

By: Representatives Currie, Cockerham

To: Judiciary A

HOUSE BILL NO. 1156

1 AN ACT TO BE KNOWN AS THE "NURSE PROTECTION ACT OF 2018"; TO  
 2 AMEND SECTIONS 73-15-17, 73-15-19, 73-15-29 AND 73-15-31,  
 3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI BOARD OF  
 4 NURSING WILL APPOINT THREE IMPARTIAL HEARING OFFICERS TO CONDUCT  
 5 DISCIPLINARY HEARINGS IN LIEU OF THE BOARD; TO AUTHORIZE NURSING  
 6 LICENSEES TO HAVE THEIR DISCIPLINARY MATTERS HEARD BY A HEARING  
 7 OFFICER RATHER THAN THE BOARD; TO PROVIDE THAT LICENSEES MAY  
 8 ACCEPT RESPONSIBILITY FOR THE ALLEGATIONS WHILE RETAINING THE  
 9 RIGHT TO A HEARING AND APPEAL; TO INCREASE THE STANDARD OF PROOF  
 10 TO CLEAR AND CONVINCING EVIDENCE IN ORDER TO FIND A LICENSEE  
 11 GUILTY OF AN OFFENSE; TO DELETE THE REQUIREMENT FOR FILING A BOND  
 12 WHEN APPEALING A DISCIPLINARY ACTION OF THE BOARD; AND FOR RELATED  
 13 PURPOSES.

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

15 **SECTION 1.** This act shall be known and may be cited as the  
 16 "Nurse Protection Act of 2018."

17 **SECTION 2.** Section 73-15-17, Mississippi Code of 1972, is  
 18 amended as follows:

19 73-15-17. The Mississippi Board of Nursing is authorized and  
 20 empowered to:

21 (a) Adopt and from time to time revise such rules and  
 22 regulations consistent with the law as shall be necessary to  
 23 govern its proceedings and carry into effect the provisions of



24 this article; however, the board shall not adopt any rule or  
25 regulation or impose any requirement regarding the licensing or  
26 certification of advanced practice registered nurses that  
27 conflicts with the prohibitions in Section 73-49-3.

28 (b) Require the secretary to keep records of all  
29 meetings of the board and keep a record of all proceedings, and to  
30 prepare a register of registered nurses and a register of licensed  
31 practical nurses, all nurses appearing thereon to be duly licensed  
32 under this article, and which registers shall be open for public  
33 inspection at all reasonable times.

34 (c) Issue subpoenas, require attendance of witnesses,  
35 and administer oaths of persons giving testimony.

36 (d) Cause the prosecution of all persons violating the  
37 provisions of this article, and incur such necessary expenses  
38 therefor.

39 (e) Conduct hearings, and appoint hearing officers to  
40 conduct hearings, upon charges calling for discipline of a  
41 licensee or revocation of a license or of the privilege to  
42 practice.

43 (f) Present a true and full report to the Governor and  
44 the Legislature, together with a statement of receipts and  
45 disbursements on or before February 1 of each year.

46 (g) Maintain an office in the greater Jackson area for  
47 the administration of this article.



48           (h) File an annual list of all certificates of  
49 registration issued by the board with the Secretary of State's  
50 office for both registered nurses and licensed practical nurses.

51           (i) File an annual list of all certificates of  
52 registration issued by the board to registered nurses, including  
53 addresses of the persons with the Mississippi Nurses' Association;  
54 and file a similar list of all certificates of registration issued  
55 to licensed practical nurses, including addresses of the persons,  
56 with the Mississippi Federation of Licensed Practical Nurses and  
57 the Mississippi Licensed Practical Nurses Association.

58           (j) Adopt a seal which shall be in the form of a circle  
59 with the image of an eagle in the center, and around the margin  
60 the words "Mississippi Board of Nursing," and under the image of  
61 the eagle the word "Official." The seal shall be affixed to  
62 certificates and warrants issued by the board, and to all records  
63 sent up on appeal from its decisions.

64           (k) Schedule dates and locations for state board  
65 examinations for examining qualified applicants for licensure.

66           (l) Examine, license and renew licenses of duly  
67 qualified applicants.

