

By: Representatives White, Miles, Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 1275

1 AN ACT TO AMEND SECTION 73-15-3, MISSISSIPPI CODE OF 1972, TO
 2 INCLUDE ADVANCED PRACTICE REGISTERED NURSES IN THE STATEMENT OF
 3 PURPOSE OF THE MISSISSIPPI NURSING PRACTICE LAW; TO AMEND SECTION
 4 73-15-5, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN DEFINITIONS
 5 AND REVISE CERTAIN DEFINITIONS IN THE NURSING PRACTICE LAW
 6 REGARDING ADVANCED NURSING PRACTICE; TO AMEND SECTION 73-15-20,
 7 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS RELATING TO
 8 THE PRACTICE OF ADVANCED NURSING PRACTICE NURSES AND TO DELETE THE
 9 REQUIREMENT THAT ADVANCED PRACTICE REGISTERED NURSES PRACTICE IN A
 10 COLLABORATIVE/CONSULTATIVE RELATIONSHIP WITH A LICENSED PHYSICIAN;
 11 TO AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO INCLUDE
 12 ADVANCED PRACTICE REGISTERED NURSES IN THE PROVISIONS RELATING TO
 13 GROUNDS FOR DISCIPLINARY ACTIONS AGAINST NURSES; AND FOR RELATED
 14 PURPOSES.

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

16 **SECTION 1.** Section 73-15-3, Mississippi Code of 1972, is
 17 amended as follows:

18 73-15-3. In order to safeguard life and health, any person
 19 practicing or offering to practice as a registered nurse, an
 20 advanced practice registered nurse or a licensed practical nurse
 21 in Mississippi for compensation shall hereafter be required to
 22 submit evidence of qualifications to practice and shall be
 23 licensed or hold the privilege to practice as hereinafter
 24 provided. It shall be unlawful for any person not licensed or



25 holding the privilege to practice under the provisions of this
26 article:

27 (a) To practice or offer to practice as a registered
28 nurse, an advanced practice registered nurse or a licensed
29 practical nurse;

30 (b) To use a sign, card or device to indicate that such
31 person is a registered nurse, an advanced practice registered
32 nurse or a licensed practical nurse.

33 Any person offering to practice nursing in Mississippi must
34 be licensed or otherwise authorized to practice as provided in
35 this article.

36 **SECTION 2.** Section 73-15-5, Mississippi Code of 1972, is
37 amended as follows:

38 73-15-5. (1) "Board" means the Mississippi Board of
39 Nursing.

40 (2) The "practice of nursing" by a registered nurse means
41 the performance for compensation of services which requires
42 substantial knowledge of the biological, physical, behavioral,
43 psychological and sociological sciences and of nursing theory as
44 the basis for assessment, diagnosis, planning, intervention and
45 evaluation in the promotion and maintenance of health; management
46 of individuals' responses to illness, injury or infirmity; the
47 restoration of optimum function; or the achievement of a dignified
48 death. "Nursing practice" includes, but is not limited to,
49 administration, teaching, counseling, delegation and supervision



50 of nursing, and execution of the medical regimen, including the
51 administration of medications and treatments prescribed by any
52 licensed or legally authorized physician or dentist. The
53 foregoing shall not be deemed to include acts of medical diagnosis
54 or prescriptions of medical, therapeutic or corrective measures,
55 except as may be set forth by rules and regulations promulgated
56 and implemented by the Mississippi Board of Nursing.

