

By: Representatives Currie, Darnell, Ford (54th), Goodin, Hale, Hopkins, Horan, Hudson, Kinkade, Steverson, White, Young, Eubanks, Dortch, Thompson, Denton, Karriem, Taylor

To: Public Health and Human Services

HOUSE BILL NO. 613

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; TO PROVIDE THAT
9 AN ADVANCE PRACTICE REGISTERED NURSE SHALL BE EXEMPT FROM THE
10 REQUIREMENT OF ENTERING AND MAINTAINING A
11 COLLABORATIVE/CONSULTATIVE RELATIONSHIP WITH A LICENSED PHYSICIAN
12 OR DENTIST AFTER COMPLETING 3,600 TRANSITION TO PRACTICE HOURS; TO
13 AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO INCLUDE
14 ADVANCED PRACTICE REGISTERED NURSES IN THE PROVISIONS RELATING TO
15 GROUNDS FOR DISCIPLINARY ACTIONS AGAINST NURSES; AND FOR RELATED
16 PURPOSES.

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

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

20 73-15-3. In order to safeguard life and health, any person
21 practicing or offering to practice as a registered nurse, an
22 advanced practice registered nurse or a licensed practical nurse
23 in Mississippi for compensation shall hereafter be required to
24 submit evidence of qualifications to practice and shall be
25 licensed or hold the privilege to practice as hereinafter



26 provided. It shall be unlawful for any person not licensed or
27 holding the privilege to practice under the provisions of this
28 article:

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

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

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

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

40 73-15-5. (1) "Board" means the Mississippi Board of
41 Nursing.

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



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

59 * * *

60 (* * *3) "Advanced nursing practice" means, in addition to
61 the practice of professional nursing, the performance of
62 advanced-level nursing approved by the board which, by virtue of
63 graduate education and experience are appropriately performed by
64 an advanced practice registered nurse. The advanced practice
65 registered nurse may diagnose, treat and manage medical
66 conditions. This may include prescriptive authority as identified
67 by the board. Except as otherwise authorized in Section
68 73-15-20(3), advanced practice registered nurses must practice in
69 a collaborative/consultative relationship with a physician or
70 dentist with an unrestricted license to practice in the State of
71 Mississippi and advanced nursing must be performed within the
72 framework of a standing protocol or practice guidelines, as
73 appropriate.

74 (* * *4) The "practice of nursing" by a licensed practical
75 nurse means the performance for compensation of services requiring



76 basic knowledge of the biological, physical, behavioral,
77 psychological and sociological sciences and of nursing procedures
78 which do not require the substantial skill, judgment and knowledge
79 required of a registered nurse. These services are performed
80 under the direction of a registered nurse or a licensed physician
81 or licensed dentist and utilize standardized procedures in the
82 observation and care of the ill, injured and infirm; in the
83 maintenance of health; in action to safeguard life and health; and
84 in the administration of medications and treatments prescribed by
85 any licensed physician or licensed dentist authorized by state law
86 to prescribe. On a selected basis, and within safe limits, the
87 role of the licensed practical nurse shall be expanded by the
88 board under its rule-making authority to more complex procedures
89 and settings commensurate with additional preparation and
90 experience.

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

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

98 (* * *7) A "licensed practical nurse" is a person who is
99 licensed or holds the privilege to practice under this article and



100 who practices practical nursing as defined herein. "LPN" is the
101 abbreviation for the title of Licensed Practical Nurse.

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

105 * * *

106 (9) "Collaboration" or "collaborate" means the act of
107 communicating pertinent information or consulting with a licensed
108 physician or other licensed health care provider with each
109 provider contributing the provider's respective expertise to
110 optimize the overall care delivered to the patient.

111 (* * *10) An "advanced practice registered nurse" is a
112 person who is licensed or holds the privilege to practice under
113 this article as a professional nurse and who is * * * licensed as
114 an advanced practice registered nurse or specialized nursing
115 practice and includes certified registered nurse midwives,
116 certified registered nurse anesthetists, clinical nurse
117 specialists and certified nurse practitioners. "CNM" is the
118 abbreviation for the title of Certified Nurse Midwife, "CRNA" is
119 the abbreviation for the title of Certified Registered Nurse
120 Anesthetist. "CNP" is the abbreviation for the title of Certified
121 Nurse Practitioner. "CNS" is the abbreviation for the title of
122 Clinical Nurse Specialist.