68           (m) Appoint and employ a qualified person who shall not  
69 be a member of the board to serve as executive director, define  
70 the duties, fix the compensation, and delegate to him or her those  
71 activities that will expedite the functions of the board. The



72 executive director shall meet all the qualifications for board  
73 members, and shall in addition:

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

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

80 (n) Employ, discharge, define duties, and fix  
81 compensation of such other persons as may be necessary to carry  
82 out the provisions of this article.

83 (o) Secure the services of research consultants as  
84 deemed necessary who shall receive a per diem, travel and other  
85 necessary expenses incurred while engaged by the board.

86 (p) Enter into contracts with any other state or  
87 federal agency or with any private person, organization or group  
88 capable of contracting, if it finds such action to be in the  
89 public interest and in the furtherance of its responsibilities.

90 (q) Upon reasonable suspicion that a holder of a  
91 license issued under this article has violated any statutory  
92 ground for denial of licensure as set forth in Section 73-15-29 or  
93 is guilty of any offense specified in Section 73-15-33, require  
94 the license holder to undergo a fingerprint-based criminal history  
95 records check of the Mississippi central criminal database and the  
96 Federal Bureau of Investigation criminal history database, in the



97 same manner as required for applicants for licensure under  
98 Sections 73-15-19(1) and 73-15-21(1).

99 (r) Perform the duties prescribed by the Nurse  
100 Licensure Compact in Section 73-15-201.

101 **SECTION 3.** Section 73-15-19, Mississippi Code of 1972, is  
102 amended as follows:

103 73-15-19. (1) **Registered nurse applicant qualifications.**

104 Any applicant for a license to practice as a registered nurse  
105 shall submit to the board:

106 (a) An attested written application on a Board of  
107 Nursing form;

108 (b) Written official evidence of completion of a  
109 nursing program approved by the Board of Trustees of State  
110 Institutions of Higher Learning, or one approved by a legal  
111 accrediting agency of another state, territory or possession of  
112 the United States, the District of Columbia, or a foreign country  
113 which is satisfactory to this board;

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

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

117 In addition to the requirements specified in paragraphs (a)  
118 through (d) of this subsection, in order to qualify for a license  
119 to practice as a registered nurse, an applicant must have  
120 successfully been cleared for licensure through an investigation  
121 that shall consist of a determination as to good moral character



122 and verification that the prospective licensee is not guilty of or  
123 in violation of any statutory ground for denial of licensure as  
124 set forth in Section 73-15-29 or guilty of any offense specified  
125 in Section 73-15-33. To assist the board in conducting its  
126 licensure investigation, all applicants shall undergo a  
127 fingerprint-based criminal history records check of the  
128 Mississippi central criminal database and the Federal Bureau of  
129 Investigation criminal history database. Each applicant shall  
130 submit a full set of his or her fingerprints in a form and manner  
131 prescribed by the board, which shall be forwarded to the  
132 Mississippi Department of Public Safety (department) and the  
133 Federal Bureau of Investigation Identification Division for this  
134 purpose.

135 Any and all state or national criminal history records  
136 information obtained by the board that is not already a matter of  
137 public record shall be deemed nonpublic and confidential  
138 information restricted to the exclusive use of the board, its  
139 members, officers, investigators, agents and attorneys in  
140 evaluating the applicant's eligibility or disqualification for  
141 licensure, and shall be exempt from the Mississippi Public Records  
142 Act of 1983. Except when introduced into evidence in a hearing  
143 before the board or its hearing officers to determine licensure,  
144 no such information or records related thereto shall, except with  
145 the written consent of the applicant or by order of a court of



146 competent jurisdiction, be released or otherwise disclosed by the  
147 board to any other person or agency.

148 The board shall provide to the department the fingerprints of  
149 the applicant, any additional information that may be required by  
150 the department, and a form signed by the applicant consenting to  
151 the check of the criminal records and to the use of the  
152 fingerprints and other identifying information required by the  
153 state or national repositories.

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

158 The board may, in its discretion, refuse to accept the  
159 application of any person who has been convicted of a criminal  
160 offense under any provision of Title 97 of the Mississippi Code of  
161 1972, as now or hereafter amended, or any provision of this  
162 article.

