

By: Representative Aguirre

To: Public Health and Human Services

HOUSE BILL NO. 1116

1 AN ACT TO AMEND SECTION 73-25-18, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE CERTAIN LICENSED MEDICAL PROFESSIONALS WHO ARE IN
 3 GOOD STANDING TO ENTER INTO AGREEMENTS WITH THE APPLICABLE
 4 LICENSING AGENCY OF THE MEDICAL PROFESSIONAL FOR PURPOSES OF
 5 PROVIDING FREE SERVICES TO INDIGENT AND NEEDY PERSONS; TO PROVIDE
 6 IMMUNITY FROM CIVIL ACTION FOR THOSE SERVICES; TO AMEND SECTION
 7 73-25-19, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN
 8 NONRESIDENTS LICENSED MEDICAL PROFESSIONALS TO PROVIDE TEMPORARY
 9 HEALTH SERVICES IN THIS STATE THROUGH A SPONSORING ORGANIZATION
 10 REGISTERED WITH THE DEPARTMENT OF HEALTH; TO AMEND SECTION
 11 73-25-38, MISSISSIPPI CODE OF 1972, WHICH PROVIDES IMMUNITY TO
 12 MEDICAL PROFESSIONALS WHO VOLUNTARILY PROVIDE HEALTH CARE, TO
 13 CONFORM TO THE PRECEDING PROVISIONS; TO AMEND SECTION 73-15-20,
 14 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
 15 AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 73-25-18, Mississippi Code of 1972, is
 18 amended as follows:

19 73-25-18. (1) (a) There is established a special volunteer
 20 medical license for physicians who are retired from active
 21 practice, or are currently serving on active duty in the Armed
 22 Forces of the United States or in the National Guard or a reserve
 23 component of the Armed Forces of the United States, or are working
 24 as physicians for the Department of Veterans Affairs, and wish to



25 donate their expertise for the medical care and treatment of
26 indigent and needy persons or persons in medically underserved
27 areas of the state. The special volunteer medical license shall
28 be issued by the State Board of Medical Licensure to eligible
29 physicians without the payment of any application fee, examination
30 fee, license fee or renewal fee, shall be issued for a fiscal year
31 or part thereof, and shall be renewable annually upon approval of
32 the board.

33 (b) A physician must meet the following requirements to
34 be eligible for a special volunteer medical license:

35 (i) Completion of a special volunteer medical
36 license application, including documentation of the physician's
37 medical school or osteopathic school graduation and practice
38 history;

39 (ii) Documentation that the physician has been
40 previously issued an unrestricted license to practice medicine in
41 Mississippi or in another state of the United States and that he
42 or she has never been the subject of any medical disciplinary
43 action in any jurisdiction;

44 (iii) Acknowledgement and documentation that the
45 physician's practice under the special volunteer medical license
46 will be exclusively and totally devoted to providing medical care
47 to needy and indigent persons in Mississippi or persons in
48 medically underserved areas in Mississippi; and



49 (iv) Acknowledgement and documentation that the
50 physician will not receive any payment or compensation, either
51 direct or indirect, or have the expectation of any payment or
52 compensation, for any medical services rendered under the special
53 volunteer medical license.

54 (2) (a) There is established a special volunteer license
55 for physician assistants who are retired from active practice, or
56 are currently serving on active duty in the Armed Forces of the
57 United States or in the National Guard or a reserve component of
58 the Armed Forces of the United States, or are working as physician
59 assistants for the Department of Veterans Affairs, and wish to
60 donate their expertise for the care and treatment of indigent and
61 needy persons or persons in medically underserved areas of the
62 state. The special volunteer physician assistant license shall be
63 issued by the State Board of Medical Licensure to eligible
64 physician assistants without the payment of any application fee,
65 examination fee, license fee or renewal fee, shall be issued for a
66 fiscal year or part thereof, and shall be renewable annually upon
67 approval of the board.

68 (b) A physician assistant must meet the following
69 requirements to be eligible for a special volunteer physician
70 assistant license:

71 (i) Completion of an application for a special
72 volunteer physician assistant license, including documentation of



73 the physician assistant's educational qualifications and practice
74 history;

75 (ii) Documentation that the physician assistant
76 has been previously issued an unrestricted physician assistant
77 license in Mississippi or in another state of the United States
78 and that he or she has never been the subject of any disciplinary
79 action in any jurisdiction;

80 (iii) Acknowledgement and documentation that the
81 physician assistant's practice under the special volunteer
82 physician assistant license will be exclusively and totally
83 devoted to providing care to needy and indigent persons in
84 Mississippi or persons in medically underserved areas in
85 Mississippi; and

86 (iv) Acknowledgement and documentation that the
87 physician assistant will not receive any payment or compensation,
88 either direct or indirect, or have the expectation of any payment
89 or compensation, for any services rendered under the special
90 volunteer physician assistant license.

