure  
1390 data, and disclosable alternative program participation  
1391 information to facilitate the administration of this Compact.

1392 (c) Compact administrators shall have the authority to  
1393 develop uniform rules to facilitate and coordinate implementation  
1394 of this Compact. These uniform rules shall be adopted by party  
1395 states, under the authority invested under Article VI(d).

1396 **ARTICLE IX**

1397 **Immunity**





1398 No party state or the officers or employees or agents of a  
1399 party state's nurse licensing board who acts in accordance with  
1400 the provisions of this Compact shall be liable on account of any  
1401 act or omission in good faith while engaged in the performance of  
1402 their duties under this Compact. Good faith in this article shall  
1403 not include willful misconduct, gross negligence or recklessness.

1404 **ARTICLE X**

1405 **Entry into Force, Withdrawal and Amendment**

1406 (a) This Compact shall enter into force and become effective  
1407 as to any state when it has been enacted into the laws of that  
1408 state. Any party state may withdraw from this Compact by enacting  
1409 a statute repealing the same, but no such withdrawal shall take  
1410 effect until six (6) months after the withdrawing state has given  
1411 notice of the withdrawal to the executive heads of all other party  
1412 states.

1413 (b) No withdrawal shall affect the validity or applicability  
1414 by the licensing boards of states remaining party to the Compact  
1415 of any report of adverse action occurring prior to the withdrawal.

1416 (c) Nothing contained in this Compact shall be construed to  
1417 invalidate or prevent any nurse licensure agreement or other  
1418 cooperative arrangement between a party state and a nonparty state  
1419 that is made in accordance with the other provisions of this  
1420 Compact.

1421 (d) This Compact may be amended by the party states. No  
1422 amendment to this Compact shall become effective and binding upon



1423 the party states unless and until it is enacted into the laws of  
1424 all party states.

1425 **ARTICLE XI**

1426 **Construction and Severability**

1427 (a) This Compact shall be liberally construed so as to  
1428 effectuate the purposes thereof. The provisions of this Compact  
1429 shall be severable and if any phrase, clause, sentence or  
1430 provision of this Compact is declared to be contrary to the  
1431 constitution of any party state or of the United States or the  
1432 applicability thereof to any government, agency, person or  
1433 circumstance is held invalid, the validity of the remainder of  
1434 this Compact and the applicability thereof to any government,  
1435 agency, person or circumstance shall not be affected thereby. If  
1436 this Compact shall be held contrary to the constitution of any  
1437 party state thereto, the Compact shall remain in full force and  
1438 effect as to the remaining party states and in full force and  
1439 effect as to the party state affected as to all severable matters.

1440 (b) In the event party states find a need for settling  
1441 disputes arising under this Compact:

1442 (1) The party states may submit the issues in dispute  
1443 to an arbitration panel which will be comprised of an individual  
1444 appointed by the Compact administrator in the home state; an  
1445 individual appointed by the Compact administrator in the remote  
1446 state(s) involved; and an individual mutually agreed upon by the



1447 Compact administrators of all the party states involved in the  
1448 dispute.

1449 (2) The decision of a majority of the arbitrators shall  
1450 be final and binding.

1451 **SECTION 15.** Section 73-15-23, Mississippi Code of 1972, is  
1452 amended as follows:

1453 73-15-23. (1) The term "head of the nurse licensing board,"  
1454 as referred to in Article VIII of the Nurse Licensure Compact as  
1455 set forth in Section 73-15-22, shall mean the executive director  
1456 of the \* \* \* board \* \* \*.

1457 (2) The Governor may withdraw this state from the Nurse  
1458 Licensure Compact if the board \* \* \* notifies the Governor that a  
1459 state that is a party to the compact changed, after July 1, 2001,  
1460 the state's requirements for licensing a nurse and that the  
1461 state's requirements, as changed, are substantially lower than the  
1462 requirements for licensing a nurse in this state.

1463 (3) The effective date of the Nurse Licensure Compact shall  
1464 be July 1, 2001.

1465 **SECTION 16.** Section 73-15-25, Mississippi Code of 1972,  
1466 which authorizes the State Department of Education through its  
1467 Division of Vocational Education to contract with the Mississippi  
1468 Community College Board to establish uniform standards for the  
1469 accreditation of schools of practical nursing in this state, is  
1470 repealed.



1471           **SECTION 17.** Section 73-15-27, Mississippi Code of 1972, is  
1472 amended as follows:

1473           73-15-27. (1) The license of every person licensed under  
1474 the provisions of this article shall be renewed biennially except  
1475 as hereinafter provided in this section \* \* \*.