163 (2) **Licensure by examination.** (a) Upon the board being  
164 satisfied that an applicant for a license as a registered nurse  
165 has met the qualifications set forth in subsection (1) of this  
166 section, the board shall proceed to examine such applicant in such  
167 subjects as the board shall, in its discretion, determine. The  
168 subjects in which applicants shall be examined shall be in  
169 conformity with curricula in schools of nursing approved by the  
170 Board of Trustees of State Institutions of Higher Learning, or one



171 approved by a legal accrediting agency of another state, territory  
172 or possession of the United States, the District of Columbia, or a  
173 foreign country which is satisfactory to the board.

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

176 (c) Upon successful completion of such examination, the  
177 board shall issue to the applicant a license to practice as a  
178 registered nurse.

179 (d) The board may use any part or all of the state  
180 board test pool examination for registered nurse licensure, its  
181 successor examination, or any other nationally standardized  
182 examination identified by the board in its rules. The passing  
183 score shall be established by the board in its rules.

184 (3) **Licensure by endorsement.** The board may issue a license  
185 to practice nursing as a registered nurse without examination to  
186 an applicant who has been duly licensed as a registered nurse  
187 under the laws of another state, territory or possession of the  
188 United States, the District of Columbia, or a foreign country if,  
189 in the opinion of the board, the applicant meets the  
190 qualifications required of licensed registered nurses in this  
191 state and has previously achieved the passing score or scores on  
192 the licensing examination required by this state, at the time of  
193 his or her graduation. The issuance of a license by endorsement  
194 to a military-trained applicant or military spouse shall be  
195 subject to the provisions of Section 73-50-1.





196           (4) **Requirements for rewriting the examination.** The board  
197 shall establish in its rules the requirements for rewriting the  
198 examination for those persons failing the examination on the first  
199 writing or subsequent rewriting.

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

204           (6) **Temporary permit.** (a) The board may issue a temporary  
205 permit to practice nursing to a graduate of an approved school of  
206 nursing pending the results of the examination in Mississippi, and  
207 to a qualified applicant from another state, territory or  
208 possession of the United States, or District of Columbia, or  
209 pending licensure procedures as provided for elsewhere in this  
210 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

211                   (b) The board may issue a temporary permit for a period  
212 of ninety (90) days to a registered nurse who is currently  
213 licensed in another state, territory or possession of the United  
214 States or the District of Columbia and who is an applicant for  
215 licensure by endorsement. Such permit is not renewable except by  
216 board action. The issuance of a temporary permit to a  
217 military-trained applicant or military spouse shall be subject to  
218 the provisions of Section 73-50-1.

219                   (c) The board may issue a temporary permit to a  
220 graduate of an approved school of nursing pending the results of



221 the first licensing examination scheduled after application. Such  
222 permit is not renewable except by board action.

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

228 (e) The board may adopt such regulations as are  
229 necessary to limit the practice of persons to whom temporary  
230 permits are issued.

231 (7) **Temporary license.** The board may issue a temporary  
232 license to practice nursing at a youth camp licensed by the State  
233 Board of Health to nonresident registered nurses and retired  
234 resident registered nurses under the provisions of Section  
235 75-74-8.

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

242 (9) **Registered nurses licensed under a previous law.** Any  
243 person holding a license to practice nursing as a registered nurse  
244 issued by this board which is valid on July 1, 1981, shall  
245 thereafter be deemed to be licensed as a registered nurse under



246 the provisions of this article upon payment of the fee provided in  
247 Section 73-15-27.

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

251 **SECTION 4.** Section 73-15-29, Mississippi Code of 1972, is  
252 amended as follows:

253 73-15-29. (1) The board and, subject to the limitations in  
254 this chapter, its hearing officers, shall have power to revoke,  
255 suspend or refuse to renew any license issued by the board, or to  
256 revoke or suspend any privilege to practice, or to deny an  
257 application for a license, or to fine, place on probation and/or  
258 discipline a licensee, in any manner specified in this article,  
259 upon proof that such person:

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

262 (b) Has been convicted of a felony, or a crime  
263 involving moral turpitude or has had accepted by a court a plea of  
264 nolo contendere to a felony or a crime involving moral turpitude  
265 (a certified copy of the judgment of the court of competent  
266 jurisdiction of such conviction or pleas shall be prima facie  
267 evidence of such conviction);

