

By: Representatives Dortch, Sykes

To: Public Health and Human Services

HOUSE BILL NO. 114

1 AN ACT TO AMEND SECTIONS 73-15-5 AND 73-15-20, MISSISSIPPI
2 CODE OF 1972, TO DELETE THE REQUIREMENT THAT ADVANCED PRACTICE
3 REGISTERED NURSES MUST PRACTICE WITHIN A COLLABORATIVE OR
4 CONSULTATIVE RELATIONSHIP WITH A PHYSICIAN OR DENTIST; AND FOR
5 RELATED PURPOSES.

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

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

9 73-15-5. (1) "Board" means the Mississippi Board of
10 Nursing.

11 (2) The "practice of nursing" by a registered nurse means
12 the performance for compensation of services which requires
13 substantial knowledge of the biological, physical, behavioral,
14 psychological and sociological sciences and of nursing theory as
15 the basis for assessment, diagnosis, planning, intervention and
16 evaluation in the promotion and maintenance of health; management
17 of individuals' responses to illness, injury or infirmity; the
18 restoration of optimum function; or the achievement of a dignified
19 death. "Nursing practice" includes, but is not limited to,



20 administration, teaching, counseling, delegation and supervision
21 of nursing, and execution of the medical regimen, including the
22 administration of medications and treatments prescribed by any
23 licensed or legally authorized physician or dentist. The
24 foregoing shall not be deemed to include acts of medical diagnosis
25 or prescriptions of medical, therapeutic or corrective measures,
26 except as may be set forth by rules and regulations promulgated
27 and implemented by the Mississippi Board of Nursing.

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

42 (4) "Advanced nursing practice" means, in addition to the
43 practice of professional nursing, the performance of
44 advanced-level nursing approved by the board which, by virtue of



45 graduate education and experience are appropriately performed by
46 an advanced practice registered nurse. The advanced practice
47 registered nurse may diagnose, treat and manage medical
48 conditions. This may include prescriptive authority as identified
49 by the board. * * *

50 (5) The "practice of nursing" by a licensed practical nurse
51 means the performance for compensation of services requiring basic
52 knowledge of the biological, physical, behavioral, psychological
53 and sociological sciences and of nursing procedures which do not
54 require the substantial skill, judgment and knowledge required of
55 a registered nurse. These services are performed under the
56 direction of a registered nurse or a licensed physician or
57 licensed dentist and utilize standardized procedures in the
58 observation and care of the ill, injured and infirm; in the
59 maintenance of health; in action to safeguard life and health; and
60 in the administration of medications and treatments prescribed by
61 any licensed physician or licensed dentist authorized by state law
62 to prescribe. On a selected basis, and within safe limits, the
63 role of the licensed practical nurse shall be expanded by the
64 board under its rule-making authority to more complex procedures
65 and settings commensurate with additional preparation and
66 experience.

67 (6) A "license" means an authorization to practice nursing
68 as a registered nurse or a licensed practical nurse designated
69 herein.



70 (7) A "registered nurse" is a person who is licensed or
71 holds the privilege to practice under the provisions of this
72 article and who practices nursing as defined herein. "RN" is the
73 abbreviation for the title of Registered Nurse.

74 (8) A "licensed practical nurse" is a person who is licensed
75 or holds the privilege to practice under this article and who
76 practices practical nursing as defined herein. "LPN" is the
77 abbreviation for the title of Licensed Practical Nurse.

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

81 (10) A "clinical nurse specialist" is a person who is
82 licensed or holds the privilege to practice under this article in
83 this state to practice professional nursing and who in this state
84 practices advanced nursing as defined herein. "CNS" is the
85 abbreviation for the title of Clinical Nurse Specialist.

86 (11) An "advanced practice registered nurse" is a person who
87 is licensed or holds the privilege to practice under this article
88 and who is certified in advanced practice registered nurse or
89 specialized nursing practice and includes certified registered
90 nurse midwives, certified registered nurse anesthetists and
91 certified nurse practitioners. "CNM" is the abbreviation for the
92 title of Certified Nurse Midwife, "CRNA" is the abbreviation for
93 the title of Certified Registered Nurse Anesthetist. "CNP" is the
94 abbreviation for the title of Certified Nurse Practitioner.



95 (12) A "nurse educator" is a registered nurse who meets the
96 criteria for faculty as set forth in a state-accredited program of
97 nursing for registered nurses, or a state-approved program of
98 nursing for licensed practical nurses, and who functions as a
99 faculty member.

100 (13) A "consumer representative" is a person representing
101 the interests of the general public, who may use services of a
102 health agency or health professional organization or its members
103 but who is neither a provider of health services, nor employed in
104 the health services field, nor holds a vested interest in the
105 provision of health services at any level, nor has an immediate
106 family member who holds vested interests in the provision of
107 health services at any level.