123 (* * *11) A "nurse educator" is a registered nurse who
124 meets the criteria for faculty as set forth in a state-accredited



125 program of nursing for registered nurses, or a state-approved
126 program of nursing for licensed practical nurses, and who
127 functions as a faculty member.

128 (* * *12) A "consumer representative" is a person
129 representing the interests of the general public, who may use
130 services of a health agency or health professional organization or
131 its members but who is neither a provider of health services, nor
132 employed in the health services field, nor holds a vested interest
133 in the provision of health services at any level, nor has an
134 immediate family member who holds vested interests in the
135 provision of health services at any level.

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

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

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

144 73-15-20. (1) **Advanced practice registered nurses.** Any
145 nurse desiring to be * * * licensed as an advanced practice
146 registered nurse shall apply to the board and submit proof that he
147 or she holds a current license * * * as a registered nurse and
148 that he or she meets one or more of the following requirements:



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

153 (b) Certification by a board-approved certifying body.
154 Such certification shall be required for initial state * * *
155 licensure and any * * * license renewal as a certified registered
156 nurse anesthetist, certified nurse practitioner, clinical nurse
157 specialist or certified nurse midwife. The board may by rule
158 provide for provisional or temporary state * * * licensure of
159 graduate * * * advanced practice registered nurses for a period of
160 time determined to be appropriate for preparing and passing the
161 National Certification Examination. Those with provisional or
162 temporary * * * licenses must practice under the direct
163 supervision of a licensed physician or * * * an advanced practice
164 registered nurse with at least five (5) years of experience.

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

168 (2) **Rulemaking.** The board shall provide by rule the
169 appropriate requirements for advanced practice registered nurses
170 in the categories of certified registered nurse anesthetist,
171 certified nurse midwife, clinical nurse specialist and * * *
172 certified nurse practitioner.



173 (3) **Collaboration.** Except as otherwise authorized in this
174 subsection (3), an advanced practice registered nurse shall
175 perform those functions authorized in this section within a
176 collaborative/consultative relationship with a dentist or
177 physician with an unrestricted license to practice dentistry or
178 medicine in this state and within an established protocol or
179 practice guidelines, as appropriate, that is filed with the board
180 upon license application, license renewal, after entering into a
181 new collaborative/consultative relationship or making changes to
182 the protocol or practice guidelines or practice site. The board
183 shall review and approve the protocol to ensure compliance with
184 applicable regulatory standards. * * * After an advance practice
185 registered nurse has completed three thousand six hundred (3,600)
186 transition to practice hours, the advance practice registered
187 nurse shall be exempt from the requirement of entering and
188 maintaining a collaborative/consultative relationship with a
189 licensed physician as provided under this subsection (3).

190 (4) **Renewal.** The board shall renew a license for an
191 advanced practice registered nurse upon receipt of the renewal
192 application, fees and any required protocol or practice
193 guidelines. The board shall adopt rules establishing procedures
194 for license renewals. The board shall by rule prescribe
195 continuing education requirements for advanced practice registered
196 nurses * * * as a condition for renewal of * * * licensure.



197 (5) **Reinstatement.** Advanced practice registered nurses may
198 reinstatement a lapsed privilege to practice upon submitting
199 documentation of a current active license to practice professional
200 nursing, a reinstatement application and fee, * * * any required
201 protocol or practice guidelines, documentation of current
202 certification as an advanced practice registered nurse in a
203 designated area of practice by a national certification
204 organization recognized by the board and documentation of at least
205 forty (40) hours of continuing education related to the advanced
206 clinical practice of the * * * advanced practice registered nurse
207 within the previous two-year period. The board shall adopt rules
208 establishing the procedure for reinstatement.

209 (6) **Changes in status.** * * * An advanced practice
210 registered nurse who is required to have a
211 collaborative/consultative relationship with a licensed physician
212 shall notify the board immediately regarding changes in the
213 collaborative/consultative relationship * * *. If changes leave
214 the advanced practice registered nurse without a board-approved
215 collaborative/consultative relationship with a physician or
216 dentist, the advanced practice nurse may not practice as an
217 advanced practice registered nurse.

