

By: Representatives Cockerham, Gunn

To: Judiciary A

HOUSE BILL NO. 672
(As Passed the House)

1 AN ACT TO REQUIRE ANY MEDICAL FACILITY OR ANY OTHER FACILITY
2 THAT CONDUCTS A MEDICAL FORENSIC EXAMINATION ON AN ALLEGED RAPE OR
3 SEXUAL ASSAULT VICTIM AND PREPARES A SEXUAL ASSAULT EVIDENCE
4 COLLECTION KIT TO IMMEDIATELY CONTACT THE APPROPRIATE LAW
5 ENFORCEMENT AGENCY TO COLLECT THE KIT; TO REQUIRE THE LAW
6 ENFORCEMENT AGENCY TO IMMEDIATELY COLLECT AND STORE THE KIT IN
7 COMPLIANCE WITH CERTAIN STANDARDS; TO REQUIRE THE LAW ENFORCEMENT
8 AGENCY TO SEND THE KIT TO THE MISSISSIPPI FORENSICS LABORATORY
9 WITHIN A CERTAIN NUMBER OF DAYS; TO REQUIRE THE FORENSICS
10 LABORATORY TO PROCESS THE KIT AND ENTER DNA INFORMATION INTO THE
11 APPROPRIATE FEDERAL, STATE AND LOCAL DATABASES; TO CREATE THE
12 SEXUAL ASSAULT EVIDENCE KIT ACCOUNTABILITY TASK FORCE; TO PROVIDE
13 THE PURPOSE OF THE TASK FORCE; TO AMEND SECTION 99-37-25,
14 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE VICTIMS COMPENSATION
15 FUND SHALL PAY ALL MEDICAL COSTS ASSOCIATED WITH FORENSIC MEDICAL
16 EXAMINATION AND PREPARATION OF SEXUAL ASSAULT EVIDENCE KITS; TO
17 AMEND SECTION 99-49-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
18 PROCEDURES FOR PRESERVATION OF BIOLOGICAL EVIDENCE; TO AMEND
19 SECTION 45-47-1, MISSISSIPPI CODE OF 1972, TO REQUIRE DNA SAMPLES
20 OF THOSE ARRESTED FOR THE COMMISSION OR ATTEMPTED COMMISSION OF
21 RAPE OR SEXUAL ASSAULT TO BE ENTERED INTO FEDERAL, STATE AND LOCAL
22 DATABASES FOR COMPARISON TO OTHER SAMPLES; TO AMEND SECTION
23 73-15-20, MISSISSIPPI CODE OF 1972, TO PROVIDE A LIMITED EXEMPTION
24 FOR NURSE PRACTITIONERS WITH A MASTERS DEGREE OR HIGHER IN
25 ADVANCED FORENSIC NURSING; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** (1) The following words shall have the meanings
28 described in this act:



29 (a) "Medical facility" means any doctor's office,
30 hospital, medical clinic or nonprofit facility equipped to perform
31 forensic medical examinations and prepare sexual assault evidence
32 kits.

33 (b) "Sexual assault" means rape, sexual assault, sexual
34 battery or any other nonconsensual forcible sexual intercourse.

35 (c) "Sexual assault evidence collection kit" means a
36 sexual assault or rape kit approved by the Mississippi Association
37 of Forensic Nurses.

38 (2) (a) Any medical facility that conducts a medical
39 forensic examination and/or prepares a sexual assault evidence
40 collection kit shall immediately contact the appropriate law
41 enforcement agency to collect the kit. The medical facility shall
42 store the kit in a refrigerated manner in conformity with
43 guidelines established by the Sexual Assault Evidence Kit
44 Accountability Task Force until the kit is picked up by
45 appropriate law enforcement. When a law enforcement agency is
46 contacted to collect a sexual assault evidence kit, the agency
47 shall immediately take possession of the kit from the medical
48 facility. For purposes of this paragraph (a), the term
49 "immediately" means no less than twenty-four (24) hours from the
50 time of contact.