91 (3) (a) Any licensed physician, physician assistant,
92 dentist, dental hygienist, optometrist, nurse or certified nurse
93 practitioner (hereinafter "medical professional") whose license is
94 in good standing may donate their expertise for the medical care
95 and treatment of indigent or needy persons under a written
96 agreement with the applicable licensing agency of the medical
97 professional (hereinafter "applicable agency"). The applicable



98 agency may contract with county health departments or qualified
99 nonprofit organizations with expertise and experience in providing
100 free or charitable health care to indigent or needy persons
101 (hereinafter "contractor") to administer the program for the
102 applicable agency.

103 (b) Pursuant to Section 73-25-38(1), any licensed
104 medical professional who voluntarily provides medical care and
105 treatment to indigent or needy persons without expectation of
106 payment shall be immune from liability for any civil action
107 arising out of any act or omission resulting from the provision of
108 those services unless the act or omission was the result of the
109 medical professional's gross negligence or willful misconduct.

110 (c) The agreement entered into by and between the
111 medical professional and the applicable agency shall provide that:

112 (i) The agreement applies only to volunteer health
113 care services delivered by the medical professional to indigent or
114 needy persons.

115 (ii) The identity of the parties to the agreement,
116 including the medical professional's Mississippi license number.

117 (iii) The medical professional agrees that he or
118 she will not receive any payment or compensation, either direct or
119 indirect, or have the expectation of payment or compensation, for
120 any medical services provided to indigent and needy individuals
121 under the agreement.



122 (iv) Pursuant to Section 73-25-38(1), the medical
123 professional shall be immune from liability for any civil action
124 arising out of any act or omission resulting from the rendering of
125 medical services under the agreement unless the act or omission
126 was the result of the medical professional's gross negligence or
127 willful misconduct. The medical professional understands that the
128 immunity provided applies only to noncompensated services rendered
129 to indigent or needy individuals under the terms of the agreement
130 and shall not apply to any other services rendered by the medical
131 professional.

132 (v) The medical professional shall submit annual
133 reports to the applicable agency and/or contractor listing the
134 number of hours of donated care, the number of qualified indigent
135 or needy patients served, and the estimated value of care donated
136 under this section. The applicable agency and/or contractor shall
137 have the right to review the record of any patient served by the
138 medical professional under the agreement to verify the accuracy of
139 reported information. All patient medical records and identifying
140 information contained in annual reports submitted to the
141 applicable agency and/or contractor are confidential.

142 (vi) Any adverse incidents and information
143 regarding treatment outcomes must be reported by the medical
144 professional to the applicable agency and/or contractor, if
145 incidents and information pertain to a patient treated under the
146 agreement. The applicable agency shall review the incident report



147 to determine whether the incident involves conduct by the medical
148 professional that is subject to disciplinary action. All patient
149 medical records and identifying information contained in adverse
150 incident reports and treatment outcomes obtained by the applicable
151 agency and/or contractor are confidential.

152 (vii) The applicable agency and/or contractor
153 shall have the right to terminate the agreement with the medical
154 professional with appropriate cause.

155 (1.) In terminating the agreement, the
156 applicable agency and/or contractor shall provide the medical
157 professional with written notice of its intent to terminate the
158 agreement, and reasons for that decision, at least ten (10)
159 business days in advance of the termination date.

160 (2.) The applicable agency and/or contractor
161 shall establish an appeals process for medical professionals
162 terminated under this section.

163 (viii) The medical professional is subject to
164 oversight and inspection by the applicable agency and/or
165 contractor with respect to services rendered under the agreement.

166 (4) Any medical professional who voluntarily provides
167 medical care and treatment to any person without expectation of
168 payment as authorized in this section may fulfill one (1) credit
169 hour of continuing education for each sixty (60) minutes of
170 providing voluntary health services. The applicable agency shall
171 permit the medical professional to satisfy up to one-third (1/3)



172 of the medical professional's continuing education requirement by
173 providing services to persons without expectation of payment as
174 authorized by this section.

