

By: Senator(s) Burton, DeBar

To: Public Health and Welfare

SENATE BILL NO. 2023

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**



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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, 2016.

