

By: Representative Hughes

To: Public Health and Human Services

HOUSE BILL NO. 31

1 AN ACT TO AMEND SECTION 73-25-35, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CERTAIN CERTIFIED NURSE PRACTITIONERS WITH OVER  
3 3,600 HOURS OF CLINICAL PRACTICE SHALL NOT BE REQUIRED TO HAVE A  
4 WRITTEN COLLABORATIVE AGREEMENT WITH A PHYSICIAN OR BE REQUIRED TO  
5 SUBMIT PATIENT CHARTS TO A PHYSICIAN FOR REVIEW; TO AMEND SECTION  
6 73-15-20, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
7 PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-25-35, Mississippi Code of 1972, is  
10 amended as follows:

11 73-25-35. (1) Registered nurses who are licensed and  
12 certified by the Mississippi Board of Nursing as nurse  
13 practitioners are not prohibited from such nursing practice, but  
14 are entitled to engage therein without a physician's license.

15 (2) If (a) an existing written practice agreement with a  
16 collaborating physician terminates as a result of the  
17 collaborating physician moving, retiring, no longer needing the  
18 services of the nurse practitioner, no longer being qualified to  
19 practice, or another cause due to no fault on the part of the  
20 nurse practitioner; and (b) the nurse practitioner demonstrates



21 that he or she has made a good faith effort to enter into a new  
22 written practice agreement with a collaborating physician and has  
23 been unable to do so, then upon approval of the Mississippi Board  
24 of Nursing, the certified nurse practitioner may continue to  
25 practice in collaboration with an advanced practice registered  
26 nurse or nurse practitioner who has been certified and practicing  
27 for more than three thousand six hundred (3,600) hours, and the  
28 certified nurse practitioner shall not be required to submit  
29 patient charts to a physician for review.

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

32       73-15-20. (1) **Advanced practice registered nurses.** Any  
33 nurse desiring to be certified as an advanced practice registered  
34 nurse shall apply to the board and submit proof that he or she  
35 holds a current license to practice professional nursing and that  
36 he or she meets one or more of the following requirements:

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

41           (b) Certification by a board-approved certifying body.  
42 Such certification shall be required for initial state  
43 certification and any recertification as a registered nurse  
44 anesthetist, nurse practitioner or nurse midwife. The board may  
45 by rule provide for provisional or temporary state certification



46 of graduate nurse practitioners for a period of time determined to  
47 be appropriate for preparing and passing the National  
48 Certification Examination. Those with provisional or temporary  
49 certifications must practice under the direct supervision of a  
50 licensed physician or a certified nurse practitioner or certified  
51 nurse midwife with at least five (5) years of experience.

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

55 (2) **Rulemaking.** The board shall provide by rule the  
56 appropriate requirements for advanced practice registered nurses  
57 in the categories of certified registered nurse anesthetist,  
58 certified nurse midwife and advanced practice registered nurse.

59 (3) **Collaboration.** Except as otherwise provided in Section  
60 73-25-35, an advanced practice registered nurse shall perform  
61 those functions authorized in this section within a  
62 collaborative/consultative relationship with a dentist or  
63 physician with an unrestricted license to practice dentistry or  
64 medicine in this state and within an established protocol or  
65 practice guidelines, as appropriate, that is filed with the board  
66 upon license application, license renewal, after entering into a  
67 new collaborative/consultative relationship or making changes to  
68 the protocol or practice guidelines or practice site. The board  
69 shall review and approve the protocol to ensure compliance with  
70 applicable regulatory standards. The advanced practice registered



71 nurse may not practice as an APRN if there is no  
72 collaborative/consultative relationship with a physician or  
73 dentist and a board-approved protocol or practice guidelines,  
74 except as otherwise provided in Section 73-25-35.