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



271 (d) Has had a license or privilege to practice as a  
272 registered nurse or a licensed practical nurse suspended or  
273 revoked in any jurisdiction, has voluntarily surrendered such  
274 license or privilege to practice in any jurisdiction, has been  
275 placed on probation as a registered nurse or licensed practical  
276 nurse in any jurisdiction or has been placed under a disciplinary  
277 order(s) in any manner as a registered nurse or licensed practical  
278 nurse in any jurisdiction, (a certified copy of the order of  
279 suspension, revocation, probation or disciplinary action shall be  
280 prima facie evidence of such action);

281 (e) Has negligently or willfully practiced nursing in a  
282 manner that fails to meet generally accepted standards of such  
283 nursing practice;

284 (f) Has negligently or willfully violated any order,  
285 rule or regulation of the board pertaining to nursing practice or  
286 licensure;

287 (g) Has falsified or in a repeatedly negligent manner  
288 made incorrect entries or failed to make essential entries on  
289 records;

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



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

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

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

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

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

308 (n) Violation(s) of the provisions of Sections 41-121-1  
309 through 41-121-9 relating to deceptive advertisement by health  
310 care practitioners. This paragraph shall stand repealed on July  
311 1, 2020.

312 (2) When the board \* \* \* or its hearing officers find any  
313 person unqualified because of any of the grounds set forth in  
314 subsection (1) of this section, \* \* \* they may enter an order  
315 imposing one or more of the following penalties:

316 (a) Denying application for a license or other  
317 authorization to practice nursing or practical nursing;

318 (b) Administering a reprimand;



319 (c) Suspending or restricting the license or other  
320 authorization to practice as a registered nurse or licensed  
321 practical nurse for up to two (2) years without review;

322 (d) Revoking the license or other authorization to  
323 practice nursing or practical nursing;

324 (e) Requiring the discipline to submit to care,  
325 counseling or treatment by persons and/or agencies approved or  
326 designated by the board or its hearing officers as a condition for  
327 initial, continued or renewed licensure or other authorization to  
328 practice nursing or practical nursing;

329 (f) Requiring the discipline to participate in a  
330 program of education prescribed by the board or its hearing  
331 officers as a condition for initial, continued or renewed  
332 licensure or other authorization to practice;

333 (g) Requiring the discipline to practice under the  
334 supervision of a registered nurse for a specified period of time;  
335 or

336 (h) Imposing a fine not to exceed Five Hundred Dollars  
337 (\$500.00).

338 (3) In addition to the grounds specified in subsection (1)  
339 of this section, the board and its hearing officers shall be  
340 authorized to suspend the license or privilege to practice of any  
341 licensee for being out of compliance with an order for support, as  
342 defined in Section 93-11-153. The procedure for suspension of a  
343 license or privilege to practice for being out of compliance with



344 an order for support, and the procedure for the reissuance or  
345 reinstatement of a license or privilege to practice suspended for  
346 that purpose, and the payment of any fees for the reissuance or  
347 reinstatement of a license or privilege to practice suspended for  
348 that purpose, shall be governed by Section 93-11-157 or 93-11-163,  
349 as the case may be. If there is any conflict between any  
350 provision of Section 93-11-157 or 93-11-163 and any provision of  
351 this article, the provisions of Section 93-11-157 or 93-11-163, as  
352 the case may be, shall control.

353 (4) If the public health, safety or welfare imperatively  
354 requires emergency action and the board incorporates a finding to  
355 that effect in an order, the board may order summary suspension of  
356 a license pending proceedings for revocation or other action.  
357 These proceedings shall be promptly instituted and determined by  
358 the board or, if elected by the licensee, one of its hearing  
359 officers.

