

By: Representatives Yancey, Scoggin

To: Drug Policy

HOUSE BILL NO. 1032

1 AN ACT TO AMEND SECTION 73-15-20, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A NURSE PRACTITIONER TO DISPENSE A LEGEND DRUG OR  
3 MEDICATION TO PATIENTS OF THE NURSE PRACTITIONER; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 73-15-20, Mississippi Code of 1972, is  
7 amended as follows:

8 73-15-20. (1) **Advanced practice registered nurses.** Any  
9 nurse desiring to be certified as an advanced practice registered  
10 nurse shall apply to the board and submit proof that he or she  
11 holds a current license to practice professional nursing and that  
12 he or she meets one or more of the following requirements:

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

17 (b) Certification by a board-approved certifying body.

18 Such certification shall be required for initial state  
19 certification and any recertification as a registered nurse



20 anesthetist, nurse practitioner or nurse midwife. The board may  
21 by rule provide for provisional or temporary state certification  
22 of graduate nurse practitioners for a period of time determined to  
23 be appropriate for preparing and passing the National  
24 Certification Examination. Those with provisional or temporary  
25 certifications must practice under the direct supervision of a  
26 licensed physician or a certified nurse practitioner or certified  
27 nurse midwife with at least five (5) years of experience.

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

31 (2) **Rulemaking.** The board shall provide by rule the  
32 appropriate requirements for advanced practice registered nurses  
33 in the categories of certified registered nurse anesthetist,  
34 certified nurse midwife and advanced practice registered nurse.

35 (3) **Collaboration.** An advanced practice registered nurse  
36 shall perform those functions authorized in this section within a  
37 collaborative/consultative relationship with a dentist or  
38 physician with an unrestricted license to practice dentistry or  
39 medicine in this state and within an established protocol or  
40 practice guidelines, as appropriate, that is filed with the board  
41 upon license application, license renewal, after entering into a  
42 new collaborative/consultative relationship or making changes to  
43 the protocol or practice guidelines or practice site. The board  
44 shall review and approve the protocol to ensure compliance with



45 applicable regulatory standards. The advanced practice registered  
46 nurse may not practice as an APRN if there is no  
47 collaborative/consultative relationship with a physician or  
48 dentist and a board-approved protocol or practice guidelines.

49 (4) **Renewal.** The board shall renew a license for an  
50 advanced practice registered nurse upon receipt of the renewal  
51 application, fees and protocol or practice guidelines. The board  
52 shall adopt rules establishing procedures for license renewals.  
53 The board shall by rule prescribe continuing education  
54 requirements for advanced practice nurses not to exceed forty (40)  
55 hours biennially as a condition for renewal of a license or  
56 certificate.

57 (5) **Reinstatement.** Advanced practice registered nurses may  
58 reinstate a lapsed privilege to practice upon submitting  
59 documentation of a current active license to practice professional  
60 nursing, a reinstatement application and fee, a protocol or  
61 practice guidelines, documentation of current certification as an  
62 advanced practice nurse in a designated area of practice by a  
63 national certification organization recognized by the board and  
64 documentation of at least forty (40) hours of continuing education  
65 related to the advanced clinical practice of the nurse  
66 practitioner within the previous two-year period. The board shall  
67 adopt rules establishing the procedure for reinstatement.

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



70 collaborative/consultative relationship with a licensed physician  
71 or dentist. If changes leave the advanced practice registered  
72 nurse without a board-approved collaborative/consultative  
73 relationship with a physician or dentist, the advanced practice  
74 nurse may not practice as an advanced practice registered nurse.

75 (7) **Practice requirements.** The advanced practice registered  
76 nurse shall practice:

77 (a) According to standards and guidelines of the  
78 National Certification Organization.

79 (b) In a collaborative/consultative relationship with a  
80 licensed physician whose practice is compatible with that of the  
81 nurse practitioner. Certified registered nurse anesthetists may  
82 collaborate/consult with licensed dentists. The advanced practice  
83 nurse must be able to communicate reliably with a  
84 collaborating/consulting physician or dentist while practicing.

85 (c) According to a board-approved protocol or practice  
86 guidelines.

87 (d) Advanced practice registered nurses practicing as  
88 nurse anesthetists must practice according to board-approved  
89 practice guidelines that address pre-anesthesia preparation and  
90 evaluation; anesthesia induction, maintenance, and emergence;  
91 post-anesthesia care; peri-anesthetic and clinical support  
92 functions.

93 (e) Advanced practice registered nurses practicing in  
94 other specialty areas must practice according to a board-approved



95 protocol that has been mutually agreed upon by the nurse  
96 practitioner and a Mississippi licensed physician or dentist whose  
97 practice or prescriptive authority is not limited as a result of  
98 voluntary surrender or legal/regulatory order.

99 (f) Each collaborative/consultative relationship shall  
100 include and implement a formal quality assurance/quality  
101 improvement program which shall be maintained on site and shall be  
102 available for inspection by representatives of the board. This  
103 quality assurance/quality improvement program must be sufficient  
104 to provide a valid evaluation of the practice and be a valid basis  
105 for change, if any.

106 (g) Nurse practitioners may dispense a legend drug or  
107 medication for which the nurse practitioner possesses prescriptive  
108 authority, other than a schedule of controlled substances, to  
109 patients of the nurse practitioner. Nurse practitioners may not  
110 write prescriptions for, dispense or order the use of or  
111 administration of any schedule of controlled substances except as  
112 contained in this chapter.

113 (8) **Prescribing controlled substances and medications.**  
114 Certified nurse midwives and certified nurse practitioners may  
115 apply for controlled substance prescriptive authority after  
116 completing a board-approved educational program. Certified nurse  
117 midwives and certified nurse practitioners who have completed the  
118 program and received prescription authority from the board may  
119 prescribe Schedules II-V. The words "administer," "controlled



120 substances" and "ultimate user," shall have the same meaning as  
121 set forth in Section 41-29-105, unless the context otherwise  
122 requires. The board shall promulgate rules governing prescribing  
123 of controlled substances, including distribution, record keeping,  
124 drug maintenance, labeling and distribution requirements and  
125 prescription guidelines for controlled substances and all  
126 medications. Prescribing any controlled substance in violation of  
127 the rules promulgated by the board shall constitute a violation of  
128 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for  
129 disciplinary action. The prescribing, administering or  
130 distributing of any legend drug or other medication in violation  
131 of the rules promulgated by the board shall constitute a violation  
132 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for  
133 disciplinary action.

134       **SECTION 2.** This act shall take effect and be in force from  
135 and after July 1, 2022.

