Adopted COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 1303

BY: Committee

AMEND title on lines 6 and 13 by deleting the following:
"73-15-29, 73-3-339, 73-15-19 and 73-15-21".

AMEND title further on line 28 after the semicolon by inserting the following: "TO BRING FORWARD SECTIONS 73-15-29, 73-5 3-339, 73-15-19 AND 73-15-21, FOR PURPOSES OF AMENDMENT;".

AMEND further on line 50 by inserting "<u>(1)</u>" behind the "73-7 77-5".

8 AMEND further on line 56 by inserting the following: "The 9 provisions of this act shall not apply to the admission or 10 reinstatement of any person to The Mississippi Bar as an attorney 11 in good standing authorized to practice law.

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12 (2) The provisions of this act shall not apply to the

13 provisions of the Nurse Licensure Compact in Section 73-15-201."

AMEND further by inserting the following after line 84: "Nothing in this section shall preclude any board, commission or other licensing entity from granting licenses to individuals convicted of disqualifying convictions, after considering the factors listed under this subsection (2)."

AMEND further on line 91 by inserting the following: (* * *<u>5</u>) The provisions of this act shall not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

23 (6) <u>The provisions of this act shall not apply to the</u>
24 provisions of the Nurse Licensure Compact in Section 73-15-201."

AMEND further on line 129 and 130 by deleting all underlined language and inserting in lieu thereof, the following: "This section shall not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

30 (7) The provisions of this act shall not apply to the
 31 provisions of the Nurse Licensure Compact in Section 73-15-201."

32 AMEND FURTHER on line 504 by deleting Section 10 in its 33 entirety and inserting in lieu thereof:

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34 "SECTION 10. Section 73-3-339, Mississippi Code of 1972, is 35 brought forward as follows:

36 73-3-339. Whenever any attorney subject to the disciplinary jurisdiction of the court shall be convicted in any state court or 37 38 in any federal court, or enter a plea of guilty or a plea of nolo 39 contendere therein, of any felony other than manslaughter or any 40 violation of the United States Internal Revenue Code, or of any offense involving fraud, dishonesty, misrepresentation, deceit, 41 42 failure to account for money or property of a client, or of any offense involving moral turpitude, a certified copy of the 43 44 judgment of conviction shall be presented to the court by the 45 Board of Commissioners. Upon the presentation of such certified 46 copy of judgment, the court shall forthwith strike the name of the 47 attorney so convicted or who entered such a plea from the rolls of 48 The Mississippi Bar and order his immediate suspension from 49 practice, pending an appeal and final disposition of disciplinary 50 proceedings. Such attorney will be reinstated immediately upon the reversal of his conviction for the offense that has resulted 51 52 in his automatic suspension, but such reinstatement shall not 53 terminate any disciplinary proceeding then pending against the 54 attorney.

A certified copy of the final judgment of conviction of an attorney for any offense hereinabove specified shall be conclusive evidence of his guilt of that offense in any disciplinary proceeding instituted against him and based on said conviction.

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59 Upon the conviction of an attorney, or the entry by him of a 60 plea of nolo contendere, for the above offenses, excluding manslaughter or any violation of the United States Internal 61 62 Revenue Code, the Board of Commissioners shall immediately direct 63 complaint counsel to institute a disciplinary proceeding in which 64 the sole issue to be determined will be the extent of the final discipline to be imposed; provided, however, a disciplinary 65 66 proceeding so instituted shall not be brought to hearing until all 67 appeals from such conviction have been concluded.

The judge of any court within this state in which an attorney has been convicted for any of the above enumerated offenses shall cause to be transmitted to the court and to the Board of Commissioners a certified copy of the judgment of conviction."

AMEND further on line 1068, 5251 and 5402 by deleting Sections 73-15-29, 73-15-19 and 73-15-21 and inserting lieu thereof the following:

75 "SECTION 14. Section 73-15-29, Mississippi Code of 1972, is
76 brought forward as follows:

77 73-15-29. (1) The board shall have power to revoke, suspend 78 or refuse to renew any license issued by the board, or to revoke 79 or suspend any privilege to practice, or to deny an application 80 for a license, or to fine, place on probation and/or discipline a 81 licensee, in any manner specified in this article, upon proof that 82 such person:

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83 (a) Has committed fraud or deceit in securing or84 attempting to secure such license;

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

91 (c) Has negligently or willfully acted in a manner 92 inconsistent with the health or safety of the persons under the 93 licensee's care;

94 Has had a license or privilege to practice as a (d) 95 registered nurse or a licensed practical nurse suspended or 96 revoked in any jurisdiction, has voluntarily surrendered such license or privilege to practice in any jurisdiction, has been 97 98 placed on probation as a registered nurse or licensed practical 99 nurse in any jurisdiction or has been placed under a disciplinary 100 order(s) in any manner as a registered nurse or licensed practical 101 nurse in any jurisdiction, (a certified copy of the order of 102 suspension, revocation, probation or disciplinary action shall be 103 prima facie evidence of such action);

104 (e) Has negligently or willfully practiced nursing in a 105 manner that fails to meet generally accepted standards of such 106 nursing practice;

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107 (f) Has negligently or willfully violated any order, 108 rule or regulation of the board pertaining to nursing practice or 109 licensure;

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

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

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

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

126 (k) Engages in conduct likely to deceive, defraud or 127 harm the public;

128 (1) Engages in any unprofessional conduct as identified129 by the board in its rules;

130 (m) Has violated any provision of this article;

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

135 (o) Violation(s) of any provision of Title 41, Chapter136 141, Mississippi Code of 1972.