360 **SECTION 5.** Section 73-15-31, Mississippi Code of 1972, is  
361 amended as follows:

362 73-15-31. (1) Charges may be brought upon sworn affidavit  
363 filed by the Board of Nursing against any licensee who has  
364 allegedly committed any act in violation of this article that is  
365 grounds for disciplinary action. Upon receiving the sworn  
366 affidavit charging a licensee with an act which is a ground for  
367 disciplinary action under this article, the executive director or  
368 designee of the board shall fix a time and place for a hearing and



369 shall cause a copy of the specific allegations and charges to be  
370 sent by certified mail or served by personal service of process  
371 together with notice of the time and place fixed for the hearing,  
372 to be served upon the accused at least fifteen (15) days prior  
373 thereto. The accused may waive notice of the hearing in writing  
374 and the board may grant the accused at least one (1) extension of  
375 time, upon the request of the accused. When personal service of  
376 process or service of process by certified mail cannot be  
377 effected, the executive director of the board shall cause to be  
378 published once in each of three (3) successive weeks a notice of  
379 the hearing in the newspapers published in the county in which the  
380 accused last practiced according to the records of the board, or  
381 in the county in which the accused last resided. When publication  
382 of the notice is necessary, the date of the hearing shall not be  
383 less than ten (10) days after the last date of the notice.

384 (2) The board and its hearing officers, acting by and  
385 through \* \* \* the executive director of the board, shall have the  
386 power to subpoena persons and compel the production of any  
387 records, including, but not limited to, hospital and physician's  
388 records, papers and other documents, which shall be served in  
389 accordance with law for the Board of Nursing and its hearing  
390 officers, and on behalf of the accused. The person providing  
391 copies shall prepare them from the original records and shall  
392 delete from the copy provided pursuant to the subpoena the name of  
393 the individual by numbered code, to be retained by the custodian





394 of the records from which the copies were made. Upon  
395 certification of the custodian that the copies are true and  
396 complete except for the individual's name, they shall be deemed  
397 authentic, subject to the right to inspect the originals for the  
398 limited purpose of ascertaining the accuracy of the copies. No  
399 privilege of confidentiality shall exist with respect to such  
400 copies, and no liabilities shall lie against the board, its  
401 hearing officers or the custodian for furnishing or using such  
402 copies in accordance with this article.

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

410 (4) The board shall appoint three (3) impartial hearing  
411 officers to conduct disciplinary hearings. At the hearings the  
412 board or its hearing officers shall administer oaths as may be  
413 necessary for the proper conduct of the hearings. The accused  
414 shall have the right to appear either personally or by counsel, or  
415 both, to produce witnesses or evidence in his or her behalf, to  
416 cross-examine witnesses, and to have subpoenas issued by the board  
417 and its hearing officers. All disciplinary hearings shall be  
418 conducted by either a hearing panel consisting of three (3)



419 members of the board, designated on a rotating basis by the board,  
420 or if requested by the accused, an impartial hearing officer. The  
421 accused must submit a written request for a hearing officer to  
422 conduct the hearing to the executive director of the board within  
423 thirty (30) days of receiving the notice. The accused shall  
424 select one of the officers to conduct the hearing. The licensee  
425 may accept responsibility for the disciplinary violation(s)  
426 alleged while retaining the right to a hearing on the discipline  
427 to be imposed for the violation(s) and retaining the right to  
428 appeal any discipline determination to the chancery court. All  
429 disciplinary hearings or appeals before the board, its hearing  
430 officers and the Attorney General, and/or a designee thereof,  
431 shall not be bound by strict rules of procedure or by the laws of  
432 evidence in the conduct of its proceedings, but the determination  
433 shall be based upon \* \* \* clear and convincing evidence to sustain  
434 it. A final decision by the hearing panel or hearing officer and  
435 by the board on appeal shall include findings of fact and  
436 conclusions of law, separately stated, of which the accused shall  
437 receive a copy.

438 (5) If the hearing panel or hearing officer determines that  
439 probable cause and \* \* \* clear and convincing evidence exist to  
440 believe that an applicant does not possess the qualifications  
441 required by this article or that an accused has violated any of  
442 the provisions of this article, the hearing panel or hearing  
443 officer may refuse to issue a license to the applicant, or the



444 hearing panel or hearing officer may revoke, suspend, refuse to  
445 renew a license, or revoke or suspend the privilege to practice,  
446 or otherwise discipline the accused as prescribed in this article.

