

By: Senator(s) DeBar

To: Public Health and Welfare

SENATE BILL NO. 2409

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 and certified nurse
109 practitioners. "CNM" is the abbreviation for the title of
110 Certified Nurse Midwife, "CRNA" is the abbreviation for the title
111 of Certified Registered Nurse Anesthetist. "CNP" is the
112 abbreviation for the title of Certified Nurse Practitioner.

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

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



124 immediate family member who holds vested interests in the
125 provision of health services at any level.

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

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

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

134 73-15-20. (1) **Advanced practice registered nurses.** Any
135 nurse desiring to be * * * licensed as an advanced practice
136 registered nurse shall apply to the board and submit proof that he
137 or she holds a current license * * * as a registered nurse and
138 that he or she meets one or more of the following requirements:

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

143 (b) Certification by a board-approved certifying body.
144 Such certification shall be required for initial state * * *
145 licensure and any * * * licensure renewal as a certified
146 registered nurse anesthetist, certified nurse practitioner or
147 certified nurse midwife. The board may by rule provide for
148 provisional or temporary state * * * licensure of graduate * * *



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

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

158 (2) **Rulemaking.** The board shall provide by rule the
159 appropriate requirements for advanced practice registered nurses
160 in the categories of certified registered nurse anesthetist,
161 certified nurse midwife and * * * certified nurse practitioner.

162 * * *

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

170 (* * *4) **Reinstatement.** Advanced practice registered
171 nurses may reinstate a lapsed privilege to practice upon
172 submitting documentation of a current active license to practice
173 professional nursing, a reinstatement application and fee, * * *



174 documentation of current certification as an advanced practice
175 registered nurse in a designated area of practice by a national
176 certification organization recognized by the board and
177 documentation of at least forty (40) hours of continuing education
178 related to the advanced clinical practice of the * * * advanced
179 practice registered nurse within the previous two-year period.
180 The board shall adopt rules establishing the procedure for
181 reinstatement.

182 * * *

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

185 (a) Advanced practice registered nurses shall practice
186 according to standards and guidelines of their respective
187 professional organization and the National Certification
188 Organization.

189 (b) * * * Advanced practice registered nurses shall
190 collaborate with other health care providers and refer or transfer
191 patients as appropriate.

192 * * *

193 (* * *c) Advanced practice registered nurses
194 practicing as certified registered nurse anesthetists must
195 practice according to board-approved practice guidelines that
196 address pre-anesthesia preparation and evaluation; anesthesia
197 induction, maintenance, and emergence; post-anesthesia care;
198 peri-anesthetic and clinical support functions.



199 * * *

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

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



223 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
224 disciplinary action.

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

227 73-15-29. (1) The board shall have power to revoke, suspend
228 or refuse to renew any license issued by the board, or to revoke
229 or suspend any privilege to practice, or to deny an application
230 for a license, or to fine, place on probation and/or discipline a
231 licensee, in any manner specified in this article, upon proof that
232 such person:

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

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

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

244 (d) Has had a license or privilege to practice as a
245 registered nurse, an advanced practice registered nurse or a
246 licensed practical nurse suspended or revoked in any jurisdiction,
247 has voluntarily surrendered such license or privilege to practice



248 in any jurisdiction, has been placed on probation as a registered
249 nurse, advanced practice registered nurse or licensed practical
250 nurse in any jurisdiction or has been placed under a disciplinary
251 order(s) in any manner as a registered nurse, advanced practice
252 registered nurse or licensed practical nurse in any jurisdiction,
253 (a certified copy of the order of suspension, revocation,
254 probation or disciplinary action shall be prima facie evidence of
255 such action);

256 (e) Has negligently or willfully practiced nursing in a
257 manner that fails to meet generally accepted standards of such
258 nursing practice;

259 (f) Has negligently or willfully violated any order,
260 rule or regulation of the board pertaining to nursing practice or
261 licensure;

262 (g) Has falsified or in a repeatedly negligent manner
263 made incorrect entries or failed to make essential entries on
264 records;

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

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



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

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

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

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

283 (n) Violation(s) of the provisions of Sections 41-121-1
284 through 41-121-9 relating to deceptive advertisement by health
285 care practitioners. This paragraph shall stand repealed on July
286 1, 2020.

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

291 (a) Denying application for a license or other
292 authorization to practice nursing, advanced nursing practice or
293 practical nursing;

294 (b) Administering a reprimand;

295 (c) Suspending or restricting the license or other
296 authorization to practice as a registered nurse, advanced practice



297 registered nurse or licensed practical nurse for up to two (2)
298 years without review;

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

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

306 (f) Requiring the discipline to participate in a
307 program of education prescribed by the board as a condition for
308 initial, continued or renewed licensure or other authorization to
309 practice;

310 (g) Requiring the discipline to practice under the
311 supervision of a registered nurse or advanced practice registered
312 nurse for a specified period of time; or

313 (h) Imposing a fine not to exceed Five Hundred Dollars
314 (\$500.00).

315 (3) In addition to the grounds specified in subsection (1)
316 of this section, the board shall be authorized to suspend the
317 license or privilege to practice of any licensee for being out of
318 compliance with an order for support, as defined in Section
319 93-11-153. The procedure for suspension of a license or privilege
320 to practice for being out of compliance with an order for support,
321 and the procedure for the reissuance or reinstatement of a license



322 or privilege to practice suspended for that purpose, and the
323 payment of any fees for the reissuance or reinstatement of a
324 license or privilege to practice suspended for that purpose, shall
325 be governed by Section 93-11-157 or 93-11-163, as the case may be.
326 If there is any conflict between any provision of Section
327 93-11-157 or 93-11-163 and any provision of this article, the
328 provisions of Section 93-11-157 or 93-11-163, as the case may be,
329 shall control.

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

336 **SECTION 5.** This act shall take effect and be in force from
337 and after July 1, 2019.