51 (b) Upon taking physical possession of the sexual
52 assault evidence collection kit, the law enforcement agency shall
53 transport the kit in a manner that preserves the evidence in the



54 kit, and conforms to the guidelines for transportation of sexual
55 assault evidence kits established by the Sexual Assault Evidence
56 Kit Accountability Task Force. The agency shall: (i) store the
57 kit in a secure, refrigerated location in the agency no more than
58 two (2) hours after taking physical possession of the kit; or (ii)
59 transport the kit directly to the Mississippi Forensics Laboratory
60 in conformity with guidelines established by the Sexual Assault
61 Evidence Kit Accountability Task Force if the agency is unable to
62 store the kit in a secure, refrigerated location in the agency.
63 All kits must be delivered to the Mississippi Forensics Laboratory
64 no later than seven (7) days from the date the law enforcement
65 agency took physical possession of the kit.

66 (3) (a) The Mississippi Forensics Laboratory should test
67 sexual assault evidence collection kits within forty-five (45)
68 days of receipt from a law enforcement agency. Forensic DNA
69 testing shall be performed according to laboratory methods that
70 determine the presence of DNA suitable for autosomal STR analysis.
71 Any autosomal, CODIS eligible DNA profile shall be entered into
72 the Combined DNA Index System (CODIS) or equivalency thereof and
73 state or local DNA database. If the Mississippi Forensics
74 Laboratory is unable to determine DNA present in the sexual
75 assault evidence collection kit, the laboratory should evaluate
76 the case to determine if any other DNA results could be used for
77 investigative purposes.



78 (b) When testing does result in a DNA profile, the
79 Mississippi Forensics Laboratory should enter the full DNA profile
80 into the Combined DNA Index System (CODIS) or equivalency thereof
81 and any other required state or local DNA databases. The average
82 completion rate for this analysis and classification should not
83 exceed sixty (60) days.

84 (c) The Mississippi Forensics Laboratory is authorized
85 to contract with other laboratories to ensure that each kit is
86 tested and the information from such kit is entered into CODIS
87 within the time frames required by this subsection.

88 (4) (a) There is hereby created a Sexual Assault Evidence
89 Kit Accountability Task Force which shall consist of seven (7)
90 members. The Commissioner of the Department of Public Safety, or
91 his or her designee shall be the Chairperson of the task force.
92 The Executive Director of the Mississippi Association of Forensic
93 Nurses, or his or her designee shall be the vice chairperson of
94 the task force. Five members of the task force shall be members
95 of, and appointed by the: Mississippi Prosecutors Association,
96 Mississippi Forensics Laboratory, Mississippi Bureau of
97 Investigation, Mississippi Association of Chiefs of Police and the
98 Mississippi Sheriffs Association. The Mississippi Chapter of the
99 International Association of Forensic Nurses shall make two (2)
100 appointments to the task force, which shall be one (1) pediatric
101 sexual assault nurse examiner and one (1) adult sexual assault
102 nurse examiner. The purpose of the task force is to create



103 standards and policies for the maintenance, preservation,
104 transportation and evidentiary chain of custody for sexual assault
105 evidence kits no later than January 1, 2023.

106 (b) The Commissioner of the Department of Public Safety
107 shall convene the members of the task force for its first meeting
108 within thirty (30) days after the effective date of this act. A
109 majority of the members of the task force shall constitute a
110 quorum. An affirmative vote of a majority of the task force shall
111 be required to be recorded in the official minutes of the meeting
112 in which the vote occurred. Meetings of the task force shall be
113 held at the Department of Public Safety or a location designated
114 by a majority of the committee. The task force may convene
115 utilizing an online meeting platform that is accessible for
116 viewing by the public.

117 (c) The Department of Public Safety shall use existing
118 resources, administrative and clerical assistance to support the
119 task force.

