

By: Senator(s) Blackwell

To: Public Health and
Welfare

SENATE BILL NO. 2109

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

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



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

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

