

By: Senator(s) England

To: Public Health and Welfare

SENATE BILL NO. 2711

1 AN ACT TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE DEFINITION OF ADVANCED PRACTICE REGISTERED NURSE TO
 3 INCLUDE ACUTE CARE NURSE PRACTITIONERS; TO AMEND SECTION 73-15-20,
 4 MISSISSIPPI CODE OF 1972, TO INCLUDE ACUTE CARE NURSE
 5 PRACTITIONERS AS ADVANCED PRACTICE REGISTERED NURSES; TO PROVIDE
 6 THAT ACUTE CARE NURSE PRACTITIONERS MAY PERFORM AESTHETIC
 7 SERVICES, INCLUDING, BUT NOT LIMITED TO, DERMAL FILLERS AND
 8 TOXINS, BUT MUST PRACTICE ACCORDING TO PROTOCOLS APPROVED BY THE
 9 BOARD OF NURSING AND THAT HAS BEEN AGREED UPON BY THE NURSE
 10 PRACTITIONER AND A LICENSED PHYSICIAN; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 73-15-5, Mississippi Code of 1972, is
 13 amended as follows:

14 73-15-5. (1) "Board" means the Mississippi Board of
 15 Nursing.

16 (2) The "practice of nursing" by a registered nurse means
 17 the performance for compensation of services which requires
 18 substantial knowledge of the biological, physical, behavioral,
 19 psychological and sociological sciences and of nursing theory as
 20 the basis for assessment, diagnosis, planning, intervention and
 21 evaluation in the promotion and maintenance of health; management
 22 of individuals' responses to illness, injury or infirmity; the



23 restoration of optimum function; or the achievement of a dignified
24 death. "Nursing practice" includes, but is not limited to,
25 administration, teaching, counseling, delegation and supervision
26 of nursing, and execution of the medical regimen, including the
27 administration of medications and treatments prescribed by any
28 licensed or legally authorized physician or dentist. The
29 foregoing shall not be deemed to include acts of medical diagnosis
30 or prescriptions of medical, therapeutic or corrective measures,
31 except as may be set forth by rules and regulations promulgated
32 and implemented by the Mississippi Board of Nursing.

33 (3) "Clinical nurse specialist practice" by a certified
34 clinical nurse specialist means the delivery of advanced practice
35 nursing care to individuals or groups using advanced diagnostic
36 and assessment skills to manage and improve the health status of
37 individuals and families; diagnose human responses to actual or
38 potential health problems; plan for health promotion, disease
39 prevention and therapeutic intervention in collaboration with the
40 patient or client; implement therapeutic interventions based on
41 the nurse specialist's area of expertise and within the scope of
42 advanced nursing practice, including, but not limited to, direct
43 patient care, counseling, teaching, collaboration with other
44 licensed health care providers; and, coordination of health care
45 as necessary and appropriate and evaluation of the effectiveness
46 of care.



47 (4) "Advanced nursing practice" means, in addition to the
48 practice of professional nursing, the performance of
49 advanced-level nursing approved by the board which, by virtue of
50 graduate education and experience are appropriately performed by
51 an advanced practice registered nurse. The advanced practice
52 registered nurse may diagnose, treat and manage medical
53 conditions. This may include prescriptive authority as identified
54 by the board. Advanced practice registered nurses must practice
55 in a collaborative/consultative relationship with a physician or
56 dentist with an unrestricted license to practice in the State of
57 Mississippi and advanced nursing must be performed within the
58 framework of a standing protocol or practice guidelines, as
59 appropriate.

60 (5) The "practice of nursing" by a licensed practical nurse
61 means the performance for compensation of services requiring basic
62 knowledge of the biological, physical, behavioral, psychological
63 and sociological sciences and of nursing procedures which do not
64 require the substantial skill, judgment and knowledge required of
65 a registered nurse. These services are performed under the
66 direction of a registered nurse or a licensed physician or
67 licensed dentist and utilize standardized procedures in the
68 observation and care of the ill, injured and infirm; in the
69 maintenance of health; in action to safeguard life and health; and
70 in the administration of medications and treatments prescribed by
71 any licensed physician or licensed dentist authorized by state law



72 to prescribe. On a selected basis, and within safe limits, the
73 role of the licensed practical nurse shall be expanded by the
74 board under its rule-making authority to more complex procedures
75 and settings commensurate with additional preparation and
76 experience.

