

By: Senator(s) Blackwell

To: Public Health and  
Welfare

SENATE BILL NO. 2178

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 ADVANCED 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 6,240 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. As used in this  
118 subsection (10):

119 (a) "Certified registered nurse midwife" means a  
120 registered nurse who holds certification as a certified registered  
121 nurse midwife by a nationally recognized certifying body approved  
122 by the board and is licensed by the board to engage in advanced  
123 practice nursing in this state. "CNM" is the abbreviation for the  
124 title of Certified Nurse Midwife \* \* \*.



125           (b) "Certified registered nurse anesthetist" means a  
126 registered nurse who holds certification as a certified registered  
127 nurse anesthetist by a nationally recognized certifying body  
128 approved by the board and is licensed by the board to engage in  
129 advanced practice nursing in this state. "CRNA" is the  
130 abbreviation for the title of Certified Registered Nurse  
131 Anesthetist.

132           (c) "Certified nurse practitioner" means a registered  
133 nurse who holds certification as a certified nurse practitioner by  
134 a nationally recognized certifying body approved by the board and  
135 is licensed by the board to engage in advanced practice nursing in  
136 this state. "CNP" is the abbreviation for the title of Certified  
137 Nurse Practitioner.

138           (d) "Clinical nurse specialist" means a registered  
139 nurse who holds certification as a clinical nurse specialist by a  
140 nationally recognized certifying body approved by the board and is  
141 licensed by the board to engage in advanced practice nursing in  
142 this state. "CNS" is the abbreviation for the title of Clinical  
143 Nurse Specialist.

144           ( \* \* \*11) A "nurse educator" is a registered nurse who  
145 meets the criteria for faculty as set forth in a state-accredited  
146 program of nursing for registered nurses, or a state-approved  
147 program of nursing for licensed practical nurses, and who  
148 functions as a faculty member.



149 ( \* \* \*12) A "consumer representative" is a person  
150 representing the interests of the general public, who may use  
151 services of a health agency or health professional organization or  
152 its members but who is neither a provider of health services, nor  
153 employed in the health services field, nor holds a vested interest  
154 in the provision of health services at any level, nor has an  
155 immediate family member who holds vested interests in the  
156 provision of health services at any level.

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

160 ( \* \* \*14) "Licensee" is a person who has been issued a  
161 license to practice nursing or advanced practice nursing in the  
162 state or who holds the privilege to practice nursing in the state.

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

165 73-15-20. (1) **Advanced practice registered nurses.** Any  
166 nurse desiring to be \* \* \* licensed as an advanced practice  
167 registered nurse shall apply to the board and submit proof that he  
168 or she holds a current license \* \* \* as a registered nurse and  
169 that he or she meets one or more of the following requirements:

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



174 (b) Certification by a board-approved certifying body.  
175 Such certification shall be required for initial state \* \* \*  
176 licensure and any \* \* \* license renewal as a certified registered  
177 nurse anesthetist, certified nurse practitioner, clinical nurse  
178 specialist or certified nurse midwife. The board may by rule  
179 provide for provisional or temporary state \* \* \* licensure of  
180 graduate \* \* \* advanced practice registered nurses for a period of  
181 time determined to be appropriate for preparing and passing the  
182 National Certification Examination. Those with provisional or  
183 temporary \* \* \* licenses must practice under the direct  
184 supervision of a licensed physician or \* \* \* an advanced practice  
185 registered nurse with at least five (5) years of experience.

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

189 (2) **Rulemaking.** The board shall provide by rule the  
190 appropriate requirements for advanced practice registered nurses  
191 in the categories of certified registered nurse anesthetist,  
192 certified nurse midwife, clinical nurse specialist and \* \* \*  
193 certified nurse practitioner.

194 (3) **Collaboration.** Except as otherwise authorized in this  
195 subsection (3), an advanced practice registered nurse shall  
196 perform those functions authorized in this section within a  
197 collaborative/consultative relationship with a dentist or  
198 physician with an unrestricted license to practice dentistry or





199 medicine in this state and within an established protocol or  
200 practice guidelines, as appropriate, that is filed with the board  
201 upon license application, license renewal, after entering into a  
202 new collaborative/consultative relationship or making changes to  
203 the protocol or practice guidelines or practice site. The board  
204 shall review and approve the protocol to ensure compliance with  
205 applicable regulatory standards. \* \* \* After an advanced practice  
206 registered nurse has completed six thousand two hundred forty  
207 (6,240) transition-to-practice hours, the advanced practice  
208 registered nurse, except certified registered nurse anesthetists,  
209 shall be exempt from the requirement of entering and maintaining a  
210 collaborative/consultative relationship with a licensed physician  
211 as provided under this subsection (3).