120 (d) Members of the task force who are not state
121 employees may be compensated at the per diem rate authorized by
122 Section 25-3-69 and reimbursed in accordance with Section 25-3-41
123 for mileage and actual expenses incurred in the performance of
124 their duties. However, task force members may not incur per diem,
125 travel or other expenses unless previously authorized by vote, at
126 a meeting of the task force, which action must be recorded in the
127 official minutes of the meeting. Per diem and expense payments



128 made pursuant to this subsection may be paid from any funds made
129 available to the task force for that purpose.

130 (e) The task force shall publish all polices, standards
131 and/or regulations it adopts on the website of the Department of
132 Public Safety for use by any state or local law enforcement agency
133 or medical facility that handles sexual assault evidence kits.

134 **SECTION 2.** Section 99-37-25, Mississippi Code of 1972, is
135 amended as follows:

136 99-37-25. (1) (a) When a * * * medical forensic
137 examination is performed and/or a sexual assault evidence
138 collection kit is prepared by a doctor's office, * * * hospital
139 or * * * medical clinic * * * as a result of an alleged rape or
140 sexual assault having occurred in this state, * * * the bill for
141 the medical forensic examination and the preparation of the sexual
142 assault evidence collection kit * * * shall be sent to and shall
143 be paid by the Division of Victim Compensation, Office of the
144 Attorney General. The Division of Victim Compensation shall pay
145 for the medical examination conducted for the procurement of
146 evidence to aid in the investigation and prosecution of the
147 alleged offense. Such payment shall be limited to the customary
148 and usual hospital and physician charges for such services in the
149 area. Such payment shall be made by the Division of Victim
150 Compensation directly to the health care provider. No bill for
151 the examination will be submitted to the victim, nor shall the
152 medical facility hold the victim responsible for payment. The



153 victim may be billed for any further medical services not required
154 for the investigation and prosecution of the alleged offense. In
155 cases where the damage caused by the alleged sexual assault
156 requires medical treatment or diagnosis in addition to the
157 examination, the patient will be given information about the
158 availability of victim compensation and the procedure for applying
159 for such compensation.

160 (b) Upon application submitted by the district
161 attorney, provided the proper warrant or court order has been
162 issued, the county in which an offense of sexual assault or of
163 felonious abuse or battery of a child as described in Section
164 97-5-39, touching or handling a child for lustful purposes as
165 described in Section 97-5-23, exploitation of children as
166 described in Section 97-5-33 or sexual battery as described in
167 Section 97-3-95, or statutory rape as defined in Section 97-3-65,
168 or an attempt to commit such offense has occurred shall pay for a
169 medical forensic examination of the person arrested, charged or
170 convicted of such offense to determine if the person so arrested,
171 charged or convicted has any sexually transmitted disease and for
172 the collection of evidence. Such payment shall be made by the
173 county directly to the health care provider or other service
174 performing the collection of evidence and tests. At the victim's
175 request, a test for human immunodeficiency virus (HIV) shall be
176 administered to the defendant/accused not later than forty-eight
177 (48) hours after the date on which the information or indictment



178 is presented, and the defendant/accused shall be subjected to
179 follow-up testing for HIV upon a determination that such follow-up
180 testing is medically necessary and reasonable. The results of any
181 such test shall be confidential but shall be made available to the
182 victim or, if the victim is a child, to the guardian of the
183 victim. After an indictment, if the case is dismissed, the
184 defendant is found not guilty or the case is not prosecuted within
185 three (3) years of the indictment, all records of tests shall be
186 returned to the accused or destroyed as provided in Section
187 99-49-1. Upon a showing of good cause, the court may retain such
188 records and allow a case to remain open after the expiration of
189 the three-year limitation provided herein.

190 (2) Any defendant who is convicted of, or pleads guilty or
191 nolo contendere to, any offense or an attempt to commit any such
192 offense specified in subsection (1)(b) shall be ordered by the
193 court to make restitution to the Division of Victim Compensation
194 in an amount equal to the compensation paid by the Division of
195 Victim Compensation to the victim or medical provider for the
196 medical forensic examination and to the county for tests for
197 sexually transmitted diseases. Such restitution shall be in
198 addition to any restitution which the court orders the defendant
199 to pay the victim under the provisions of Chapter 37 * * *, Title
200 99, (Sections 99-37-1 through 99-37-21), Mississippi Code of 1972.