175 **SECTION 2.** Section 73-25-19, Mississippi Code of 1972, is
176 amended as follows:

177 73-25-19. (1) A nonresident licensed * * * physician,
178 physician assistant, dentist, dental hygienist, optometrist, nurse
179 or certified nurse practitioner (hereinafter "medical
180 professional") not holding a license from * * * this state shall
181 not be permitted to practice, * * * unless he or she: (a)
182 practices * * * in the state for less than * * * fifteen (15)
183 days per calendar year; (b) is called in consultation by a
184 licensed medical professional residing in this state; (c) practice
185 in an area that is under a state or federal declaration of
186 emergency; or (d) is providing temporary volunteer health services
187 in the state through a sponsoring organization registered with the
188 Department of Health as provided in this section. * * *

189 This section shall not apply to any nonresident physician who
190 holds a temporary license to practice medicine at a youth camp
191 issued under the provisions of Section 75-74-8 and Section
192 73-25-17.

193 (2) (a) Notwithstanding any provision of law to the
194 contrary, no additional license or certificate otherwise required
195 by state law is necessary for a licensed medical professional who:



196 (i) Lawfully practices under an exception to the
197 licensure or certification requirements of any state, territory,
198 district, or possession of the United States, provided that the
199 medical professional does not and will not regularly practice in
200 the State of Mississippi; and

201 (ii) Donates his or her time and expertise solely
202 for the purpose of providing temporary health services in this
203 state through a sponsoring organization registered with the
204 Department of Health.

205 (b) The provisions of paragraph (a) shall not apply to:

206 (i) Any person whose license or certificate is
207 suspended or revoked under disciplinary proceedings in any
208 jurisdiction; or

209 (ii) A licensed medical professional who renders
210 services outside the scope of practice authorized by the person's
211 licensure, certification, or exception to that licensure or
212 certification.

213 (3) With regard to a person who donates his or her time and
214 expertise to provide temporary health services and who is covered
215 by the provisions of subsection (2) (a) of this section, all
216 requirements regarding display of a license or certificate shall
217 be satisfied by the presentation for inspection, upon request, of
218 a photocopy of the applicable license, certificate, or statement
219 of exemption.



220 (4) Any nonresident medical professional providing temporary
221 volunteer health services in this state through a sponsoring
222 organization shall be immune from liability for any civil action
223 arising out of any act or omission resulting from the provision of
224 those services unless the act or omission was the result of the
225 nonresident medical professional's gross negligence or willful
226 misconduct.

227 (5) (a) An organization that wishes to provide volunteer
228 health care services in this state shall register with the
229 Department of Health before providing any services in this state
230 by filing a registration form and submitting an annual
231 registration fee of Fifty Dollars (\$50.00). The registration form
232 shall contain:

233 (i) The name of the sponsoring organization;

234 (ii) A statement of the sponsoring organization's
235 mission or purpose;

236 (iii) The names of the principal officers of the
237 organization or individuals responsible for the operation of the
238 organization;

239 (iv) The address, including street, city, state,
240 zip code, and county, of the sponsoring organization's principal
241 office;

242 (v) The telephone number for the sponsoring
243 organization's principal office and the business telephone number



244 of the individual filing the application on behalf of the
245 sponsoring organization; and

246 (vi) The sponsoring organization shall notify the
247 department in writing of any pertinent change in information
248 provided under this subsection within thirty (30) days of the
249 change.

250 (b) The sponsoring organization shall file quarterly
251 volunteer services reports with the department listing the names
252 of all licensed nonresident medical professionals who provided
253 voluntary health care services in this state during the previous
254 quarter as well as the dates, places, and types of services
255 provided during the previous quarter.

256 (c) The sponsoring organization shall maintain a file
257 on each medical professional who provides temporary volunteer
258 health services through the organization. For each medical
259 professional, the organization shall maintain a copy of a current
260 license, certificate, or statement of exemption from licensure or
261 certification. Files shall be maintained for five (5) years
262 following the most recent date that the medical professional
263 provided health care services in this state through the sponsoring
264 organization.

265 (d) The sponsoring organization shall furnish all
266 records maintained under this section to the department upon
267 request.