1476           ( \* \* \*2) Registered nurses:

1477           ( \* \* \*a) Except as provided in Section 33-1-39, the  
1478 license to practice as a registered nurse shall be valid for two  
1479 (2) calendar years, beginning January 1 of each \* \* \* odd-numbered  
1480 year and expiring December 31 in each even-numbered year of the  
1481 biennial period and subject to renewal for each period of two (2)  
1482 years thereafter.

1483           ( \* \* \*b) A \* \* \* renewal of licensure announcement  
1484 will be \* \* \* made by the board on or before November 1 of the  
1485 year the license expires to every person to whom a license was  
1486 issued or renewed during the biennial period. An application  
1487 shall be completed \* \* \* online by December 31 of that year with  
1488 the biennial renewal fee to be set at the discretion of the board,  
1489 but not to exceed One Hundred Dollars (\$100.00).

1490           ( \* \* \*c) Upon receipt of the renewal application and  
1491 fee, the board shall verify the accuracy of the application and  
1492 issue \* \* \* a renewal for the ensuing period of two (2) years.  
1493 Such renewal shall render the holder thereof the right to practice  
1494 as a registered nurse.



1495 ( \* \* \*d) A registered nurse may request in writing to  
1496 the board that his or her license be placed on inactive status.  
1497 The board may grant such request and shall have authority, in its  
1498 discretion, to attach conditions to the licensure of such  
1499 registered nurse while on inactive status. A biennial renewal fee  
1500 for inactive registered nurses shall be set at the discretion of  
1501 the board, not to exceed Fifty Dollars (\$50.00).

1502 ( \* \* \*e) Any registered nurse applying for \* \* \*  
1503 reinstatement of a lapsed license \* \* \* or change from inactive to  
1504 active status may be required to provide evidence of continuing  
1505 basic nursing competencies when such nurse has not practiced  
1506 nursing for compensation or performed the function of a registered  
1507 nurse in a voluntary capacity with or without compensation within  
1508 the five-year period immediately \* \* \* before such application for  
1509 a license, renewal, reinstatement or change of status.

1510 ( \* \* \*f) Any registered nurse who permits his or her  
1511 license to lapse by failing to renew the license as provided above  
1512 may be reinstated by the board on satisfactory explanation for  
1513 such failure to renew his or her license, by compliance with all  
1514 other applicable provisions of this article, by completion of a  
1515 reinstatement form, and upon payment of a reinstatement fee not to  
1516 exceed \* \* \* Two Hundred Fifty Dollars (\$250.00), which shall not  
1517 include the renewal fee for the current biennial period. \* \* \*

1518 ( \* \* \*g) Any person practicing as a registered nurse  
1519 during the time his or her license has lapsed shall be considered



1520 in violation of this article and shall be subject to the penalties  
1521 provided for violation of this article \* \* \*.

1522 ( \* \* \*3) Licensed practical nurses:

1523 ( \* \* \*a) Except as provided in Section 33-1-39, the  
1524 license to practice as a licensed practical nurse shall be valid  
1525 for two (2) calendar years, beginning January 1 of each  
1526 even-numbered year and expiring December 31 in each \* \* \*  
1527 odd-numbered year of the biennial period and subject to renewal  
1528 for each period of two (2) years thereafter.

1529 ( \* \* \*b) A \* \* \* renewal of licensure announcement  
1530 will be \* \* \* made by the board on or before November 1 of the  
1531 year the license expires to every person to whom a license was  
1532 issued or renewed during the biennial period. An application  
1533 shall be completed \* \* \* online by December 31 of that year with  
1534 the biennial renewal fee to be set at the discretion of the board,  
1535 but not to exceed One Hundred Dollars (\$100.00).

1536 ( \* \* \*c) Upon receipt of the renewal application and  
1537 fee, the board shall verify the accuracy of the application and  
1538 issue \* \* \* a renewal for the ensuing period of two (2) years.  
1539 Such renewal shall render the holder thereof the right to practice  
1540 as a licensed practical nurse.

1541 ( \* \* \*d) A licensed practical nurse may request in  
1542 writing to the board that his or her license be placed on inactive  
1543 status. The board may grant such request and shall have  
1544 authority, in its discretion, to attach conditions to the



1545 licensure of such licensed practical nurse while on inactive  
1546 status. A biennial renewal fee for inactive licensed practical  
1547 nurses shall be set at the discretion of the board, not to exceed  
1548 Fifty Dollars (\$50.00).

1549 ( \* \* \* e) Any licensed practical nurse applying for a  
1550 license, renewal of an active license, reinstatement of a lapsed  
1551 license, or change from inactive to active status may be required  
1552 to provide evidence of continuing basic nursing competencies when  
1553 such nurse has not practiced nursing for compensation or performed  
1554 the function of a licensed practical nurse in a voluntary capacity  
1555 with or without compensation within the five-year period  
1556 immediately \* \* \* before such application for a license, renewal,  
1557 reinstatement or change of status.