201 (3) The Division of Victim Compensation is hereby
202 authorized, in its discretion, to make application for and comply



203 with such requirements as may be necessary to qualify for any
204 federal funds as may be available as a result of services rendered
205 to crime victims under the provisions of this section.

206 **SECTION 3.** Section 99-49-1, Mississippi Code of 1972, is
207 amended as follows:

208 99-49-1. (1) **Legislative intent.** The Legislature finds
209 that:

210 (a) The value of properly preserved biological evidence
211 has been enhanced by the discovery of modern DNA testing methods,
212 which, coupled with a comprehensive system of DNA databases that
213 store crime scene and offender profiles, allow law enforcement to
214 improve its crime-solving potential;

215 (b) Tapping the potential of preserved biological
216 evidence requires the proper identification, collection,
217 preservation, storage, cataloguing and organization of such
218 evidence;

219 (c) Law enforcement agencies indicate that "cold" case
220 investigations are hindered by an inability to access biological
221 evidence that was collected in connection with criminal
222 investigations;

223 (d) Innocent people mistakenly convicted of the serious
224 crimes for which biological evidence is probative cannot prove
225 their innocence if such evidence is not accessible for testing in
226 appropriate circumstances;



227 (e) It is well established that the failure to update
228 policies regarding the preservation of evidence squanders valuable
229 law enforcement resources, manpower hours and storage space; and

230 (f) Simple but crucial enhancements to protocols for
231 properly preserving biological evidence can solve old crimes,
232 enhance public safety and settle claims of innocence.

233 (2) **Definitions.** For the purposes of this section:

234 (a) "Biological evidence" means the contents of a
235 sexual assault examination kit or any item that contains blood,
236 semen, hair, saliva, skin tissue, fingernail scrapings, bone,
237 bodily fluids or other identifiable biological material that was
238 collected as part of the criminal investigation or may reasonably
239 be used to incriminate or exculpate any person for the offense.
240 This definition applies whether that material is catalogued
241 separately, such as on a slide, swab or in a test tube, or is
242 present on other evidence, including, but not limited to,
243 clothing, ligatures, bedding or other household material, drinking
244 cups, cigarettes or other items.

245 (b) "DNA" means deoxyribonucleic acid.

246 (c) "Custody" means persons currently incarcerated;
247 civilly committed; on parole or probation; or subject to sex
248 offender registration for the period of the registration or for
249 the first five (5) years of the registration, whichever is the
250 shorter period.



251 (d) "Profile" means a unique identifier of an
252 individual, derived from DNA.

253 (e) "State" refers to any governmental or public entity
254 within Mississippi, including all private entities that perform
255 such functions, and its officials or employees, including, but not
256 limited to, law enforcement agencies, prosecutors' offices,
257 courts, public hospitals, forensics laboratories, and any other
258 entity or individual charged with the collection, storage or
259 retrieval of biological evidence.

260 (3) **Preservation of evidence procedures.** (a) The state
261 shall preserve all biological evidence:

262 (i) That is secured in relation to an
263 investigation or prosecution of a crime for * * * a period
264 of * * * no less than fifty (50) years; or

265 (ii) That is secured in relation to an
266 investigation or prosecution of a crime for * * * a period
267 of * * * no less than fifty (50) years.

268 (b) This section applies to evidence that:

269 (i) Was in the possession of the state during the
270 investigation and prosecution of the case; and

271 (ii) At the time of conviction was likely to
272 contain biological material.

273 (c) The state shall not destroy biological evidence
274 should one or more additional co-defendants, convicted of the same



275 crime, remain in custody, and shall preserve the evidence for the
276 period of time * * * described in this act.

277 (d) The state shall retain evidence in the amount and
278 manner sufficient to develop a DNA profile from the biological
279 material contained in or included on the evidence.

280 (e) * * * The state shall prepare an inventory of
281 biological evidence that has been preserved in connection with the
282 defendant's criminal case.