218 (7) **Practice requirements.** The advanced practice registered
219 nurse shall practice as follows:



220 (a) According to standards and guidelines of their
221 respective professional organization and the National
222 Certification Organization.

223 (b) In a collaborative/consultative relationship with a
224 licensed physician whose practice is compatible with that of the
225 nurse practitioner, except as otherwise authorized in subsection
226 (3) of this section. Certified registered nurse anesthetists may
227 collaborate/consult with licensed dentists. The advanced practice
228 registered nurse must be able to communicate reliably with a
229 collaborating/consulting physician or dentist while practicing.
230 Advanced practice registered nurses who are not required to have a
231 collaborative/consultative relationship with a licensed physician
232 or dentist shall collaborate with other health care providers and
233 refer or transfer patients as appropriate.

234 (c) According to a board-approved protocol or practice
235 guidelines, except as otherwise authorized in subsection (3) of
236 this section.

237 (d) Advanced practice registered nurses practicing as
238 certified registered nurse anesthetists must practice according to
239 board-approved practice guidelines that address pre-anesthesia
240 preparation and evaluation; anesthesia induction, maintenance, and
241 emergence; post-anesthesia care; peri-anesthetic and clinical
242 support functions.

243 (e) Except as otherwise authorized in subsection (3) of
244 this section, advanced practice registered nurses practicing in



245 other specialty areas must practice according to a board-approved
246 protocol that has been mutually agreed upon by the nurse
247 practitioner and a Mississippi licensed physician or dentist whose
248 practice or prescriptive authority is not limited as a result of
249 voluntary surrender or legal/regulatory order.

250 (f) Each required collaborative/consultative
251 relationship shall include and implement a formal quality
252 assurance/quality improvement program which shall be maintained on
253 site and shall be available for inspection by representatives of
254 the board. This quality assurance/quality improvement program
255 must be sufficient to provide a valid evaluation of the practice
256 and be a valid basis for change, if any.

257 (g) * * * Advanced practice registered nurses may not
258 write prescriptions for, dispense or order the use of or
259 administration of any schedule of controlled substances except as
260 contained in this chapter.

261 (8) **Prescribing controlled substances and medications.**

262 * * * Advanced practice registered nurses may apply for
263 controlled substance prescriptive authority after completing a
264 board-approved educational program. * * * Advanced practice
265 registered nurses who have completed the program and received
266 prescription authority from the board may prescribe Schedules
267 II-V. The words "administer," "controlled substances" and
268 "ultimate user," shall have the same meaning as set forth in
269 Section 41-29-105, unless the context otherwise requires. The



270 board shall promulgate rules governing prescribing of controlled
271 substances, including distribution, record keeping, drug
272 maintenance, labeling and distribution requirements and
273 prescription guidelines for controlled substances and all
274 medications. Prescribing any controlled substance in violation of
275 the rules promulgated by the board shall constitute a violation of
276 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
277 disciplinary action. The prescribing, administering or
278 distributing of any legend drug or other medication in violation
279 of the rules promulgated by the board shall constitute a violation
280 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
281 disciplinary action.

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

284 73-15-29. (1) The board shall have power to revoke, suspend
285 or refuse to renew any license issued by the board, or to revoke
286 or suspend any privilege to practice, or to deny an application
287 for a license, or to fine, place on probation and/or discipline a
288 licensee, in any manner specified in this article, upon proof that
289 such person:

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

292 (b) Has been convicted of a felony, or a crime
293 involving moral turpitude or has had accepted by a court a plea of
294 nolo contendere to a felony or a crime involving moral turpitude



295 (a certified copy of the judgment of the court of competent
296 jurisdiction of such conviction or pleas shall be prima facie
297 evidence of such conviction);