77 (6) A "license" means an authorization to practice nursing
78 as a registered nurse or a licensed practical nurse designated
79 herein.

80 (7) A "registered nurse" is a person who is licensed or
81 holds the privilege to practice under the provisions of this
82 article and who practices nursing as defined herein. "RN" is the
83 abbreviation for the title of Registered Nurse.

84 (8) A "licensed practical nurse" is a person who is licensed
85 or holds the privilege to practice under this article and who
86 practices practical nursing as defined herein. "LPN" is the
87 abbreviation for the title of Licensed Practical Nurse.

88 (9) A "registered nurse in clinical practice" is one who
89 functions in any health care delivery system which provides
90 nursing services.

91 (10) A "clinical nurse specialist" is a person who is
92 licensed or holds the privilege to practice under this article in
93 this state to practice professional nursing and who in this state
94 practices advanced nursing as defined herein. "CNS" is the
95 abbreviation for the title of Clinical Nurse Specialist.



96 (11) An "advanced practice registered nurse" is a person who
97 is licensed or holds the privilege to practice under this article
98 and who is certified in advanced practice registered nurse or
99 specialized nursing practice and includes certified registered
100 nurse midwives, acute care nurse practitioners, certified
101 registered nurse anesthetists and certified nurse practitioners.
102 "CNM" is the abbreviation for the title of Certified Nurse
103 Midwife, "CRNA" is the abbreviation for the title of Certified
104 Registered Nurse Anesthetist. "CNP" is the abbreviation for the
105 title of Certified Nurse Practitioner. "ACNP" is the abbreviation
106 for the title of Acute Care Nurse Practitioner.

107 (12) A "nurse educator" is a registered nurse who meets the
108 criteria for faculty as set forth in a state-accredited program of
109 nursing for registered nurses, or a state-approved program of
110 nursing for licensed practical nurses, and who functions as a
111 faculty member.

112 (13) A "consumer representative" is a person representing
113 the interests of the general public, who may use services of a
114 health agency or health professional organization or its members
115 but who is neither a provider of health services, nor employed in
116 the health services field, nor holds a vested interest in the
117 provision of health services at any level, nor has an immediate
118 family member who holds vested interests in the provision of
119 health services at any level.



120 (14) "Privilege to practice" means the multistate licensure
121 privilege to practice nursing in the state as described in the
122 Nurse Licensure Compact provided for in Section 73-15-201.

123 (15) "Licensee" is a person who has been issued a license to
124 practice nursing in the state or who holds the privilege to
125 practice nursing in the state.

126 **SECTION 2.** Section 73-15-20, Mississippi Code of 1972, is
127 amended as follows:

128 73-15-20. (1) **Advanced practice registered nurses.** Any
129 nurse desiring to be certified as an advanced practice registered
130 nurse shall apply to the board and submit proof that he or she
131 holds a current license to practice professional nursing and that
132 he or she meets one or more of the following requirements:

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

137 (b) Certification by a board-approved certifying body.
138 Such certification shall be required for initial state
139 certification and any recertification as a registered nurse
140 anesthetist, nurse practitioner, acute care nurse practitioner or
141 nurse midwife. The board may by rule provide for provisional or
142 temporary state certification of graduate nurse practitioners for
143 a period of time determined to be appropriate for preparing and
144 passing the National Certification Examination. Those with



145 provisional or temporary certifications must practice under the
146 direct supervision of a licensed physician or a certified nurse
147 practitioner or certified nurse midwife with at least five (5)
148 years of experience.

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

152 (2) **Rulemaking.** The board shall provide by rule the
153 appropriate requirements for advanced practice registered nurses
154 in the categories of certified registered nurse anesthetist,
155 certified nurse midwife and advanced practice registered nurse.

156 (3) **Collaboration.** An advanced practice registered nurse
157 shall perform those functions authorized in this section within a
158 collaborative/consultative relationship with a dentist or
159 physician with an unrestricted license to practice dentistry or
160 medicine in this state and within an established protocol or
161 practice guidelines, as appropriate, that is filed with the board
162 upon license application, license renewal, after entering into a
163 new collaborative/consultative relationship or making changes to
164 the protocol or practice guidelines or practice site. The board
165 shall review and approve the protocol to ensure compliance with
166 applicable regulatory standards. The advanced practice registered
167 nurse may not practice as an APRN if there is no
168 collaborative/consultative relationship with a physician or
169 dentist and a board-approved protocol or practice guidelines.