447 (6) No previously issued license to practice nursing as a  
448 registered nurse or as a licensed practical nurse shall be revoked  
449 or suspended until after a hearing conducted pursuant to this  
450 article, except where the board finds there is imminent danger to  
451 the public health or safety that warrants injunctive relief  
452 provided in this article.

453 (7) A revoked or suspended license may be reissued after one  
454 (1) year, in the discretion of the hearing panel or hearing  
455 officer. A revoked or suspended privilege to practice may be  
456 reinstated after one (1) year, in the discretion of the hearing  
457 panel or hearing officer. The denial of an application to renew  
458 an existing license shall be treated in all respects as a  
459 revocation. The procedure for the reissuance of a license or  
460 reinstatement of the privilege to practice that is suspended for  
461 being out of compliance with an order for support, as defined in  
462 Section 93-11-153, shall be governed by Section 93-11-157 or  
463 93-11-163, as the case may be.

464 (8) The hearing panel or hearing officer need not find that  
465 the actions that are grounds for discipline were willful, but it  
466 may consider the same in determining the nature of the  
467 disciplinary actions imposed.



468           (9) The right to appeal from the action of the hearing panel  
469 or hearing officer to the full membership of the board in denying,  
470 revoking, suspending or refusing to renew any license issued by  
471 the board, or revoking or suspending any privilege to practice, or  
472 fining or otherwise disciplining any person practicing as a  
473 registered nurse or licensed practical nurse, is granted. The  
474 appeal must be taken within thirty (30) days after notice of the  
475 action of the hearing panel or hearing officer in denying,  
476 revoking, suspending or refusing to renew the license, or revoking  
477 or suspending the privilege to practice, or fining or otherwise  
478 disciplining the person, and is perfected upon filing notice of  
479 appeal and Fifty Dollars (\$50.00) with the executive director of  
480 the board.

481           (10) The right to appeal from the action of the board in  
482 affirming the denial, revocation, suspension or refusal to renew  
483 any license issued by the board, or revoking or suspending any  
484 privilege to practice, or fining or otherwise disciplining of any  
485 person practicing as a registered nurse or a licensed practical  
486 nurse, is granted. Such appeal shall be to the chancery court of  
487 the county of the residence of the licensee on the record made,  
488 including a verbatim transcript of the testimony at the hearing.  
489 The appeal must be taken within thirty (30) days after notice of  
490 the action of the board in denying, revoking, suspending or  
491 refusing to renew the license, or revoking or suspending the  
492 privilege to practice, or fining or otherwise disciplining the



493 person. The appeal is perfected upon filing notice of the  
494 appeal \* \* \*. Appeals may be had to the Supreme Court of the  
495 State of Mississippi as provided by law from any final action of  
496 the chancery court. No such person shall be allowed to practice  
497 nursing or deliver health care services in violation of any action  
498 of the chancery court denying, revoking, suspending, restricting  
499 or refusing to renew a license or revoking or suspending the  
500 privilege to practice while any such appeal to the Supreme Court  
501 is pending. Actions taken by the board in suspending a license or  
502 suspending the privilege to practice when required by Section  
503 93-11-157 or 93-11-163 are not actions from which an appeal may be  
504 taken under this section. Any appeal of a license suspension or  
505 suspension of the privilege to practice that is required by  
506 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
507 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
508 as the case may be, rather than the procedure specified in this  
509 section.

510 (11) Nothing contained in this article shall be construed to  
511 bar any criminal prosecutions for violation of this article or any  
512 regulations promulgated hereunder.

513 (12) Any member of the board, its hearing officers and any  
514 witness appearing before the board shall be immune from suit in  
515 any civil action brought by a licensee who is the subject of a  
516 review hearing if such member, hearing officer or witness acts in  
517 good faith within the scope of the board and has made a reasonable



518 effort to obtain the facts of the matter as to which the  
519 individual acts, and acts in the reasonable belief that the action  
520 taken is warranted by the facts.

521 (13) Proceedings in progress on July 1, 1998, to deny,  
522 revoke, suspend or refuse to renew any license, or fine or  
523 otherwise discipline a licensee, shall not abate by reason of this  
524 article.

525 **SECTION 6.** This act shall take effect and be in force from  
526 and after July 1, 2018.

