

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 121

1 AN ACT TO AMEND SECTIONS 73-15-19 AND 73-15-21, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE MISSISSIPPI BOARD OF NURSING TO
3 AUTHORIZE APPLICANTS FOR NURSING LICENSES TO HAVE THEIR
4 FINGERPRINTS TAKEN AT VARIOUS LOCATIONS IN THE STATE OUTSIDE OF
5 THE JACKSON AREA FOR THEIR CONVENIENCE, AT THE OPTION OF THE
6 APPLICANT, FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORDS
7 CHECK REQUIRED BEFORE LICENSURE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-15-19, Mississippi Code of 1972, is
10 amended as follows:

11 73-15-19. (1) **Registered nurse applicant qualifications.**

12 Any applicant for a license to practice as a registered nurse
13 shall submit to the board:

14 (a) An attested written application on a Board of
15 Nursing form;

16 (b) Written official evidence of completion of a
17 nursing program approved by the Board of Trustees of State
18 Institutions of Higher Learning, or one approved by a legal
19 accrediting agency of another state, territory or possession of



20 the United States, the District of Columbia, or a foreign country
21 which is satisfactory to this board;

22 (c) Evidence of competence in English related to
23 nursing, provided the first language is not English;

24 (d) Any other official records required by the board.

25 In addition to the requirements specified in paragraphs (a)
26 through (d) of this subsection, in order to qualify for a license
27 to practice as a registered nurse, an applicant must have
28 successfully been cleared for licensure through an investigation
29 that shall consist of a determination as to good moral character
30 and verification that the prospective licensee is not guilty of or
31 in violation of any statutory ground for denial of licensure as
32 set forth in Section 73-15-29 or guilty of any offense specified
33 in Section 73-15-33. To assist the board in conducting its
34 licensure investigation, all applicants shall undergo a
35 fingerprint-based criminal history records check of the
36 Mississippi central criminal database and the Federal Bureau of
37 Investigation criminal history database. Each applicant shall
38 submit a full set of his or her fingerprints in a form and manner
39 prescribed by the board, which shall be forwarded to the
40 Mississippi Department of Public Safety (department) and the
41 Federal Bureau of Investigation Identification Division for this
42 purpose. The board shall authorize applicants to have their
43 fingerprints taken at various locations in the state outside of



44 the Jackson area for their convenience, at the option of the
45 applicant.

46 Any and all state or national criminal history records
47 information obtained by the board that is not already a matter of
48 public record shall be deemed nonpublic and confidential
49 information restricted to the exclusive use of the board, its
50 members, officers, investigators, agents and attorneys in
51 evaluating the applicant's eligibility or disqualification for
52 licensure, and shall be exempt from the Mississippi Public Records
53 Act of 1983. Except when introduced into evidence in a hearing
54 before the board to determine licensure, no such information or
55 records related thereto shall, except with the written consent of
56 the applicant or by order of a court of competent jurisdiction, be
57 released or otherwise disclosed by the board to any other person
58 or agency.

59 The board shall provide to the department the fingerprints of
60 the applicant, any additional information that may be required by
61 the department, and a form signed by the applicant consenting to
62 the check of the criminal records and to the use of the
63 fingerprints and other identifying information required by the
64 state or national repositories.

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



69 The board may, in its discretion, refuse to accept the
70 application of any person who has been convicted of a criminal
71 offense under any provision of Title 97 of the Mississippi Code of
72 1972, as now or hereafter amended, or any provision of this
73 article.

74 (2) **Licensure by examination.** (a) Upon the board being
75 satisfied that an applicant for a license as a registered nurse
76 has met the qualifications set forth in subsection (1) of this
77 section, the board shall proceed to examine such applicant in such
78 subjects as the board shall, in its discretion, determine. The
79 subjects in which applicants shall be examined shall be in
80 conformity with curricula in schools of nursing approved by the
81 Board of Trustees of State Institutions of Higher Learning, or one
82 approved by a legal accrediting agency of another state, territory
83 or possession of the United States, the District of Columbia, or a
84 foreign country which is satisfactory to the board.

85 (b) The applicant shall be required to pass the written
86 examination as selected by the board.

87 (c) Upon successful completion of such examination, the
88 board shall issue to the applicant a license to practice as a
89 registered nurse.

90 (d) The board may use any part or all of the state
91 board test pool examination for registered nurse licensure, its
92 successor examination, or any other nationally standardized



93 examination identified by the board in its rules. The passing
94 score shall be established by the board in its rules.

95 (3) **Licensure by endorsement.** The board may issue a license
96 to practice nursing as a registered nurse without examination to
97 an applicant who has been duly licensed as a registered nurse
98 under the laws of another state, territory or possession of the
99 United States, the District of Columbia, or a foreign country if,
100 in the opinion of the board, the applicant meets the
101 qualifications required of licensed registered nurses in this
102 state and has previously achieved the passing score or scores on
103 the licensing examination required by this state, at the time of
104 his or her graduation. The issuance of a license by endorsement
105 to a military-trained applicant or military spouse shall be
106 subject to the provisions of Section 73-50-1.