57 * * *

58 (* * *3) "Advanced nursing practice" means, in addition to
59 the practice of professional nursing, the performance of
60 advanced-level nursing approved by the board which, by virtue of
61 graduate education and experience are appropriately performed by
62 an advanced practice registered nurse. The advanced practice
63 registered nurse may diagnose, treat and manage medical
64 conditions. This may include prescriptive authority as identified
65 by the board. * * *

66 (* * *4) The "practice of nursing" by a licensed practical
67 nurse means the performance for compensation of services requiring
68 basic knowledge of the biological, physical, behavioral,
69 psychological and sociological sciences and of nursing procedures
70 which do not require the substantial skill, judgment and knowledge
71 required of a registered nurse. These services are performed
72 under the direction of a registered nurse or a licensed physician
73 or licensed dentist and utilize standardized procedures in the
74 observation and care of the ill, injured and infirm; in the



75 maintenance of health; in action to safeguard life and health; and
76 in the administration of medications and treatments prescribed by
77 any licensed physician or licensed dentist authorized by state law
78 to prescribe. On a selected basis, and within safe limits, the
79 role of the licensed practical nurse shall be expanded by the
80 board under its rule-making authority to more complex procedures
81 and settings commensurate with additional preparation and
82 experience.

83 (* * *5) A "license" means an authorization to practice
84 nursing as a registered nurse, an advanced practice registered
85 nurse or a licensed practical nurse designated herein.

86 (* * *6) A "registered nurse" is a person who is licensed
87 or holds the privilege to practice under the provisions of this
88 article and who practices nursing as defined herein. "RN" is the
89 abbreviation for the title of Registered Nurse.

90 (* * *7) A "licensed practical nurse" is a person who is
91 licensed or holds the privilege to practice under this article and
92 who practices practical nursing as defined herein. "LPN" is the
93 abbreviation for the title of Licensed Practical Nurse.

94 (* * *8) A "registered nurse in clinical practice" is one
95 who functions in any health care delivery system which provides
96 nursing services.

97 * * *

98 (9) "Collaboration" or "collaborate" means the act of
99 communicating pertinent information or consulting with a licensed



100 physician or other licensed health care provider with each
101 provider contributing the provider's respective expertise to
102 optimize the overall care delivered to the patient.

103 (* * *10) An "advanced practice registered nurse" is a
104 person who is licensed or holds the privilege to practice under
105 this article as a professional nurse and who is * * * licensed as
106 an advanced practice registered nurse or specialized nursing
107 practice and includes certified registered nurse midwives,
108 certified registered nurse anesthetists, clinical nurse
109 specialists and certified nurse practitioners. "CNM" is the
110 abbreviation for the title of Certified Nurse Midwife, "CRNA" is
111 the abbreviation for the title of Certified Registered Nurse
112 Anesthetist. "CNP" is the abbreviation for the title of Certified
113 Nurse Practitioner. "CNS" is the abbreviation for the title of
114 Clinical Nurse Specialist.

115 (* * *11) A "nurse educator" is a registered nurse who
116 meets the criteria for faculty as set forth in a state-accredited
117 program of nursing for registered nurses, or a state-approved
118 program of nursing for licensed practical nurses, and who
119 functions as a faculty member.

120 (* * *12) A "consumer representative" is a person
121 representing the interests of the general public, who may use
122 services of a health agency or health professional organization or
123 its members but who is neither a provider of health services, nor
124 employed in the health services field, nor holds a vested interest



125 in the provision of health services at any level, nor has an
126 immediate family member who holds vested interests in the
127 provision of health services at any level.

128 (* * * 13) "Privilege to practice" means the multistate
129 licensure privilege to practice nursing in the state as described
130 in the Nurse Licensure Compact provided for in Section 73-15-201.

131 (* * * 14) "Licensee" is a person who has been issued a
132 license to practice nursing or advanced practice nursing in the
133 state or who holds the privilege to practice nursing in the state.

134 **SECTION 3.** Section 73-15-20, Mississippi Code of 1972, is
135 amended as follows:

136 73-15-20. (1) **Advanced practice registered nurses.** Any
137 nurse desiring to be * * * licensed as an advanced practice
138 registered nurse shall apply to the board and submit proof that he
139 or she holds a current license * * * as a registered nurse and
140 that he or she meets one or more of the following requirements:

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

145 (b) Certification by a board-approved certifying body.
146 Such certification shall be required for initial state * * *
147 licensure and any * * * licensure renewal as a certified
148 registered nurse anesthetist, certified nurse practitioner,
149 clinical nurse specialist or certified nurse midwife. The board



150 may by rule provide for provisional or temporary state * * *
151 licensure of graduate * * * advanced practice registered nurses
152 for a period of time determined to be appropriate for preparing
153 and passing the National Certification Examination. Those with
154 provisional or temporary * * * licenses must practice under the
155 direct supervision of a licensed physician or * * * an advanced
156 practice registered nurse with at least five (5) years of
157 experience.