212 (4) **Renewal.** The board shall renew a license for an  
213 advanced practice registered nurse upon receipt of the renewal  
214 application, fees and any required protocol or practice  
215 guidelines. The board shall adopt rules establishing procedures  
216 for license renewals. The board shall by rule prescribe  
217 continuing education requirements for advanced practice registered  
218 nurses \* \* \* as a condition for renewal of \* \* \* licensure.

219 (5) **Reinstatement.** Advanced practice registered nurses may  
220 reinstate a lapsed privilege to practice upon submitting  
221 documentation of a current active license to practice professional  
222 nursing, a reinstatement application and fee, \* \* \* any required  
223 protocol or practice guidelines, documentation of current



224 certification as an advanced practice registered nurse in a  
225 designated area of practice by a national certification  
226 organization recognized by the board and documentation of at least  
227 forty (40) hours of continuing education related to the advanced  
228 clinical practice of the \* \* \* advanced practice registered nurse  
229 within the previous two-year period. The board shall adopt rules  
230 establishing the procedure for reinstatement.

231 (6) **Changes in status.** \* \* \* An advanced practice  
232 registered nurse who is required to have a  
233 collaborative/consultative relationship with a licensed physician  
234 shall notify the board immediately regarding changes in the  
235 collaborative/consultative relationship \* \* \*. If changes leave  
236 the advanced practice registered nurse without a board-approved  
237 collaborative/consultative relationship with a physician or  
238 dentist, the advanced practice nurse may not practice as an  
239 advanced practice registered nurse.

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

242 (a) According to standards and guidelines of their  
243 respective professional organization and the National  
244 Certification Organization.

245 (b) In a collaborative/consultative relationship with a  
246 licensed physician whose practice is compatible with that of the  
247 nurse practitioner, except as otherwise authorized in subsection  
248 (3) of this section. Certified registered nurse anesthetists may



249 collaborate/consult with licensed dentists. The advanced practice  
250 registered nurse must be able to communicate reliably with a  
251 collaborating/consulting physician or dentist while practicing.  
252 Advanced practice registered nurses who are not required to have a  
253 collaborative/consultative relationship with a licensed physician  
254 or dentist shall collaborate with other health care providers and  
255 refer or transfer patients as appropriate.

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

259 (d) Advanced practice registered nurses practicing as  
260 certified registered nurse anesthetists must practice according to  
261 board-approved practice guidelines that address pre-anesthesia  
262 preparation and evaluation; anesthesia induction, maintenance, and  
263 emergence; post-anesthesia care; peri-anesthetic and clinical  
264 support functions.

265 (e) Except as otherwise authorized in subsection (3) of  
266 this section, advanced practice registered nurses practicing in  
267 other specialty areas must practice according to a board-approved  
268 protocol that has been mutually agreed upon by the nurse  
269 practitioner and a Mississippi licensed physician or dentist whose  
270 practice or prescriptive authority is not limited as a result of  
271 voluntary surrender or legal/regulatory order.

272 (f) Each required collaborative/consultative  
273 relationship shall include and implement a formal quality



274 assurance/quality improvement program which shall be maintained on  
275 site and shall be available for inspection by representatives of  
276 the board. This quality assurance/quality improvement program  
277 must be sufficient to provide a valid evaluation of the practice  
278 and be a valid basis for change, if any.

279 (g) \* \* \* Advanced practice registered nurses may not  
280 write prescriptions for, dispense or order the use of or  
281 administration of any schedule of controlled substances except as  
282 contained in this chapter.

283 (8) **Prescribing controlled substances and medications. \* \* \***  
284 Advanced practice registered nurses may apply for controlled  
285 substance prescriptive authority after completing a board-approved  
286 educational program. \* \* \* Advanced practice registered nurses  
287 who have completed the program and received prescription authority  
288 from the board may prescribe Schedules II-V. The words  
289 "administer," "controlled substances" and "ultimate user," shall  
290 have the same meaning as set forth in Section 41-29-105, unless  
291 the context otherwise requires. The board shall promulgate rules  
292 governing prescribing of controlled substances, including  
293 distribution, record keeping, drug maintenance, labeling and  
294 distribution requirements and prescription guidelines for  
295 controlled substances and all medications. Prescribing any  
296 controlled substance in violation of the rules promulgated by the  
297 board shall constitute a violation of Section 73-15-29(1)(f), (k)  
298 and (l) and shall be grounds for disciplinary action. The



299 prescribing, administering or distributing of any legend drug or  
300 other medication in violation of the rules promulgated by the  
301 board shall constitute a violation of Section 73-15-29(1)(f), (k)  
302 and (l) and shall be grounds for disciplinary action.