107 (4) **Requirements for rewriting the examination.** The board
108 shall establish in its rules the requirements for rewriting the
109 examination for those persons failing the examination on the first
110 writing or subsequent rewriting.

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

115 (6) **Temporary permit.** (a) The board may issue a temporary
116 permit to practice nursing to a graduate of an approved school of
117 nursing pending the results of the examination in Mississippi, and



118 to a qualified applicant from another state, territory or
119 possession of the United States, or District of Columbia, or
120 pending licensure procedures as provided for elsewhere in this
121 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

122 (b) The board may issue a temporary permit for a period
123 of ninety (90) days to a registered nurse who is currently
124 licensed in another state, territory or possession of the United
125 States or the District of Columbia and who is an applicant for
126 licensure by endorsement. Such permit is not renewable except by
127 board action. The issuance of a temporary permit to a
128 military-trained applicant or military spouse shall be subject to
129 the provisions of Section 73-50-1.

130 (c) The board may issue a temporary permit to a
131 graduate of an approved school of nursing pending the results of
132 the first licensing examination scheduled after application. Such
133 permit is not renewable except by board action.

134 (d) The board may issue a temporary permit for a period
135 of thirty (30) days to any registered nurse during the time
136 enrolled in a nursing reorientation program. This time period may
137 be extended by board action. The fee shall not exceed Twenty-five
138 Dollars (\$25.00).

139 (e) The board may adopt such regulations as are
140 necessary to limit the practice of persons to whom temporary
141 permits are issued.



142 (7) **Temporary license.** The board may issue a temporary
143 license to practice nursing at a youth camp licensed by the State
144 Board of Health to nonresident registered nurses and retired
145 resident registered nurses under the provisions of Section
146 75-74-8.

147 (8) **Title and abbreviation.** Any person who holds a license
148 or holds the privilege to practice as a registered nurse in this
149 state shall have the right to use the title "registered nurse" and
150 the abbreviation "R.N." No other person shall assume such title
151 or use such abbreviation, or any words, letters, signs or devices
152 to indicate that the person using the same is a registered nurse.

153 (9) **Registered nurses licensed under a previous law.** Any
154 person holding a license to practice nursing as a registered nurse
155 issued by this board which is valid on July 1, 1981, shall
156 thereafter be deemed to be licensed as a registered nurse under
157 the provisions of this article upon payment of the fee provided in
158 Section 73-15-27.

159 (10) Each application or filing made under this section
160 shall include the social security number(s) of the applicant in
161 accordance with Section 93-11-64.

162 **SECTION 2.** Section 73-15-21, Mississippi Code of 1972, is
163 amended as follows:

164 73-15-21. (1) **Licensed practical nurse applicant**
165 **qualifications.** Any applicant for a license to practice practical
166 nursing as a licensed practical nurse shall submit to the board:



167 (a) An attested written application on a Board of
168 Nursing form;

169 (b) A diploma from an approved high school or the
170 equivalent thereof, as determined by the appropriate educational
171 agency;

172 (c) Written official evidence of completion of a
173 practical nursing program approved by the State Department of
174 Education through its Division of Vocational Education, or one
175 approved by a legal accrediting agency of another state, territory
176 or possession of the United States, the District of Columbia, or a
177 foreign country which is satisfactory to this board;

178 (d) Evidence of competence in English related to
179 nursing, provided the first language is not English;

180 (e) Any other official records required by the board.

181 In addition to the requirements specified in paragraphs (a)
182 through (e) of this subsection, in order to qualify for a license
183 to practice practical nursing as a licensed practical nurse, an
184 applicant must have successfully been cleared for licensure
185 through an investigation that shall consist of a determination as
186 to good moral character and verification that the prospective
187 licensee is not guilty of or in violation of any statutory ground
188 for denial of licensure as set forth in Section 73-15-29 or guilty
189 of any offense specified in Section 73-15-33. To assist the board
190 in conducting its licensure investigation, all applicants shall
191 undergo a fingerprint-based criminal history records check of the



192 Mississippi central criminal database and the Federal Bureau of
193 Investigation criminal history database. Each applicant shall
194 submit a full set of his or her fingerprints in a form and manner
195 prescribed by the board, which shall be forwarded to the
196 Mississippi Department of Public Safety (department) and the
197 Federal Bureau of Investigation Identification Division for this
198 purpose. The board shall authorize applicants to have their
199 fingerprints taken at various locations in the state outside of
200 the Jackson area for their convenience, at the option of the
201 applicant.

202 Any and all state or national criminal history records
203 information obtained by the board that is not already a matter of
204 public record shall be deemed nonpublic and confidential
205 information restricted to the exclusive use of the board, its
206 members, officers, investigators, agents and attorneys in
207 evaluating the applicant's eligibility or disqualification for
208 licensure, and shall be exempt from the Mississippi Public Records
209 Act of 1983. Except when introduced into evidence in a hearing
210 before the board to determine licensure, no such information or
211 records related thereto shall, except with the written consent of
212 the applicant or by order of a court of competent jurisdiction, be
213 released or otherwise disclosed by the board to any other person
214 or agency.