1558 ( \* \* \* f) Any licensed practical nurse who permits his  
1559 or her license to lapse by failing to renew the license as  
1560 provided above may be reinstated by the board upon satisfactory  
1561 explanation for such failure to renew his or her license, by  
1562 compliance with all other applicable provisions of this article,  
1563 by completion of a reinstatement form, and upon payment of the  
1564 reinstatement fee not to exceed \* \* \* Two Hundred Fifty Dollars  
1565 (\$250.00), which shall not include the renewal fee for the current  
1566 biennial period. \* \* \*

1567 ( \* \* \* g) Any person practicing as a licensed practical  
1568 nurse during the time his or her license has lapsed shall be



1569 considered \* \* \* in violation of this article and shall be subject  
1570 to the penalties provided for violation of this article \* \* \*.

1571 **SECTION 18.** Section 73-15-29, Mississippi Code of 1972, is  
1572 amended as follows:

1573 73-15-29. (1) The board shall have power to revoke, suspend  
1574 or refuse to renew any license issued by the board, or to revoke  
1575 or suspend any privilege to practice, or to deny an application  
1576 for a license, or to fine, place on probation and/or discipline a  
1577 licensee, in any manner specified in this article, upon proof that  
1578 such person:

1579 (a) Has committed fraud or deceit in securing or  
1580 attempting to secure such license;

1581 (b) Has been convicted of felony, or a crime involving  
1582 moral turpitude or has had accepted by a court a plea of nolo  
1583 contendere to a felony or a crime involving moral turpitude, or a  
1584 criminal conviction or adjudication in any jurisdiction including,  
1585 but not limited to, being convicted of, pleading guilty to,  
1586 entering a plea of nolo contendere or no contest to, or receiving  
1587 a deferred judgment or suspended sentence (a certified copy of the  
1588 judgment of the court of competent jurisdiction of such conviction  
1589 or pleas shall be prima facie evidence of such conviction);

1590 (c) Has negligently or willfully acted in a manner  
1591 inconsistent with the health or safety of the persons under the  
1592 licensee's care;





1593           (d) Has had a license or privilege to practice as a  
1594 registered nurse or a licensed practical nurse suspended or  
1595 revoked in any jurisdiction, has voluntarily surrendered such  
1596 license or privilege to practice in any jurisdiction, has been  
1597 placed on probation as a registered nurse or licensed practical  
1598 nurse in any jurisdiction or has been placed under a disciplinary  
1599 order(s) in any manner as a registered nurse or licensed practical  
1600 nurse in any jurisdiction, (a certified copy of the order of  
1601 suspension, revocation, probation or disciplinary action shall be  
1602 prima facie evidence of such action);

1603           (e) Has negligently or willfully practiced nursing in a  
1604 manner that fails to meet generally accepted standards of such  
1605 nursing practice;

1606           (f) Has negligently or willfully violated any order,  
1607 rule or regulation of the board pertaining to nursing practice or  
1608 licensure;

1609           (g) Has falsified or in a repeatedly negligent manner  
1610 made incorrect entries or failed to make essential entries on  
1611 records;

1612           (h) Is addicted to or dependent on alcohol or other  
1613 habit-forming drugs or is a habitual user of narcotics,  
1614 barbiturates, amphetamines, hallucinogens, or other drugs having  
1615 similar effect, or has misappropriated any medication;



1616 (i) Has a physical, mental or emotional condition that  
1617 renders the licensee unable to perform nursing services or duties  
1618 with reasonable skill and safety;

1619 (j) Has engaged in any other conduct, whether of the  
1620 same or of a different character from that specified in this  
1621 article, that would constitute a crime as defined in Title 97 of  
1622 the Mississippi Code of 1972, as now or hereafter amended, and  
1623 that relates to such person's employment as a registered nurse or  
1624 licensed practical nurse;

1625 (k) Engages in conduct likely to deceive, defraud or  
1626 harm the public;

1627 (l) Engages in any unprofessional conduct as identified  
1628 by the board in its rules;

1629 (m) Has violated any provision of this article; or

1630 (n) Violation(s) of the provisions of Sections 41-121-1  
1631 through 41-121-9 relating to deceptive advertisement by health  
1632 care practitioners. This paragraph shall stand repealed on July  
1633 1, 2016.