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

301 (d) Has had a license or privilege to practice as a
302 registered nurse, an advanced practice registered nurse or a
303 licensed practical nurse suspended or revoked in any jurisdiction,
304 has voluntarily surrendered such license or privilege to practice
305 in any jurisdiction, has been placed on probation as a registered
306 nurse, an advanced practice registered nurse or licensed practical
307 nurse in any jurisdiction or has been placed under a disciplinary
308 order(s) in any manner as a registered nurse, an advanced practice
309 registered nurse or licensed practical nurse in any jurisdiction,
310 (a certified copy of the order of suspension, revocation,
311 probation or disciplinary action shall be prima facie evidence of
312 such action);

313 (e) Has negligently or willfully practiced nursing in a
314 manner that fails to meet generally accepted standards of such
315 nursing practice;

316 (f) Has negligently or willfully violated any order,
317 rule or regulation of the board pertaining to nursing practice or
318 licensure;



319 (g) Has falsified or in a repeatedly negligent manner
320 made incorrect entries or failed to make essential entries on
321 records;

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

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

329 (j) Has engaged in any other conduct, whether of the
330 same or of a different character from that specified in this
331 article, that would constitute a crime as defined in Title 97 of
332 the Mississippi Code of 1972, as now or hereafter amended, and
333 that relates to such person's employment as a registered nurse, an
334 advanced practice registered nurse or licensed practical nurse;

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

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

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

340 (n) Violation(s) of the provisions of Sections 41-121-1
341 through 41-121-9 relating to deceptive advertisement by health
342 care practitioners. This paragraph shall stand repealed on July
343 1, 2020.



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

348 (a) Denying application for a license or other
349 authorization to practice nursing, advanced nursing practice or
350 practical nursing;

351 (b) Administering a reprimand;

352 (c) Suspending or restricting the license or other
353 authorization to practice as a registered nurse, an advanced
354 practice registered nurse or licensed practical nurse for up to
355 two (2) years without review;

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

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

363 (f) Requiring the discipline to participate in a
364 program of education prescribed by the board as a condition for
365 initial, continued or renewed licensure or other authorization to
366 practice;



367 (g) Requiring the disciplinee to practice under the
368 supervision of a registered nurse or advanced practice registered
369 nurse for a specified period of time; or

370 (h) Imposing a fine not to exceed Five Hundred Dollars
371 (\$500.00).

372 (3) In addition to the grounds specified in subsection (1)
373 of this section, the board shall be authorized to suspend the
374 license or privilege to practice of any licensee for being out of
375 compliance with an order for support, as defined in Section
376 93-11-153. The procedure for suspension of a license or privilege
377 to practice for being out of compliance with an order for support,
378 and the procedure for the reissuance or reinstatement of a license
379 or privilege to practice suspended for that purpose, and the
380 payment of any fees for the reissuance or reinstatement of a
381 license or privilege to practice suspended for that purpose, shall
382 be governed by Section 93-11-157 or 93-11-163, as the case may be.
383 If there is any conflict between any provision of Section
384 93-11-157 or 93-11-163 and any provision of this article, the
385 provisions of Section 93-11-157 or 93-11-163, as the case may be,
386 shall control.

387 (4) If the public health, safety or welfare imperatively
388 requires emergency action and the board incorporates a finding to
389 that effect in an order, the board may order summary suspension of
390 a license pending proceedings for revocation or other action.



391 These proceedings shall be promptly instituted and determined by
392 the board.

393 (5) The board may establish by rule an alternative to
394 discipline program for licensees who have an impairment as a
395 result of substance abuse or a mental health condition, which
396 program shall include at least the following components:

397 (a) Participation in the program is voluntary with the
398 licensee, and the licensee must enter the program before the board
399 holds a disciplinary action hearing regarding the licensee;

400 (b) The full cost of participation in the program,
401 including the cost of any care, counseling, treatment and/or
402 education received by the licensee, shall be borne by the
403 licensee;

404 (c) All of the procedures and records regarding the
405 licensee's participation in the program shall be confidential,
406 shall not be disclosed and shall be exempt from the provisions of
407 the Mississippi Public Records Act of 1983; and

408 (d) A licensee may not participate in the program more
409 often than one (1) time during any period of five (5) years or
410 such longer period as set by the board.

411 **SECTION 5.** This act shall take effect and be in force from
412 and after July 1, 2020.