215 The board shall provide to the department the fingerprints of
216 the applicant, any additional information that may be required by



217 the department, and a form signed by the applicant consenting to
218 the check of the criminal records and to the use of the
219 fingerprints and other identifying information required by the
220 state or national repositories.

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

225 The board may, in its discretion, refuse to accept the
226 application of any person who has been convicted of a criminal
227 offense under any provision of Title 97 of the Mississippi Code of
228 1972, as now or hereafter amended, or any provision of this
229 article.

230 (2) **Licensure by examination.** (a) Upon the board being
231 satisfied that an applicant for a license as a practical nurse has
232 met the qualifications set forth in subsection (1) of this
233 section, the board shall proceed to examine such applicant in such
234 subjects as the board shall, in its discretion, determine. The
235 subjects in which applicants shall be examined shall be in
236 conformity with curricula in schools of practical nursing approved
237 by the State Department of Education.

238 (b) The applicant shall be required to pass the written
239 examination selected by the board.



240 (c) Upon successful completion of such examination, the
241 board shall issue to the applicant a license to practice as a
242 licensed practical nurse.

243 (d) The board may use any part or all of the state
244 board test pool examination for practical nurse licensure, its
245 successor examination, or any other nationally standardized
246 examination identified by the board in its rules. The passing
247 score shall be established by the board in its rules.

248 (3) **Licensure by endorsement.** The board may issue a license
249 to practice practical nursing as a licensed practical nurse
250 without examination to an applicant who has been duly licensed as
251 a licensed practical nurse under the laws of another state,
252 territory or possession of the United States, the District of
253 Columbia, or a foreign country if, in the opinion of the board,
254 the applicant meets the qualifications required of licensed
255 practical nurses in this state and has previously achieved the
256 passing score or scores on the licensing examination required by
257 this state at the time of his or her graduation. The issuance of
258 a license by endorsement to a military-trained applicant or
259 military spouse shall be subject to the provisions of Section
260 73-50-1.

261 (4) **Licensure by equivalent amount of theory and clinical**
262 **experience.** In the discretion of the board, former students of a
263 state-accredited school preparing students to become registered
264 nurses may be granted permission to take the examination for



265 licensure to practice as a licensed practical nurse, provided the
266 applicant's record or transcript indicates the former student
267 completed an equivalent amount of theory and clinical experiences
268 as required of a graduate of a practical nursing program, and
269 provided the school attended was, at the time of the student's
270 attendance, an accredited school of nursing.

271 (5) **Requirements for rewriting the examination.** The board
272 shall establish in its rules the requirements for rewriting the
273 examination for those persons failing the examination on the first
274 writing or subsequent writing.

275 (6) **Fee.** The applicant applying for a license by
276 examination or by endorsement to practice as a licensed practical
277 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
278 board.

279 (7) **Temporary permit.** (a) The board may issue a temporary
280 permit to practice practical nursing to a graduate of an approved
281 school of practical nursing pending the results of the examination
282 in Mississippi, and to a qualified applicant from another state,
283 territory or possession of the United States, or the District of
284 Columbia, pending licensing procedures as provided for elsewhere
285 in this article. The fee shall not exceed Twenty-five Dollars
286 (\$25.00).

287 (b) The board may issue a temporary permit for a period
288 of ninety (90) days to a licensed practical nurse who is currently
289 licensed in another state, territory or possession of the United



290 States or the District of Columbia and who is an applicant for
291 licensure by endorsement. Such permit is not renewable except by
292 board action. The issuance of a temporary permit to a
293 military-trained applicant or military spouse shall be subject to
294 the provisions of Section 73-50-1.

295 (c) The board may issue a temporary permit to a
296 graduate of an approved practical nursing education program or an
297 equivalent program satisfactory to the board pending the results
298 of the first licensing examination scheduled after application.
299 Such permit is not renewable except by board action.

300 (d) The board may issue a temporary permit for a period
301 of thirty (30) days to any licensed practical nurse during the
302 time enrolled in a nursing reorientation program. This time
303 period may be extended by board action. The fee shall not exceed
304 Twenty-five Dollars (\$25.00).

305 (e) The board may adopt such regulations as are
306 necessary to limit the practice of persons to whom temporary
307 permits are issued.

308 (8) **Title and abbreviation.** Any person who holds a license
309 or holds the privilege to practice as a licensed practical nurse
310 in this state shall have the right to use the title "licensed
311 practical nurse" and the abbreviation "L.P.N." No other person
312 shall assume such title or use such abbreviation, or any words,
313 letters, signs or devices to indicate that a person using the same
314 is a licensed practical nurse.



315 (9) **Licensed practical nurses licensed under a previous law.**
316 Any person holding a license to practice nursing as a practical
317 nurse issued by this board which is valid on July 1, 1981, shall
318 thereafter be deemed to be licensed as a practical nurse under the
319 provisions of this article upon payment of the fee prescribed in
320 Section 73-15-27.

321 (10) Each application or filing made under this section
322 shall include the social security number(s) of the applicant in
323 accordance with Section 93-11-64.

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