1634 (2) When the board finds any person unqualified because of  
1635 any of the grounds set forth in subsection (1) of this section, it  
1636 may enter an order imposing one or more of the following  
1637 penalties:

1638 (a) Denying application for a license or other  
1639 authorization to practice nursing or practical nursing;

1640 (b) Administering a reprimand;



1641 (c) Suspending or restricting the license or other  
1642 authorization to practice as a \* \* \* nurse \* \* \* ;

1643 (d) Revoking the license or other authorization to  
1644 practice nursing \* \* \*;

1645 (e) Requiring the discipline to submit to care,  
1646 counseling or treatment by persons and/or agencies approved or  
1647 designated by the board as a condition for initial, continued or  
1648 renewed licensure or other authorization to practice  
1649 nursing \* \* \*;

1650 (f) Requiring the discipline to participate in a  
1651 program of education prescribed by the board as a condition for  
1652 initial, continued or renewed licensure or other authorization to  
1653 practice;

1654 (g) Requiring the discipline to practice under the  
1655 supervision of a \* \* \* licensed nurse for a specified period of  
1656 time; or

1657 (h) Imposing a fine \* \* \*.

1658 (3) If the board determines that an applicant does not  
1659 possess the qualifications required for licensure or that an  
1660 accused has violated any of the provisions of this article, the  
1661 board may refuse to issue a license to the applicant, or revoke,  
1662 suspend, refuse to renew a license, or revoke or suspend the  
1663 privilege to practice, or otherwise discipline the applicant as  
1664 prescribed in this article.



1665           (4) The board is authorized to summarily suspend the license  
1666 of a nurse without a hearing if the board finds that there is  
1667 probable cause to believe that the nurse has violated a statute or  
1668 rule that the board is empowered to enforce and continued practice  
1669 by the nurse would create imminent and serious risk of harm to  
1670 public health, safety and welfare; or if the nurse fails to obtain  
1671 a board-ordered evaluation.

1672           ( \* \* \*5) In addition to the grounds specified in subsection  
1673 (1) of this section, the board shall be authorized to suspend the  
1674 license or privilege to practice of any licensee for being out of  
1675 compliance with an order for support, as defined in Section  
1676 93-11-153. The procedure for suspension of a license or privilege  
1677 to practice for being out of compliance with an order for support,  
1678 and the procedure for the reissuance or reinstatement of a license  
1679 or privilege to practice suspended for that purpose, and the  
1680 payment of any fees for the reissuance or reinstatement of a  
1681 license or privilege to practice suspended for that purpose, shall  
1682 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
1683 If there is any conflict between any provision of Section  
1684 93-11-157 or 93-11-163 and any provision of this article, the  
1685 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
1686 shall control.

1687           \* \* \*

1688           **SECTION 19.** Section 73-15-31, Mississippi Code of 1972, is  
1689 amended as follows:



1690           73-15-31. (1) Charges may be brought \* \* \* filed by the  
1691 board \* \* \* against any licensee who has allegedly committed any  
1692 act in violation of this article that is grounds for disciplinary  
1693 action. \* \* \* The executive director or designee of the board  
1694 shall fix a time and place for a hearing and shall cause a copy of  
1695 the specific allegations and charges to be sent by certified mail  
1696 or served by personal service of process together with notice of  
1697 the time and place fixed for the hearing, to be served upon the  
1698 accused at least fifteen (15) days prior thereto. The accused may  
1699 waive notice of the hearing in writing and the board may grant the  
1700 accused at least one (1) extension of time, upon the request of  
1701 the accused. When personal service of process or service of  
1702 process by certified mail cannot be effected, the executive  
1703 director of the board shall cause to be published once in each of  
1704 three (3) successive weeks a notice of the hearing in the  
1705 newspapers published in the county in which the accused last  
1706 practiced according to the records of the board, or in the county  
1707 in which the accused last resided. When publication of the notice  
1708 is necessary, the date of the hearing shall not be less than ten  
1709 (10) days after the last date of the notice.

1710           (2) The board, acting by and through its executive director,  
1711 shall have the power to subpoena persons and compel the production  
1712 of any records, \* \* \* papers and other documents in connection  
1713 with both its investigations and hearings, which shall be served  
1714 in accordance with law for the board \* \* \* and on behalf of the



1715 accused. \* \* \* A certified copy of any record inspected or copied  
1716 in the course and scope of an investigation by the board and with  
1717 reasonable cause shown may be used as evidence in the disciplinary  
1718 proceeding. The board shall be entitled to the assistance of the  
1719 chancery court or the chancellor in vacation, which, on petition  
1720 by the board, shall issue ancillary subpoenas and petitions and  
1721 may punish as for contempt of court in the event of noncompliance  
1722 with the subpoenas or petitions.

1723 (3) All records of the investigation and all patient charts,  
1724 records, emergency room records or any other document that may  
1725 have been copied shall be kept confidential and shall not be  
1726 subject to discovery or subpoena. If no disciplinary proceedings  
1727 are initiated within a period of five (5) years after the  
1728 determination of insufficient cause, then the board shall destroy  
1729 all records obtained pursuant to this section.

1730 (4) At the hearings, \* \* \* the licensee or applicant shall  
1731 have the right to appear either personally or by counsel, or both,  
1732 to produce witnesses or evidence \* \* \* on his or her behalf, and  
1733 to cross-examine witnesses \* \* \*.