268 **SECTION 3.** Section 73-25-38, Mississippi Code of 1972, is
269 amended as follows:

270 73-25-38. (1) Any licensed physician, physician assistant,
271 dentist, dental hygienist, optometrist, nurse or certified nurse
272 practitioner who voluntarily provides needed medical or health
273 services to any person without the expectation of payment due to
274 the inability of such person to pay for * * * those services shall
275 be immune from liability for any civil action arising out of the
276 provision of * * * those medical or health services provided in
277 good faith on a charitable basis. This section shall not extend
278 immunity to acts of willful or gross negligence. Except in cases
279 of rendering emergency care * * * in which the provisions of
280 Section 73-25-37 apply, immunity under this section shall be
281 extended only if the physician, physician assistant, dentist,
282 dental hygienist, optometrist, nurse or certified nurse
283 practitioner and patient execute a written waiver in advance of
284 the rendering of * * * those medical services specifying
285 that * * * those services are provided without the expectation of
286 payment and that the licensed physician, physician assistant,
287 dentist, dental hygienist, optometrist, nurse or certified nurse
288 practitioner shall be immune as provided in this subsection. The
289 immunity from liability granted by this subsection also shall
290 extend to actions arising from a church-operated outpatient
291 medical clinic that exists solely for the purpose of providing
292 charitable medical services to persons who are unable to pay



293 for * * * those services, provided that the outpatient clinic
294 receives less than Forty Thousand Dollars (\$40,000.00) annually in
295 patient payments.

296 (2) Any licensed physician, physician assistant, dentist,
297 dental hygienist, optometrist, nurse or certified nurse
298 practitioner assisting with emergency management, emergency
299 operations or hazard mitigation in response to any emergency,
300 man-made or natural disaster, who voluntarily provides needed
301 medical or health services to any person without fee or other
302 compensation, shall not be liable for civil damages on the basis
303 of any act or omission if the physician, physician assistant,
304 dentist, dental hygienist, optometrist, nurse or certified nurse
305 practitioner was acting in good faith and within the scope of
306 their license, education and training and the acts or omissions
307 were not caused from gross, willful or wanton acts of negligence.

308 (3) Any physician who voluntarily renders any medical
309 service under a special volunteer medical license authorized under
310 Section 73-25-18 without any payment or compensation or the
311 expectation or promise of any payment or compensation shall be
312 immune from liability for any civil action arising out of any act
313 or omission resulting from the rendering of the medical service
314 unless the act or omission was the result of the physician's gross
315 negligence or willful misconduct. In order for the immunity under
316 this subsection to apply, there must be a written or oral
317 agreement for the physician to provide a voluntary noncompensated



318 medical service before the rendering of the service by the
319 physician.

320 (4) Any licensed physician, or any physician who is retired
321 from active practice and who has been previously issued an
322 unrestricted license to practice medicine in any state of the
323 United States or who has been issued a special volunteer medical
324 license under Section 73-25-18, shall be immune from liability for
325 any civil action arising out of any medical care or treatment
326 provided while voluntarily serving as "doctor of the day" for
327 members of the Mississippi State Legislature, legislative or other
328 state employees, or any visitors to the State Capitol on the date
329 of such service. This subsection shall not extend immunity to
330 acts of willful or gross negligence or misconduct.

331 **SECTION 4.** Section 73-15-20, Mississippi Code of 1972, is
332 amended as follows:

333 73-15-20. (1) **Advanced practice registered nurses.** Any
334 nurse desiring to be certified as an advanced practice registered
335 nurse shall apply to the board and submit proof that he or she
336 holds a current license to practice professional nursing and that
337 he or she meets one or more of the following requirements:

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



342 (b) Certification by a board-approved certifying body.
343 Such certification shall be required for initial state
344 certification and any recertification as a registered nurse
345 anesthetist, nurse practitioner or nurse midwife. The board may
346 by rule provide for provisional or temporary state certification
347 of graduate nurse practitioners for a period of time determined to
348 be appropriate for preparing and passing the National
349 Certification Examination. Those with provisional or temporary
350 certifications must practice under the direct supervision of a
351 licensed physician or a certified nurse practitioner or certified
352 nurse midwife with at least five (5) years of experience.

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

356 (2) **Rulemaking.** The board shall provide by rule the
357 appropriate requirements for advanced practice registered nurses
358 in the categories of certified registered nurse anesthetist,
359 certified nurse midwife and * * * advanced practice registered
360 nurse.

361 (3) **Collaboration.** An advanced practice registered nurse
362 shall perform those functions authorized in this section within a
363 collaborative/consultative relationship with a dentist or
364 physician with an unrestricted license to practice dentistry or
365 medicine in this state and within an established protocol or
366 practice guidelines, as appropriate, that is filed with the board



367 upon license application, license renewal, after entering into a
368 new collaborative/consultative relationship or making changes to
369 the protocol or practice guidelines or practice site. The board
370 shall review and approve the protocol to ensure compliance with
371 applicable regulatory standards. The advanced practice registered
372 nurse may not practice as an APRN if there is no
373 collaborative/consultative relationship with a physician or
374 dentist and a board-approved protocol or practice guidelines.