170 (4) **Renewal.** The board shall renew a license for an
171 advanced practice registered nurse upon receipt of the renewal
172 application, fees and protocol or practice guidelines. The board
173 shall adopt rules establishing procedures for license renewals.
174 The board shall by rule prescribe continuing education
175 requirements for advanced practice nurses not to exceed forty (40)
176 hours biennially as a condition for renewal of a license or
177 certificate.

178 (5) **Reinstatement.** Advanced practice registered nurses may
179 reinstate a lapsed privilege to practice upon submitting
180 documentation of a current active license to practice professional
181 nursing, a reinstatement application and fee, a protocol or
182 practice guidelines, documentation of current certification as an
183 advanced practice nurse in a designated area of practice by a
184 national certification organization recognized by the board and
185 documentation of at least forty (40) hours of continuing education
186 related to the advanced clinical practice of the nurse
187 practitioner within the previous two-year period. The board shall
188 adopt rules establishing the procedure for reinstatement.

189 (6) **Changes in status.** The advanced practice registered
190 nurse shall notify the board immediately regarding changes in the
191 collaborative/consultative relationship with a licensed physician
192 or dentist. If changes leave the advanced practice registered
193 nurse without a board-approved collaborative/consultative



194 relationship with a physician or dentist, the advanced practice
195 nurse may not practice as an advanced practice registered nurse.

196 (7) **Practice requirements.** The advanced practice registered
197 nurse shall practice:

198 (a) According to standards and guidelines of the
199 National Certification Organization.

200 (b) In a collaborative/consultative relationship with a
201 licensed physician whose practice is compatible with that of the
202 nurse practitioner. Certified registered nurse anesthetists may
203 collaborate/consult with licensed dentists. The advanced practice
204 nurse must be able to communicate reliably with a
205 collaborating/consulting physician or dentist while practicing.

206 (c) According to a board-approved protocol or practice
207 guidelines.

208 (d) Advanced practice registered nurses practicing as
209 nurse anesthetists must practice according to board-approved
210 practice guidelines that address pre-anesthesia preparation and
211 evaluation; anesthesia induction, maintenance, and emergence;
212 post-anesthesia care; peri-anesthetic and clinical support
213 functions.

214 (e) Advanced practice registered nurses practicing in
215 other specialty areas must practice according to a board-approved
216 protocol that has been mutually agreed upon by the nurse
217 practitioner and a Mississippi licensed physician or dentist whose



218 practice or prescriptive authority is not limited as a result of
219 voluntary surrender or legal/regulatory order.

220 (f) Each collaborative/consultative relationship shall
221 include and implement a formal quality assurance/quality
222 improvement program which shall be maintained on site and shall be
223 available for inspection by representatives of the board. This
224 quality assurance/quality improvement program must be sufficient
225 to provide a valid evaluation of the practice and be a valid basis
226 for change, if any.

227 (g) Nurse practitioners may not write prescriptions
228 for, dispense or order the use of or administration of any
229 schedule of controlled substances except as contained in this
230 chapter.

231 (h) Acute care nurse practitioners may perform
232 aesthetic services, including, but not limited to, dermal fillers
233 and toxins, laser procedures, chemical peels, microdermabrasion,
234 and sclerotherapy but must practice according to a board-approved
235 protocol that has been mutually agreed upon by the nurse
236 practitioner and a Mississippi licensed physician.

237 (8) **Prescribing controlled substances and medications.**
238 Certified nurse midwives and certified nurse practitioners may
239 apply for controlled substance prescriptive authority after
240 completing a board-approved educational program. Certified nurse
241 midwives and certified nurse practitioners who have completed the
242 program and received prescription authority from the board may



243 prescribe Schedules II-V. The words "administer," "controlled
244 substances" and "ultimate user," shall have the same meaning as
245 set forth in Section 41-29-105, unless the context otherwise
246 requires. The board shall promulgate rules governing prescribing
247 of controlled substances, including distribution, record keeping,
248 drug maintenance, labeling and distribution requirements and
249 prescription guidelines for controlled substances and all
250 medications. Prescribing any controlled substance in violation of
251 the rules promulgated by the board shall constitute a violation of
252 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
253 disciplinary action. The prescribing, administering or
254 distributing of any legend drug or other medication in violation
255 of the rules promulgated by the board shall constitute a violation
256 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
257 disciplinary action.

258 **SECTION 3.** This act shall take effect and be in force from
259 and after July 1, 2022.