1734 (5) All disciplinary hearings shall be conducted by a  
1735 hearing panel consisting of three (3) members of the board, \* \* \*  
1736 and shall not be bound by strict rules of procedure or by the laws  
1737 of evidence in the conduct of its proceedings \* \* \*. The board  
1738 may adopt rules and discovery and procedure governing all  
1739 proceedings. A final decision \* \* \* by the board \* \* \* shall



1740 include findings of fact and conclusions of law, separately  
1741 stated, of which the accused shall receive a copy.

1742 \* \* \*

1743 (6) No previously issued license to practice nursing \* \* \*  
1744 shall be revoked or suspended until after a hearing  
1745 conducted \* \* \* under this article, except where the board finds  
1746 there is imminent danger to the public health or safety that  
1747 warrants injunctive relief provided in this article.

1748 (7) Upon the execution of an order by the board, either  
1749 following a hearing or in lieu of a hearing, the board, in  
1750 addition to exercising its authority as granted and specified in  
1751 this article, and the disciplinary powers specified in 73-15-31,  
1752 may assess the licensee or applicant for reasonable costs expended  
1753 by the board in the investigation and conduct of a proceeding to  
1754 enforce these rules against a licensee or applicant, including,  
1755 but not limited to, the cost of process service, court reporters  
1756 fees, witness fees, expert witnesses, investigative costs and  
1757 other related expenses. If a not guilty decision is rendered by  
1758 the board against a licensee or applicant, no administrative cost  
1759 shall be assessed. Monies collected by the board under this  
1760 section shall be deposited to the credit of a special fund  
1761 operating account of the board to reimburse the existing current  
1762 year appropriated budget.

1763 \* \* \*



1764 ( \* \* \*8) The licensee or applicant is granted the right to  
1765 appeal from the action of the hearing panel to the full membership  
1766 of the board in denying, revoking, suspending or refusing to renew  
1767 any license issued by the board, or revoking or suspending any  
1768 privilege to practice, or fining or otherwise disciplining any  
1769 person practicing as a \* \* \* nurse \* \* \*. The appeal must be  
1770 taken within thirty (30) days after notice of the action of the  
1771 hearing panel in denying, revoking, suspending or refusing to  
1772 renew the license, or revoking or suspending the privilege to  
1773 practice, or fining or otherwise disciplining the person, and is  
1774 perfected upon filing notice of appeal and \* \* \* Two Hundred Fifty  
1775 Dollars (\$250.00) with the executive director of the board.

1776 ( \* \* \*9) The licensee or applicant is granted the right to  
1777 appeal from the action of the board in affirming the denial,  
1778 revocation, suspension or refusal to renew any license issued by  
1779 the board, or revoking or suspending any privilege to practice, or  
1780 fining or otherwise disciplining of any person practicing as  
1781 a \* \* \* nurse \* \* \*. Such appeal shall be made to the chancery  
1782 court of the county of the residence of the licensee \* \* \*. The  
1783 appeal must be taken within thirty (30) days after notice of the  
1784 action of the board in denying, revoking, suspending or refusing  
1785 to renew the license, or revoking or suspending the privilege to  
1786 practice, or fining or otherwise disciplining the person \* \* \*,  
1787 and \* \* \* is perfected upon filing notice of the appeal \* \* \* and





1788 Five Hundred Dollars (\$500.00) with the executive director of the  
1789 board. \* \* \*

1790 ( \* \* \*10) Any member of the board and any witness appearing  
1791 in a hearing before the board shall be immune from \* \* \* civil  
1792 liability in any civil action \* \* \* related to those  
1793 proceedings. \* \* \*

1794 **SECTION 20.** The following shall be codified as Section  
1795 73-15-32, Mississippi Code of 1972:

1796 73-15-32. (1) Application for restoration of a revoked,  
1797 surrendered or suspended nursing license may be made for a minimum  
1798 of twelve (12) months from the effective date of revocation,  
1799 surrender or suspension and shall be at the discretion of the  
1800 board. The nurse whose license has been revoked, surrendered or  
1801 suspended shall petition for restoration of licensure and  
1802 demonstrate competency and fitness of duty to ensure safety to  
1803 patients. Such petition shall be made in writing and on a form  
1804 prescribed by the board. The procedure for the restoration of a  
1805 license that is suspended for being out of compliance with an  
1806 order for support, as defined in Section 93-11-153, shall be  
1807 governed by Section 93-11-157 or 93-11-163, as the case may be.

1808 (2) The petition shall be accompanied by five (5) supporting  
1809 affidavits, the criteria of which are outlined in the  
1810 administrative code of the board.