158 (c) Graduation from a program leading to a master's or
159 post-master's degree in a * * * program of study preparing for one
160 (1) of the described advanced practice registered nurse roles.

161 (2) **Rulemaking.** The board shall provide by rule the
162 appropriate requirements for advanced practice registered nurses
163 in the categories of certified registered nurse anesthetist,
164 certified nurse midwife, clinical nurse specialist and * * *
165 certified nurse practitioner.

166 * * *

167 (* * *3) **Renewal.** The board shall renew a license for an
168 advanced practice registered nurse upon receipt of the renewal
169 application * * * and fees * * *. The board shall adopt rules
170 establishing procedures for license renewals. The board shall by
171 rule prescribe continuing education requirements for advanced
172 practice registered nurses * * * as a condition for renewal
173 of * * * licensure.



174 (* * *4) **Reinstatement.** Advanced practice registered
175 nurses may reinstate a lapsed privilege to practice upon
176 submitting documentation of a current active license to practice
177 professional nursing, a reinstatement application and fee, * * *
178 documentation of current certification as an advanced practice
179 registered nurse in a designated area of practice by a national
180 certification organization recognized by the board and
181 documentation of at least forty (40) hours of continuing education
182 related to the advanced clinical practice of the * * * advanced
183 practice registered nurse within the previous two-year period.
184 The board shall adopt rules establishing the procedure for
185 reinstatement.

186 * * *

187 (* * *5) **Practice requirements.** The advanced practice
188 registered nurse shall practice as follows:

189 (a) Advanced practice registered nurses shall practice
190 according to standards and guidelines of their respective
191 professional organization and the National Certification
192 Organization.

193 (b) * * * Advanced practice registered nurses shall
194 collaborate with other health care providers and refer or transfer
195 patients as appropriate.

196 * * *

197 (* * *c) Advanced practice registered nurses
198 practicing as certified registered nurse anesthetists must



199 practice according to board-approved practice guidelines that
200 address pre-anesthesia preparation and evaluation; anesthesia
201 induction, maintenance, and emergence; post-anesthesia care;
202 peri-anesthetic and clinical support functions.

203 * * *

204 (* * *d) * * * Advanced practice registered nurses may
205 not write prescriptions for, dispense or order the use of or
206 administration of any schedule of controlled substances except as
207 contained in this chapter.

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

209 * * * Advanced practice registered nurses may apply for
210 controlled substance prescriptive authority after completing a
211 board-approved educational program. * * * Advanced practice
212 registered nurses who have completed the program and received
213 prescription authority from the board may prescribe Schedules
214 II-V. The words "administer," "controlled substances" and
215 "ultimate user," shall have the same meaning as set forth in
216 Section 41-29-105, unless the context otherwise requires. The
217 board shall promulgate rules governing prescribing of controlled
218 substances, including distribution, record keeping, drug
219 maintenance, labeling and distribution requirements and
220 prescription guidelines for controlled substances and all
221 medications. Prescribing any controlled substance in violation of
222 the rules promulgated by the board shall constitute a violation of
223 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for



224 disciplinary action. The prescribing, administering or
225 distributing of any legend drug or other medication in violation
226 of the rules promulgated by the board shall constitute a violation
227 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
228 disciplinary action.