375 (4) **Renewal.** The board shall renew a license for an
376 advanced practice registered nurse upon receipt of the renewal
377 application, fees and protocol or practice guidelines. The board
378 shall adopt rules establishing procedures for license renewals.
379 The board shall by rule prescribe continuing education
380 requirements for advanced practice nurses not to exceed forty (40)
381 hours biennially as a condition for renewal of a license or
382 certificate. Up to one-third (1/3) of the continuing education
383 requirements may be satisfied as provided in Section 73-25-18(4).

384 (5) **Reinstatement.** Advanced practice registered nurses may
385 reinstate a lapsed privilege to practice upon submitting
386 documentation of a current active license to practice professional
387 nursing, a reinstatement application and fee, a protocol or
388 practice guidelines, documentation of current certification as an
389 advanced practice nurse in a designated area of practice by a
390 national certification organization recognized by the board and
391 documentation of at least forty (40) hours of continuing education



392 related to the advanced clinical practice of the nurse
393 practitioner within the previous two-year period. The board shall
394 adopt rules establishing the procedure for reinstatement.

395 (6) **Changes in status.** The advanced practice registered
396 nurse shall notify the board immediately regarding changes in the
397 collaborative/consultative relationship with a licensed physician
398 or dentist. If changes leave the advanced practice registered
399 nurse without a board-approved collaborative/consultative
400 relationship with a physician or dentist, the advanced practice
401 nurse may not practice as an advanced practice registered nurse.

402 (7) **Practice requirements.** The advanced practice registered
403 nurse shall practice:

404 (a) According to standards and guidelines of the
405 National Certification Organization.

406 (b) In a collaborative/consultative relationship with a
407 licensed physician whose practice is compatible with that of the
408 nurse practitioner. Certified registered nurse anesthetists may
409 collaborate/consult with licensed dentists. The advanced practice
410 nurse must be able to communicate reliably with a
411 collaborating/consulting physician or dentist while practicing.

412 (c) According to a board-approved protocol or practice
413 guidelines.

414 (d) Advanced practice registered nurses practicing as
415 nurse anesthetists must practice according to board-approved
416 practice guidelines that address pre-anesthesia preparation and



417 evaluation; anesthesia induction, maintenance, and emergence;
418 post-anesthesia care; peri-anesthetic and clinical support
419 functions.

420 (e) Advanced practice registered nurses practicing in
421 other specialty areas must practice according to a board-approved
422 protocol that has been mutually agreed upon by the nurse
423 practitioner and a Mississippi licensed physician or dentist whose
424 practice or prescriptive authority is not limited as a result of
425 voluntary surrender or legal/regulatory order.

426 (f) Each collaborative/consultative relationship shall
427 include and implement a formal quality assurance/quality
428 improvement program which shall be maintained on site and shall be
429 available for inspection by representatives of the board. This
430 quality assurance/quality improvement program must be sufficient
431 to provide a valid evaluation of the practice and be a valid basis
432 for change, if any.

433 (g) Nurse practitioners may not write prescriptions
434 for, dispense or order the use of or administration of any
435 schedule of controlled substances except as contained in this
436 chapter.

437 (8) **Prescribing controlled substances and medications.**
438 Certified nurse midwives and certified nurse practitioners may
439 apply for controlled substance prescriptive authority after
440 completing a board-approved educational program. Certified nurse
441 midwives and certified nurse practitioners who have completed the



442 program and received prescription authority from the board may
443 prescribe Schedules II-V. The words "administer," "controlled
444 substances" and "ultimate user," shall have the same meaning as
445 set forth in Section 41-29-105, unless the context otherwise
446 requires. The board shall promulgate rules governing prescribing
447 of controlled substances, including distribution, record keeping,
448 drug maintenance, labeling and distribution requirements and
449 prescription guidelines for controlled substances and all
450 medications. Prescribing any controlled substance in violation of
451 the rules promulgated by the board shall constitute a violation of
452 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
453 disciplinary action. The prescribing, administering or
454 distributing of any legend drug or other medication in violation
455 of the rules promulgated by the board shall constitute a violation
456 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
457 disciplinary action.

458 **SECTION 5.** This act shall take effect and be in force from
459 and after July 1, 2018.