1811 (3) The petition may be heard at the next regular meeting of  
1812 the board, but not earlier than thirty (30) days after the



1813 petition was filed. No petition shall be considered while the  
1814 petitioner is under sentence for any criminal offense, including  
1815 any period during which petitioner is on probation or parole. In  
1816 all restoration proceedings, the petitioner has the burden of  
1817 proof to show by clear and convincing evidence rehabilitation  
1818 efforts, competency and ability to safely practice nursing.

1819 (4) The board may investigate petitioner and consider all  
1820 activities of the petitioner since disciplinary action was  
1821 imposed. The investigation shall require petitioner to undergo a  
1822 fingerprint-based criminal history records check of the  
1823 Mississippi central criminal database and the Federal Bureau of  
1824 Investigation criminal history database. Each petitioner shall  
1825 submit a full set of petitioner's fingerprints in a form and  
1826 manner as prescribed by the board, which shall be forwarded to the  
1827 Mississippi Department of Public Safety (department) and the  
1828 Federal Bureau of Investigation Identification Division for this  
1829 purpose. Any and all state or national criminal history records  
1830 information obtained by the board that is not already a matter of  
1831 public record shall be deemed nonpublic and confidential  
1832 information restricted to the exclusive use of the board, its  
1833 members, officers, investigators, agents and attorneys in  
1834 evaluating the petitioner's eligibility or disqualification for  
1835 licensure, and shall be exempt from the Mississippi Public Records  
1836 Act of 1983. Except when introduced into evidence in a hearing  
1837 before the board to determine licensure, no such information or



1838 records related thereto shall, except with written consent of  
1839 petitioner or by order of a court of competent jurisdiction, be  
1840 released or otherwise disclosed by the board to any other person  
1841 or agency. The board shall provide to the department the  
1842 fingerprints of the petitioner, any additional information that  
1843 may be required by the department, and a form signed by petitioner  
1844 consenting to the check of criminal records and to use of  
1845 fingerprints and other identifying information required by state  
1846 or national repositories. The board shall charge and collect from  
1847 petitioner, in addition to all other applicable fees and costs,  
1848 such amount as may be incurred by the board in requesting and  
1849 obtaining state and national criminal history records information  
1850 on petitioner.

1851 (5) The board may not consider incomplete applications.  
1852 Applications for restoration of a revoked, surrendered or  
1853 suspended license are incomplete until all the information  
1854 required is provided under this section and the rules of the  
1855 board.

1856 (6) In considering restoration of a revoked, surrendered or  
1857 suspended license, the board may evaluate factors that include,  
1858 but are not limited to:

1859 (a) Severity of the act(s) that resulted in revocation  
1860 or suspension of license;

1861 (b) Conduct of petitioner after the revocation or  
1862 suspension of license;



1863 (c) Compliance with all restoration requirements or  
1864 orders by the board;

1865 (d) Rehabilitation attained by petitioner as evidenced  
1866 by information provided to the board;

1867 (e) Violation by petitioner of any applicable statute  
1868 or rule.

1869 **SECTION 21.** Section 73-15-33, Mississippi Code of 1972, is  
1870 amended as follows:

1871 73-15-33. (1) It is unlawful for any person, including a  
1872 corporation or association, to:

1873 (a) Sell, fraudulently obtain or furnish any nursing  
1874 diploma, license, renewal of license, or record, or to aid or abet  
1875 therein;

1876 (b) Practice nursing as defined by this article under  
1877 cover of any diploma, license, renewal of license, or record  
1878 illegally or fraudulently obtained or signed or issued unlawfully  
1879 or under fraudulent representation;

1880 (c) Practice or offer to practice nursing as defined by  
1881 this article unless duly licensed or privileged to practice under  
1882 the provisions of this article;

1883 (d) Use any title, designation or abbreviation by which  
1884 a person \* \* \* represents to the public that he or she is a  
1885 registered nurse, an advanced practice registered nurse, a  
1886 licensed practical nurse or any other type of nurse, unless the  
1887 person is duly licensed or privileged to practice under the



1888 provisions of this article; however, this paragraph does not  
1889 prohibit a certified nurse assistant or certified nursing  
1890 assistant from using the word "nurse" or "nursing" as part of his  
1891 or her job title;

1892 (e) Practice as a registered nurse, an advanced  
1893 practice registered nurse, or a licensed practical nurse \* \* \*  
1894 when his or her license \* \* \* is suspended or revoked;

1895 (f) Conduct a nursing education program for the  
1896 preparation of registered nurses, unless the program has been  
1897 accredited by the Board of Trustees of State Institutions of  
1898 Higher Learning, or conduct a nursing education program for the  
1899 preparation of licensed practical nurses unless the program has  
1900 been accredited by the Department of Education through the  
1901 Division of Vocational Education;

1902 (g) Willfully employ unlicensed persons or persons not  
1903 holding the privilege \* \* \* to practice as registered nurses,  
1904 advanced practice registered nurses, or licensed practical nurses;  
1905 or

1906 (h) Willfully aid or abet any person who violates any  
1907 provisions of this article.