283 (f) The state may destroy evidence that includes
284 biological material before the expiration of the time period
285 specified in paragraph (a) of this subsection if all of the
286 following apply:

287 (i) No other provision of federal or state law
288 requires the state to preserve the evidence.

289 (ii) The state sends certified delivery of notice
290 of intent to destroy the evidence to:

291 1. All persons who remain in custody as a
292 result of the criminal conviction, delinquency adjudication, or
293 commitment related to evidence in question;

294 2. The attorney of record for each person in
295 custody;

296 3. The Mississippi Office of Indigent
297 Appeals;

298 4. The district attorney in the county of
299 conviction; and



300 5. The Mississippi Attorney General.
301 (iii) No person who is notified under subparagraph
302 (ii) of this paragraph (f) does either of the following within
303 sixty (60) days after the date on which the person received the
304 notice:

- 305 1. Files a motion for testing of evidence
306 under * * * Chapter 39, Title 99, Mississippi Code of 1972; or
307 2. Submits a written request for retention of
308 evidence to the state entity which provided notice of its intent
309 to destroy evidence under subparagraph (ii) of this paragraph (f).

310 (g) If, after providing notice under paragraph (f)(ii)
311 of this subsection of its intent to destroy evidence, the state
312 receives a written request for retention of the evidence, the
313 state shall retain the evidence while the person remains in
314 custody.

315 (h) * * * When such retention is impracticable, the
316 state shall remove and preserve portions of the material evidence
317 likely to contain biological evidence related to the offense, in a
318 quantity sufficient to permit future DNA testing, before returning
319 or disposing of the physical evidence.

320 (i) Should the state be called upon to produce
321 biological evidence that could not be located and whose
322 preservation was required under the provisions of this statute,
323 the chief evidence custodian assigned to the entity charged with
324 the preservation of the evidence shall provide an affidavit in



325 which the custodian stipulates, under penalty of perjury, an
326 accurate description of the efforts taken to locate that evidence
327 and that the evidence could not be located.

328 (4) This section does not require or otherwise authorize the
329 state to preserve the biological evidence that is obtained in
330 performing the test required by Section 99-3-41 and is required to
331 be destroyed under that section.

332 (5) Any evidence in a murder, manslaughter or felony sexual
333 assault case in the possession of the state on July 1, 2009,
334 whether biological or not, shall be preserved by the state
335 consistent with the legislative intent expressed in subsection (1)
336 and subject to compliance with subsection (3)(f).

337 (6) The preservation of evidence procedures and requirements
338 are subject to appropriate funding for Mississippi Forensics
339 Laboratory personnel dedicated exclusively for these described
340 tasks.

341 (* * *7) **Remedies for noncompliance.** If the court finds
342 that biological evidence was destroyed in violation of the
343 provisions of this section, it may impose appropriate sanctions
344 and order appropriate remedies.

345 **SECTION 4.** Section 45-47-1, Mississippi Code of 1972, is
346 amended as follows:

347 45-47-1. (1) Every person who is arrested for the
348 commission or attempted commission of a crime of violence as
349 defined in Section 97-3-2 shall provide a biological sample for



350 DNA testing to jail or detention center personnel upon booking.
351 The analysis shall be performed by the Mississippi Forensics * * *
352 Laboratory or other entity designated by the Department of Public
353 Safety, and the results shall be maintained by the Forensics * * *
354 Laboratory according to standard protocols adopted for maintenance
355 of DNA records in conformity to federal guidelines for the
356 maintenance of such records. If the person is arrested for the
357 commission or attempted commission of rape or sexual assault, the
358 results shall be entered into federal, state or local databases
359 for the purpose of comparing the DNA sample to other samples in
360 the database.

361 (2) (a) A DNA sample shall be collected by an individual
362 who is trained in the collection procedures that the Forensics
363 Laboratory uses.