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

231 73-15-29. (1) The board shall have power to revoke, suspend
232 or refuse to renew any license issued by the board, or to revoke
233 or suspend any privilege to practice, or to deny an application
234 for a license, or to fine, place on probation and/or discipline a
235 licensee, in any manner specified in this article, upon proof that
236 such person:

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

239 (b) Has been convicted of a felony, or a crime
240 involving moral turpitude or has had accepted by a court a plea of
241 nolo contendere to a felony or a crime involving moral turpitude
242 (a certified copy of the judgment of the court of competent
243 jurisdiction of such conviction or pleas shall be prima facie
244 evidence of such conviction);

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



248 (d) Has had a license or privilege to practice as a
249 registered nurse, an advanced practice registered nurse or a
250 licensed practical nurse suspended or revoked in any jurisdiction,
251 has voluntarily surrendered such license or privilege to practice
252 in any jurisdiction, has been placed on probation as a registered
253 nurse, advanced practice registered nurse or licensed practical
254 nurse in any jurisdiction or has been placed under a disciplinary
255 order(s) in any manner as a registered nurse, advanced practice
256 registered nurse or licensed practical nurse in any jurisdiction,
257 (a certified copy of the order of suspension, revocation,
258 probation or disciplinary action shall be prima facie evidence of
259 such action);

260 (e) Has negligently or willfully practiced nursing in a
261 manner that fails to meet generally accepted standards of such
262 nursing practice;

263 (f) Has negligently or willfully violated any order,
264 rule or regulation of the board pertaining to nursing practice or
265 licensure;

266 (g) Has falsified or in a repeatedly negligent manner
267 made incorrect entries or failed to make essential entries on
268 records;

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



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

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

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

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

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

287 (n) Violation(s) of the provisions of Sections 41-121-1
288 through 41-121-9 relating to deceptive advertisement by health
289 care practitioners. This paragraph shall stand repealed on July
290 1, 2020.

291 (2) When the board finds any person unqualified because of
292 any of the grounds set forth in subsection (1) of this section, it
293 may enter an order imposing one or more of the following
294 penalties:

295 (a) Denying application for a license or other
296 authorization to practice nursing, advanced nursing practice or
297 practical nursing;



298 (b) Administering a reprimand;

299 (c) Suspending or restricting the license or other
300 authorization to practice as a registered nurse, advanced practice
301 registered nurse or licensed practical nurse for up to two (2)
302 years without review;

303 (d) Revoking the license or other authorization to
304 practice nursing, advanced nursing practice or practical nursing;

305 (e) Requiring the discipline to submit to care,
306 counseling or treatment by persons and/or agencies approved or
307 designated by the board as a condition for initial, continued or
308 renewed licensure or other authorization to practice nursing, advanced nursing practice or practical nursing;

309 advanced nursing practice or practical nursing;

310 (f) Requiring the discipline to participate in a
311 program of education prescribed by the board as a condition for
312 initial, continued or renewed licensure or other authorization to
313 practice;

314 (g) Requiring the discipline to practice under the
315 supervision of a registered nurse or advanced practice registered
316 nurse for a specified period of time; or

317 (h) Imposing a fine not to exceed Five Hundred Dollars
318 (\$500.00).

319 (3) In addition to the grounds specified in subsection (1)
320 of this section, the board shall be authorized to suspend the
321 license or privilege to practice of any licensee for being out of
322 compliance with an order for support, as defined in Section



323 93-11-153. The procedure for suspension of a license or privilege
324 to practice for being out of compliance with an order for support,
325 and the procedure for the reissuance or reinstatement of a license
326 or privilege to practice suspended for that purpose, and the
327 payment of any fees for the reissuance or reinstatement of a
328 license or privilege to practice suspended for that purpose, shall
329 be governed by Section 93-11-157 or 93-11-163, as the case may be.
330 If there is any conflict between any provision of Section
331 93-11-157 or 93-11-163 and any provision of this article, the
332 provisions of Section 93-11-157 or 93-11-163, as the case may be,
333 shall control.

334 (4) If the public health, safety or welfare imperatively
335 requires emergency action and the board incorporates a finding to
336 that effect in an order, the board may order summary suspension of
337 a license pending proceedings for revocation or other action.
338 These proceedings shall be promptly instituted and determined by
339 the board.

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