1908 (2) Any person, firm or corporation who violates any  
1909 provisions of this article shall be guilty of a misdemeanor and,  
1910 upon conviction thereof, shall be punished by a fine not less than  
1911 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
1912 (\$1,000.00) or by imprisonment in the county jail for not less



1913 than twelve (12) months, or by both such fine and imprisonment.  
1914 It shall be necessary to prove, in any prosecution under this  
1915 article, only a single act prohibited by law, or a single holding  
1916 out or an attempt without proving a general course of conduct in  
1917 order to constitute a violation. Each violation may constitute a  
1918 separate offense. Except as otherwise authorized in Section  
1919 7-5-39, it shall be the duty of the Attorney General to advise  
1920 with the board in preparing charges, to assist in conducting board  
1921 disciplinary hearings, to provide assistance with appropriate  
1922 affidavits and other charges for filing in the appropriate court,  
1923 and to assist the county or district attorney in prosecution, if  
1924 any.

1925       **SECTION 22.** Section 73-15-35, Mississippi Code of 1972, is  
1926 amended as follows:

1927       73-15-35. The practice of nursing as a registered nurse, the  
1928 practice of nursing as an advanced practice registered nurse, or  
1929 the practice of nursing as a licensed practical nurse by any  
1930 person who has not been issued a license or who does not hold the  
1931 privilege to practice under the provisions of this article, or  
1932 whose license or privilege to practice has been suspended or  
1933 revoked, or has expired and not been reinstated, or has  
1934 negligently or willfully practiced nursing in a manner that fails  
1935 to meet generally accepted standards of such nursing practice, is  
1936 declared to be a danger to the public health and welfare and shall  
1937 be enjoined through appropriate court action. In addition to and



1938 not in lieu of any other civil, criminal or disciplinary remedy,  
1939 the Attorney General, the board \* \* \* or the prosecuting attorney  
1940 of any county where a person is practicing or purporting to  
1941 practice as a registered nurse, as an advanced practice registered  
1942 nurse, or as a licensed practical nurse in violation of this  
1943 article may, in accordance with the laws of this state governing  
1944 injunctions, maintain an action to enjoin that person from  
1945 practicing as a registered nurse, an advanced practice registered  
1946 nurse, or a licensed practical nurse \* \* \*. The court may issue a  
1947 temporary injunction without notice or without bond enjoining a  
1948 defendant from further practicing as a registered nurse, an  
1949 advanced practice registered nurse, or a licensed practical nurse.  
1950 If it is established to the satisfaction of the court that the  
1951 defendant has been or is practicing as a registered nurse, an  
1952 advanced practice registered nurse, or a licensed practical nurse  
1953 without being licensed or privileged to practice and in good  
1954 standing as provided \* \* \* in this article, the court may enter a  
1955 decree perpetually enjoining the defendant from such further  
1956 activities, and a subsequent violation of which may be considered  
1957 as contempt of court by any court of competent jurisdiction. Such  
1958 injunction and contempt proceedings may be in addition to and not  
1959 in lieu of any other penalties and remedies provided by this  
1960 article.

1961           **SECTION 23.** Section 73-15-101, Mississippi Code of 1972, is  
1962 amended as follows:



1963           73-15-101. (1) A statewide program for certification of  
1964 certified clinical hemodialysis technicians is created under  
1965 the \* \* \* board \* \* \*.

1966           (2) Unless certified as a certified clinical hemodialysis  
1967 technician under this section, no person shall:

1968                 (a) Practice as a certified clinical hemodialysis  
1969 technician; or

1970                 (b) Use the title "certified clinical hemodialysis  
1971 technician," "hemodialysis technician," or other title,  
1972 abbreviation, letters, figures, signs, or devices to indicate or  
1973 imply that the person is a certified hemodialysis technician.

1974           (3) The board \* \* \* is authorized and empowered to:

1975                 (a) Maintain a permanent register of all certified  
1976 clinical hemodialysis technicians;

1977                 (b) Adopt rules and regulations for certified  
1978 hemodialysis technician training programs, including standards and  
1979 curricula;

1980                 (c) Provide for periodic evaluation of training  
1981 programs;

1982                 (d) Grant, deny or withdraw approval from a training  
1983 program that fails to meet prescribed standards or fails to  
1984 maintain a current contract with the board;

1985                 (e) Develop, maintain and administer a certification  
1986 examination, or grant, deny or withdraw approval of a  
1987 certification examination(s);





1988 (f) Adopt rules and regulations for certification of  
1989 hemodialysis technicians by examination, endorsement, renewal and  
1990 reinstatement; however, the certification by endorsement of a  
1991 military-trained applicant or military spouse shall be subject to  
1992 the provisions of Section 73-50-1; and

1993 (g) Conduct disciplinary hearings of certified  
1994 hemodialysis technicians concerning the restriction, denial,  
1995 suspension, revocation and/or discipline of a certificate holder  
1996 in any manner specified in rules and regulations of the board.