364 (b) Upon motion of one (1) of the parties, or sua
365 sponte by the court, the court may direct the Forensics * * *
366 Laboratory to destroy the sample and delete from the database all
367 records thereof if there is no other pending qualifying warrant or
368 capias for an arrest or felony conviction that would require that
369 the sample remain in the DNA data bank if:

370 (i) The charge for which the sample was taken is
371 dismissed;

372 (ii) The defendant is acquitted at trial or
373 convicted of a lesser included misdemeanor offense that is not an
374 offense listed in this section;



375 (iii) No charge was filed within the statute of
376 limitations, if any; or

377 (iv) No conviction has occurred, at least three
378 (3) years have passed since the date of arrest, and there is no
379 active prosecution.

380 (3) (a) Any person who, without authority, disseminates
381 information contained in the DNA data bank shall be guilty of a
382 misdemeanor.

383 (b) Any person who disseminates, receives, or otherwise
384 uses or attempts to use information in the DNA data bank, knowing
385 that the dissemination, receipt or use is for a purpose other than
386 as authorized by law, shall be guilty of a * * * felony.

387 (c) Except as authorized by law, any person who obtains
388 or attempts to obtain any sample for purposes of having DNA
389 analysis performed shall be guilty of a felony.

390 (4) (a) Any person convicted under subsection (3)(a) shall
391 be * * * subject to a fine not to exceed Five Hundred Dollars
392 (\$500.00) or confinement in the county jail not to exceed thirty
393 (30) days, or both.

394 (b) Any person convicted under subsection (3)(b) shall
395 be * * * subject to a fine not * * * less than One Thousand
396 Dollars (\$1,000.00) or confinement in the * * * custody of the
397 Mississippi Department of Corrections not to exceed * * * five (5)
398 years, or both.



399 (c) Any person convicted under subsection (3)(c) shall
400 be sentenced to a fine not to exceed One Thousand Dollars
401 (\$1,000.00) or commitment to the custody of the Department of
402 Corrections not to exceed two (2) years, or both.

403 **SECTION 5.** Section 73-15-20, Mississippi Code of 1972, is
404 amended as follows:

405 73-15-20. (1) **Advanced practice registered nurses.** Any
406 nurse desiring to be certified as an advanced practice registered
407 nurse shall apply to the board and submit proof that he or she
408 holds a current license to practice professional nursing and that
409 he or she meets one or more of the following requirements:

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

414 (b) Certification by a board-approved certifying body.
415 Such certification shall be required for initial state
416 certification and any recertification as a registered nurse
417 anesthetist, nurse practitioner or nurse midwife. The board may
418 by rule provide for provisional or temporary state certification
419 of graduate nurse practitioners for a period of time determined to
420 be appropriate for preparing and passing the National
421 Certification Examination. Those with provisional or temporary
422 certifications must practice under the direct supervision of a



423 licensed physician or a certified nurse practitioner or certified
424 nurse midwife with at least five (5) years of experience.

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

428 (2) **Rulemaking.** The board shall provide by rule the
429 appropriate requirements for advanced practice registered nurses
430 in the categories of certified registered nurse anesthetist,
431 certified nurse midwife and advanced practice registered nurse.

432 (3) **Collaboration.** An advanced practice registered nurse
433 shall perform those functions authorized in this section within a
434 collaborative/consultative relationship with a dentist or
435 physician with an unrestricted license to practice dentistry or
436 medicine in this state and within an established protocol or
437 practice guidelines, as appropriate, that is filed with the board
438 upon license application, license renewal, after entering into a
439 new collaborative/consultative relationship or making changes to
440 the protocol or practice guidelines or practice site. The board
441 shall review and approve the protocol to ensure compliance with
442 applicable regulatory standards. The advanced practice registered
443 nurse may not practice as an APRN if there is no
444 collaborative/consultative relationship with a physician or
445 dentist and a board-approved protocol or practice guidelines.

446 (4) **Renewal.** The board shall renew a license for an
447 advanced practice registered nurse upon receipt of the renewal



448 application, fees and protocol or practice guidelines. The board
449 shall adopt rules establishing procedures for license renewals.
450 The board shall by rule prescribe continuing education
451 requirements for advanced practice nurses not to exceed forty (40)
452 hours biennially as a condition for renewal of a license or
453 certificate.

