

By: Representative Scoggin

To: Public Health and Human Services; Ways and Means

HOUSE BILL NO. 174

1 AN ACT TO AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTIES THAT THE BOARD OF NURSING MAY IMPOSE IN
3 DISCIPLINARY ACTIONS; TO AUTHORIZE THE BOARD TO RECOVER FROM
4 LICENSEES THOSE REASONABLE COSTS EXPENDED BY THE BOARD IN
5 INVESTIGATION AND CONDUCTING DISCIPLINARY PROCEEDINGS; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-15-29, Mississippi Code of 1972, is
9 amended as follows:

10 73-15-29. (1) The board shall have power to revoke, suspend
11 or refuse to renew any license issued by the board, or to revoke
12 or suspend any privilege to practice, or to deny an application
13 for a license, or to fine, place on probation and/or discipline a
14 licensee, in any manner specified in this article, upon proof that
15 such person:

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

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



21 (a certified copy of the judgment of the court of competent
22 jurisdiction of such conviction or pleas shall be prima facie
23 evidence of such conviction);

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

27 (d) Has had a license or privilege to practice as a
28 registered nurse or a licensed practical nurse suspended or
29 revoked in any jurisdiction, has voluntarily surrendered such
30 license or privilege to practice in any jurisdiction, has been
31 placed on probation as a registered nurse or licensed practical
32 nurse in any jurisdiction or has been placed under a disciplinary
33 order(s) in any manner as a registered nurse or licensed practical
34 nurse in any jurisdiction, (a certified copy of the order of
35 suspension, revocation, probation or disciplinary action shall be
36 prima facie evidence of such action);

37 (e) Has negligently or willfully practiced nursing in a
38 manner that fails to meet generally accepted standards of such
39 nursing practice;

40 (f) Has negligently or willfully violated any order,
41 rule or regulation of the board pertaining to nursing practice or
42 licensure;

43 (g) Has falsified or in a repeatedly negligent manner
44 made incorrect entries or failed to make essential entries on
45 records;



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

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

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

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

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

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

64 (n) Violation(s) of the provisions of Sections 41-121-1
65 through 41-121-9 relating to deceptive advertisement by health
66 care practitioners. This paragraph shall stand repealed on July
67 1, 2025.

68 (2) When the board finds any person unqualified because of
69 any of the grounds set forth in subsection (1) of this section, it



70 may enter an order imposing one or more of the following
71 penalties:

72 (a) Denying application for a license or other
73 authorization to practice nursing or practical nursing;

74 (b) Administering a reprimand;

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

78 (d) Revoking the license or other authorization to
79 practice nursing or practical nursing;

80 (e) Requiring the discipline to submit to care,
81 counseling or treatment by persons and/or agencies approved or
82 designated by the board as a condition for initial, continued or
83 renewed licensure or other authorization to practice nursing or
84 practical nursing;

85 (f) Requiring the discipline to participate in a
86 program of education prescribed by the board as a condition for
87 initial, continued or renewed licensure or other authorization to
88 practice;

89 (g) Requiring the discipline to practice under the
90 supervision of a registered nurse for a specified period of time;
91 or

92 (h) (i) Imposing a * * * monetary penalty as follows:



93 1. For the first violation, a monetary
94 penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor
95 more than One Thousand Dollars (\$1,000.00) for each violation; and

96 2. For the second violation and subsequent
97 violations, a monetary penalty of not less than Five Hundred
98 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00)
99 for each violation;

100 (ii) Money collected by the board under
101 subparagraph (i) of this paragraph (h) shall be deposited to the
102 credit of the State General Fund of the State Treasury;

103 (iii) The board may assess the licensee for those
104 reasonable costs that are expended by the board in the
105 investigation and conduct of a proceeding for licensure
106 revocation, suspension or restriction, including, but not limited
107 to, the cost of process service, court reporters, expert
108 witnesses, investigators and other related expenses. To assess
109 costs under this subparagraph (iii), the board shall present
110 evidence that the costs are reasonable to the Attorney General,
111 and/or his or her designee provided for in Section 73-15-31(4),
112 for certification of the costs. Money collected by the board for
113 reasonable costs shall be deposited to the credit of the special
114 fund of the board to reimburse the existing year's appropriated
115 budget.

116 (3) In addition to the grounds specified in subsection (1)
117 of this section, the board shall be authorized to suspend the



118 license or privilege to practice of any licensee for being out of
119 compliance with an order for support, as defined in Section
120 93-11-153. The procedure for suspension of a license or privilege
121 to practice for being out of compliance with an order for support,
122 and the procedure for the reissuance or reinstatement of a license
123 or privilege to practice suspended for that purpose, and the
124 payment of any fees for the reissuance or reinstatement of a
125 license or privilege to practice suspended for that purpose, shall
126 be governed by Section 93-11-157 or 93-11-163, as the case may be.
127 If there is any conflict between any provision of Section
128 93-11-157 or 93-11-163 and any provision of this article, the
129 provisions of Section 93-11-157 or 93-11-163, as the case may be,
130 shall control.

131 (4) If the public health, safety or welfare imperatively
132 requires emergency action and the board incorporates a finding to
133 that effect in an order, the board may order summary suspension of
134 a license pending proceedings for revocation or other action.
135 These proceedings shall be promptly instituted and determined by
136 the board.

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



141 (a) Participation in the program is voluntary with the
142 licensee, and the licensee must enter the program before the board
143 holds a disciplinary action hearing regarding the licensee;

144 (b) The full cost of participation in the program,
145 including the cost of any care, counseling, treatment and/or
146 education received by the licensee, shall be borne by the
147 licensee;

148 (c) All of the procedures and records regarding the
149 licensee's participation in the program shall be confidential,
150 shall not be disclosed and shall be exempt from the provisions of
151 the Mississippi Public Records Act of 1983; and

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

155 **SECTION 2.** This act shall take effect and be in force from
156 and after July 1, 2021.