1997 (4) Any applicant for certification to practice as a  
1998 certified clinical hemodialysis technician shall \* \* \*:

1999 (a) Submit to the board an attested written application  
2000 on a board \* \* \* form;

2001 (b) Submit to the board a diploma from an approved high  
2002 school or the equivalent thereof, as determined by the appropriate  
2003 education agency;

2004 (c) Submit to the board written official evidence of  
2005 completion of a hemodialysis technician program approved by the  
2006 board \* \* \*;

2007 (d) Submit to the board evidence of competence in  
2008 English related to health care/nursing if the first language is  
2009 not English;

2010 (e) Submit to the board written official evidence that  
2011 the applicant has passed the certification examination as approved  
2012 by the board \* \* \*; \* \* \*



2013 (f) \* \* \* Have successful clearance for licensure  
2014 through an investigation that shall consist of a determination as  
2015 to good moral character and verification that the prospective  
2016 certificate holder is not guilty of or in violation of any  
2017 statutory ground for denial of licensure for nurses as set forth  
2018 in Section 73-15-29, or guilty of any offense specified in Section  
2019 73-15-33, or any offense specified in subsection (5) of this  
2020 section. To assist the board in conducting its licensure  
2021 investigation, all applicants shall undergo a fingerprint-based  
2022 criminal history records check of the Mississippi central criminal  
2023 database and the Federal Bureau of Investigation criminal history  
2024 database. Each applicant shall submit a full set of his or her  
2025 fingerprints in a form and manner prescribed by the board, which  
2026 shall be forwarded to the Mississippi Department of Public Safety  
2027 (department) and the Federal Bureau of Investigation  
2028 Identification Division for this purpose. Any and all state or  
2029 national criminal history records information obtained by the  
2030 board that is not already a matter of public record shall be  
2031 deemed nonpublic and confidential information restricted to the  
2032 exclusive use of the board, its members, officers, investigators,  
2033 agents and attorneys in evaluating the applicant's eligibility or  
2034 disqualification for licensure, and shall be exempt from the  
2035 Mississippi Public Records Act of 1983. Except when introduced  
2036 into evidence in a hearing before the board to determine  
2037 certification, no such information or records related thereto



2038 shall, except with the written consent of the applicant or by  
2039 order of a court of competent jurisdiction, be released or  
2040 otherwise disclosed by the board to any other person or agency.  
2041 The board shall provide to the department the fingerprints of the  
2042 applicant, any additional information that may be required by the  
2043 department, and a form signed by the applicant consenting to the  
2044 check of the criminal records and to the use of the fingerprints  
2045 and other identifying information required by the state or  
2046 national repositories. The board shall charge and collect from  
2047 the applicant, in addition to all other applicable fees and costs,  
2048 such amount as may be incurred by the board in requesting and  
2049 obtaining state and national criminal history records information  
2050 on the applicant. The board may, in its discretion, refuse to  
2051 accept the application of any person who has been convicted of a  
2052 criminal offense under any provision of Title 97 of the  
2053 Mississippi Code of 1972, as now or hereafter amended, or any  
2054 provision of this article.

2055 (g) Submit to the board any other official records  
2056 required by the board.

2057 (5) The board \* \* \* may, in its discretion, refuse to accept  
2058 the application of any person who has been convicted of a criminal  
2059 offense under any provision of Title 97 of the Mississippi Code of  
2060 1972, or any offense listed in Section 43-11-13(5), or any sex  
2061 offense included in Section 45-33-23(h), as now or hereafter  
2062 amended.



2063 ( \* \* \*6) Every certificate issued by the board \* \* \* to  
2064 practice as a certified clinical hemodialysis technician shall be  
2065 renewed every two (2) years. The certified clinical hemodialysis  
2066 technician seeking renewal shall submit proof of employment as a  
2067 certified clinical hemodialysis technician, proof of having met  
2068 continuing education requirements adopted by the board \* \* \* and  
2069 any other official records required by the board \* \* \*.

2070 ( \* \* \*7) The board \* \* \* shall establish nonrefundable fees  
2071 necessary for the administration of this section, including, but  
2072 not limited to, fees for initial certification by initial or later  
2073 examination, renewal of certification, reinstatement of a lapsed  
2074 certificate, endorsement, initial review and approval of a  
2075 training program, and later review and approval of a training  
2076 program.

2077 **SECTION 24.** This act shall take effect and be in force from  
2078 and after July 1, 2015.