454 (5) **Reinstatement.** Advanced practice registered nurses may
455 reinstate a lapsed privilege to practice upon submitting
456 documentation of a current active license to practice professional
457 nursing, a reinstatement application and fee, a protocol or
458 practice guidelines, documentation of current certification as an
459 advanced practice nurse in a designated area of practice by a
460 national certification organization recognized by the board and
461 documentation of at least forty (40) hours of continuing education
462 related to the advanced clinical practice of the nurse
463 practitioner within the previous two-year period. The board shall
464 adopt rules establishing the procedure for reinstatement.

465 (6) **Changes in status.** The advanced practice registered
466 nurse shall notify the board immediately regarding changes in the
467 collaborative/consultative relationship with a licensed physician
468 or dentist. If changes leave the advanced practice registered
469 nurse without a board-approved collaborative/consultative
470 relationship with a physician or dentist, the advanced practice
471 nurse may not practice as an advanced practice registered nurse.



472 (7) **Practice requirements.** The advanced practice registered
473 nurse shall practice:

474 (a) According to standards and guidelines of the
475 National Certification Organization.

476 (b) In a collaborative/consultative relationship with a
477 licensed physician whose practice is compatible with that of the
478 nurse practitioner. Certified registered nurse anesthetists may
479 collaborate/consult with licensed dentists. The advanced practice
480 nurse must be able to communicate reliably with a
481 collaborating/consulting physician or dentist while practicing.

482 (c) According to a board-approved protocol or practice
483 guidelines.

484 (d) Advanced practice registered nurses practicing as
485 nurse anesthetists must practice according to board-approved
486 practice guidelines that address pre-anesthesia preparation and
487 evaluation; anesthesia induction, maintenance, and emergence;
488 post-anesthesia care; peri-anesthetic and clinical support
489 functions.

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



496 (f) Each collaborative/consultative relationship shall
497 include and implement a formal quality assurance/quality
498 improvement program which shall be maintained on site and shall be
499 available for inspection by representatives of the board. This
500 quality assurance/quality improvement program must be sufficient
501 to provide a valid evaluation of the practice and be a valid basis
502 for change, if any.

503 (g) Nurse practitioners may not write prescriptions
504 for, dispense or order the use of or administration of any
505 schedule of controlled substances except as contained in this
506 chapter.

507 (8) **Prescribing controlled substances and medications.**
508 Certified nurse midwives and certified nurse practitioners may
509 apply for controlled substance prescriptive authority after
510 completing a board-approved educational program. Certified nurse
511 midwives and certified nurse practitioners who have completed the
512 program and received prescription authority from the board may
513 prescribe Schedules II-V. The words "administer," "controlled
514 substances" and "ultimate user," shall have the same meaning as
515 set forth in Section 41-29-105, unless the context otherwise
516 requires. The board shall promulgate rules governing prescribing
517 of controlled substances, including distribution, record keeping,
518 drug maintenance, labeling and distribution requirements and
519 prescription guidelines for controlled substances and all
520 medications. Prescribing any controlled substance in violation of



521 the rules promulgated by the board shall constitute a violation of
522 Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
523 disciplinary action. The prescribing, administering or
524 distributing of any legend drug or other medication in violation
525 of the rules promulgated by the board shall constitute a violation
526 of Section 73-15-29(1) (f), (k) and (l) and shall be grounds for
527 disciplinary action.

528 (9) Any nurse practitioner who holds a Masters degree or
529 higher in Advanced Forensic Nursing and whose practice is limited
530 to medical forensic examinations and the treatment of health
531 matters related to such examinations shall be exempt from the
532 requirement in this section to have a collaborative/consultative
533 relationship. The exemption provided in this subsection (9) shall
534 be limited to the performance of examinations and health related
535 matters described in this subsection.

536 **SECTION 6.** This act shall take effect and be in force from
537 and after July 1, 2022.