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

305         73-15-29. (1) The board shall have power to revoke, suspend  
306 or refuse to renew any license issued by the board, or to revoke  
307 or suspend any privilege to practice, or to deny an application  
308 for a license, or to fine, place on probation and/or discipline a  
309 licensee, in any manner specified in this article, upon proof that  
310 such person:

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

313             (b) Has been convicted of a felony, or a crime  
314 involving moral turpitude or has had accepted by a court a plea of  
315 nolo contendere to a felony or a crime involving moral turpitude  
316 (a certified copy of the judgment of the court of competent  
317 jurisdiction of such conviction or pleas shall be prima facie  
318 evidence of such conviction);

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

322             (d) Has had a license or privilege to practice as a  
323 registered nurse, an advanced practice registered nurse or a



324 licensed practical nurse suspended or revoked in any jurisdiction,  
325 has voluntarily surrendered such license or privilege to practice  
326 in any jurisdiction, has been placed on probation as a registered  
327 nurse, an advanced practice registered nurse or licensed practical  
328 nurse in any jurisdiction or has been placed under a disciplinary  
329 order(s) in any manner as a registered nurse, an advanced practice  
330 registered nurse or licensed practical nurse in any jurisdiction,  
331 (a certified copy of the order of suspension, revocation,  
332 probation or disciplinary action shall be prima facie evidence of  
333 such action);

334 (e) Has negligently or willfully practiced nursing in a  
335 manner that fails to meet generally accepted standards of such  
336 nursing practice;

337 (f) Has negligently or willfully violated any order,  
338 rule or regulation of the board pertaining to nursing practice or  
339 licensure;

340 (g) Has falsified or in a repeatedly negligent manner  
341 made incorrect entries or failed to make essential entries on  
342 records;

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



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

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

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

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

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

361 (n) Violation(s) of the provisions of Sections 41-121-1  
362 through 41-121-9 relating to deceptive advertisement by health  
363 care practitioners. This paragraph shall stand repealed on July  
364 1, 2025.

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

369 (a) Denying application for a license or other  
370 authorization to practice nursing or practical nursing;

371 (b) Administering a reprimand;



372 (c) Suspending or restricting the license or other  
373 authorization to practice as a registered nurse, an advanced  
374 practice registered nurse or licensed practical nurse for up to  
375 two (2) years without review;

376 (d) Revoking the license or other authorization to  
377 practice nursing, an advanced practice registered nurse or  
378 practical nursing;

379 (e) Requiring the discipline to submit to care,  
380 counseling or treatment by persons and/or agencies approved or  
381 designated by the board as a condition for initial, continued or  
382 renewed licensure or other authorization to practice nursing, an  
383 advanced practice registered nurse or practical nursing;

384 (f) Requiring the discipline to participate in a  
385 program of education prescribed by the board as a condition for  
386 initial, continued or renewed licensure or other authorization to  
387 practice;

388 (g) Requiring the discipline to practice under the  
389 supervision of a registered nurse or an advanced practice  
390 registered nurse for a specified period of time; or

391 (h) Imposing a fine not to exceed Five Hundred Dollars  
392 (\$500.00).

393 (3) In addition to the grounds specified in subsection (1)  
394 of this section, the board shall be authorized to suspend the  
395 license or privilege to practice of any licensee for being out of  
396 compliance with an order for support, as defined in Section





397 93-11-153. The procedure for suspension of a license or privilege  
398 to practice for being out of compliance with an order for support,  
399 and the procedure for the reissuance or reinstatement of a license  
400 or privilege to practice suspended for that purpose, and the  
401 payment of any fees for the reissuance or reinstatement of a  
402 license or privilege to practice suspended for that purpose, shall  
403 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
404 If there is any conflict between any provision of Section  
405 93-11-157 or 93-11-163 and any provision of this article, the  
406 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
407 shall control.

408 (4) If the public health, safety or welfare imperatively  
409 requires emergency action and the board incorporates a finding to  
410 that effect in an order, the board may order summary suspension of  
411 a license pending proceedings for revocation or other action.  
412 These proceedings shall be promptly instituted and determined by  
413 the board.

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

418 (a) Participation in the program is voluntary with the  
419 licensee, and the licensee must enter the program before the board  
420 holds a disciplinary action hearing regarding the licensee;



421           (b) The full cost of participation in the program,  
422 including the cost of any care, counseling, treatment and/or  
423 education received by the licensee, shall be borne by the  
424 licensee;

425           (c) All of the procedures and records regarding the  
426 licensee's participation in the program shall be confidential,  
427 shall not be disclosed and shall be exempt from the provisions of  
428 the Mississippi Public Records Act of 1983; and

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

432           **SECTION 5.** This act shall take effect and be in force from  
433 and after July 1, 2022.