75 (4) **Renewal.** The board shall renew a license for an  
76 advanced practice registered nurse upon receipt of the renewal  
77 application, fees and protocol or practice guidelines. The board  
78 shall adopt rules establishing procedures for license renewals.  
79 The board shall by rule prescribe continuing education  
80 requirements for advanced practice nurses not to exceed forty (40)  
81 hours biennially as a condition for renewal of a license or  
82 certificate.

83 (5) **Reinstatement.** Advanced practice registered nurses may  
84 reinstate a lapsed privilege to practice upon submitting  
85 documentation of a current active license to practice professional  
86 nursing, a reinstatement application and fee, a protocol or  
87 practice guidelines, documentation of current certification as an  
88 advanced practice nurse in a designated area of practice by a  
89 national certification organization recognized by the board and  
90 documentation of at least forty (40) hours of continuing education  
91 related to the advanced clinical practice of the nurse  
92 practitioner within the previous two-year period. The board shall  
93 adopt rules establishing the procedure for reinstatement.

94 (6) **Changes in status.** The advanced practice registered  
95 nurse shall notify the board immediately regarding changes in the



96 collaborative/consultative relationship with a licensed physician  
97 or dentist. If changes leave the advanced practice registered  
98 nurse without a board-approved collaborative/consultative  
99 relationship with a physician or dentist, the advanced practice  
100 nurse may not practice as an advanced practice registered nurse,  
101 except as otherwise provided in Section 73-25-35.

102 (7) **Practice requirements.** The advanced practice registered  
103 nurse shall practice:

104 (a) According to standards and guidelines of the  
105 National Certification Organization.

106 (b) In a collaborative/consultative relationship with a  
107 licensed physician whose practice is compatible with that of the  
108 nurse practitioner, except as otherwise provided in Section  
109 73-25-35. Certified registered nurse anesthetists may  
110 collaborate/consult with licensed dentists. The advanced practice  
111 nurse must be able to communicate reliably with a  
112 collaborating/consulting physician or dentist while practicing.

113 (c) According to a board-approved protocol or practice  
114 guidelines.

115 (d) Advanced practice registered nurses practicing as  
116 nurse anesthetists must practice according to board-approved  
117 practice guidelines that address pre-anesthesia preparation and  
118 evaluation; anesthesia induction, maintenance, and emergence;  
119 post-anesthesia care; peri-anesthetic and clinical support  
120 functions.



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

127           (f) Each collaborative/consultative relationship shall  
128 include and implement a formal quality assurance/quality  
129 improvement program which shall be maintained on site and shall be  
130 available for inspection by representatives of the board. This  
131 quality assurance/quality improvement program must be sufficient  
132 to provide a valid evaluation of the practice and be a valid basis  
133 for change, if any.

134           (g) Nurse practitioners may not write prescriptions  
135 for, dispense or order the use of or administration of any  
136 schedule of controlled substances except as contained in this  
137 chapter.

138           (8) **Prescribing controlled substances and medications.**  
139 Certified nurse midwives and certified nurse practitioners may  
140 apply for controlled substance prescriptive authority after  
141 completing a board-approved educational program. Certified nurse  
142 midwives and certified nurse practitioners who have completed the  
143 program and received prescription authority from the board may  
144 prescribe Schedules II-V. The words "administer," "controlled  
145 substances" and "ultimate user," shall have the same meaning as



146 set forth in Section 41-29-105, unless the context otherwise  
147 requires. The board shall promulgate rules governing prescribing  
148 of controlled substances, including distribution, record keeping,  
149 drug maintenance, labeling and distribution requirements and  
150 prescription guidelines for controlled substances and all  
151 medications. Prescribing any controlled substance in violation of  
152 the rules promulgated by the board shall constitute a violation of  
153 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for  
154 disciplinary action. The prescribing, administering or  
155 distributing of any legend drug or other medication in violation  
156 of the rules promulgated by the board shall constitute a violation  
157 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for  
158 disciplinary action.

159       **SECTION 3.** This act shall take effect and be in force from  
160 and after July 1, 2019.