108 (14) "Privilege to practice" means the multistate licensure
109 privilege to practice nursing in the state as described in the
110 Nurse Licensure Compact provided for in Section 73-15-201.

111 (15) "Licensee" is a person who has been issued a license to
112 practice nursing in the state or who holds the privilege to
113 practice nursing in the state.

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

116 73-15-20. (1) **Advanced practice registered nurses.** Any
117 nurse desiring to be certified as an advanced practice registered
118 nurse shall apply to the board and submit proof that he or she



119 holds a current license to practice professional nursing and that
120 he or she meets one or more of the following requirements:

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

125 (b) Certification by a board-approved certifying body.
126 Such certification shall be required for initial state
127 certification and any recertification as a registered nurse
128 anesthetist, nurse practitioner or nurse midwife. The board may
129 by rule provide for provisional or temporary state certification
130 of graduate nurse practitioners for a period of time determined to
131 be appropriate for preparing and passing the National
132 Certification Examination. Those with provisional or temporary
133 certifications must practice under the direct supervision of a
134 licensed physician or a certified nurse practitioner or certified
135 nurse midwife with at least five (5) years of experience.

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

139 (2) **Rulemaking.** The board shall provide by rule the
140 appropriate requirements for advanced practice registered nurses
141 in the categories of certified registered nurse anesthetist,
142 certified nurse midwife and * * * advanced practice registered
143 nurse.



144 * * *

145 (* * *3) **Renewal.** The board shall renew a license for an
146 advanced practice registered nurse upon receipt of the renewal
147 application, fees and protocol or practice guidelines. The board
148 shall adopt rules establishing procedures for license renewals.
149 The board shall by rule prescribe continuing education
150 requirements for advanced practice registered nurses not to exceed
151 forty (40) hours biennially as a condition for renewal of a
152 license or certificate.

153 (* * *4) **Reinstatement.** Advanced practice registered
154 nurses may reinstate a lapsed privilege to practice upon
155 submitting documentation of a current active license to practice
156 professional nursing, a reinstatement application and fee, * * *
157 documentation of current certification as an advanced practice
158 nurse in a designated area of practice by a national certification
159 organization recognized by the board and documentation of at least
160 forty (40) hours of continuing education related to the advanced
161 clinical practice of the nurse practitioner within the previous
162 two-year period. The board shall adopt rules establishing the
163 procedure for reinstatement.

164 * * *

165 (* * *5) **Practice requirements.** The advanced practice
166 registered nurse shall practice:

167 (a) According to standards and guidelines of the
168 National Certification Organization.



169 * * *

170 (* * *b) According to a board-approved protocol or
171 practice guidelines.

172 (* * *c) Advanced practice registered nurses
173 practicing as nurse anesthetists must practice according to
174 board-approved practice guidelines that address pre-anesthesia
175 preparation and evaluation; anesthesia induction, maintenance, and
176 emergence; post-anesthesia care; peri-anesthetic and clinical
177 support functions.

178 * * *

179 (* * *d) Each * * * advanced practice registered nurse
180 shall * * * implement a formal quality assurance/quality
181 improvement program, which shall be maintained on site and shall
182 be available for inspection by representatives of the board. This
183 quality assurance/quality improvement program must be sufficient
184 to provide a valid evaluation of the practice and be a valid basis
185 for change, if any.

186 (* * *e) Nurse practitioners may not write
187 prescriptions for, dispense or order the use of or administration
188 of any schedule of controlled substances except as contained in
189 this * * * article.

190 (* * *6) **Prescribing controlled substances and medications.**

191 Certified nurse midwives and certified nurse practitioners may
192 apply for controlled substance prescriptive authority after
193 completing a board-approved educational program. Certified nurse



194 midwives and certified nurse practitioners who have completed the
195 program and received prescription authority from the board may
196 prescribe Schedules II-V. The words "administer," "controlled
197 substances" and "ultimate user," shall have the same meaning as
198 set forth in Section 41-29-105, unless the context otherwise
199 requires. The board shall promulgate rules governing prescribing
200 of controlled substances, including distribution, record keeping,
201 drug maintenance, labeling and distribution requirements and
202 prescription guidelines for controlled substances and all
203 medications. Prescribing any controlled substance in violation of
204 the rules promulgated by the board shall constitute a violation of
205 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
206 disciplinary action. The prescribing, administering or
207 distributing of any legend drug or other medication in violation
208 of the rules promulgated by the board shall constitute a violation
209 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
210 disciplinary action.

211 **SECTION 3.** This act shall take effect and be in force from
212 and after July 1, 2018.