137 (2) When the board finds any person unqualified because of 138 any of the grounds set forth in subsection (1) of this section, it 139 may enter an order imposing one or more of the following 140 penalties:

141 (a) Denying application for a license or other142 authorization to practice nursing or practical nursing;

143 (b) Administering a reprimand;

144 (c) Suspending or restricting the license or other 145 authorization to practice as a registered nurse or licensed 146 practical nurse for up to two (2) years without review;

147 (d) Revoking the license or other authorization to148 practice nursing or practical nursing;

(e) Requiring the disciplinee to submit to care, counseling or treatment by persons and/or agencies approved or designated by the board as a condition for initial, continued or renewed licensure or other authorization to practice nursing or practical nursing;

154 (f) Requiring the disciplinee to participate in a 155 program of education prescribed by the board as a condition for

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156 initial, continued or renewed licensure or other authorization to 157 practice;

(g) Requiring the disciplinee to practice under the supervision of a registered nurse for a specified period of time; or

161 (h) Imposing a fine not to exceed Five Hundred Dollars162 (\$500.00).

163 In addition to the grounds specified in subsection (1) (3) 164 of this section, the board shall be authorized to suspend the 165 license or privilege to practice of any licensee for being out of 166 compliance with an order for support, as defined in Section 167 93-11-153. The procedure for suspension of a license or privilege 168 to practice for being out of compliance with an order for support, 169 and the procedure for the reissuance or reinstatement of a license 170 or privilege to practice suspended for that purpose, and the 171 payment of any fees for the reissuance or reinstatement of a 172 license or privilege to practice suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. 173 174 If there is any conflict between any provision of Section 175 93-11-157 or 93-11-163 and any provision of this article, the 176 provisions of Section 93-11-157 or 93-11-163, as the case may be, 177 shall control.

178 (4) If the public health, safety or welfare imperatively
179 requires emergency action and the board incorporates a finding to
180 that effect in an order, the board may order summary suspension of

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181 a license pending proceedings for revocation or other action.
182 These proceedings shall be promptly instituted and determined by
183 the board.

184 (5) The board may establish by rule an alternative to 185 discipline program for licensees who have an impairment as a 186 result of substance abuse or a mental health condition, which 187 program shall include at least the following components:

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

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

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

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

202 (6) A nurse practitioner who provides a written
 203 certification as authorized under the Mississippi Medical Cannabis
 204 Act and in compliance with rules and regulations adopted

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205 thereunder shall not be subject to any disciplinary action under 206 this section solely due to providing the written certification. 207 SECTION 57. Section 73-15-19, Mississippi Code of 1972, is

208 brought forward as follows:

209 73-15-19. (1) Registered nurse applicant qualifications.
210 Any applicant for a license to practice as a registered nurse
211 shall submit to the board:

(a) An attested written application on a Board ofNursing form;

(b) Written official evidence of completion of a nursing program approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;

(c) Evidence of competence in English related tonursing, provided the first language is not English;

222 Any other official records required by the board. (d) 223 In addition to the requirements specified in paragraphs (a) 224 through (d) of this subsection, in order to qualify for a license 225 to practice as a registered nurse, an applicant must have 226 successfully been cleared for licensure through an investigation 227 that shall consist of a determination as to good moral character 228 and verification that the prospective licensee is not guilty of or 229 in violation of any statutory ground for denial of licensure as

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230 set forth in Section 73-15-29 or quilty of any offense specified 231 in Section 73-15-33. To assist the board in conducting its 232 licensure investigation, all applicants shall undergo a 233 fingerprint-based criminal history records check of the 234 Mississippi central criminal database and the Federal Bureau of 235 Investigation criminal history database. Each applicant shall 236 submit a full set of his or her fingerprints in a form and manner 237 prescribed by the board, which shall be forwarded to the 238 Mississippi Department of Public Safety (department) and the 239 Federal Bureau of Investigation Identification Division for this 240 purpose.

241 Any and all state or national criminal history records 242 information obtained by the board that is not already a matter of 243 public record shall be deemed nonpublic and confidential 244 information restricted to the exclusive use of the board, its 245 members, officers, investigators, agents and attorneys in 246 evaluating the applicant's eligibility or disgualification for 247 licensure, and shall be exempt from the Mississippi Public Records 248 Act of 1983. Except when introduced into evidence in a hearing 249 before the board to determine licensure, no such information or 250 records related thereto shall, except with the written consent of 251 the applicant or by order of a court of competent jurisdiction, be 252 released or otherwise disclosed by the board to any other person 253 or agency.

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The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, as now or hereafter amended, or any provision of this article.

269 (2)Licensure by examination. (a) Upon the board being 270 satisfied that an applicant for a license as a registered nurse 271 has met the qualifications set forth in subsection (1) of this 272 section, the board shall proceed to examine such applicant in such 273 subjects as the board shall, in its discretion, determine. The 274 subjects in which applicants shall be examined shall be in 275 conformity with curricula in schools of nursing approved by the 276 Board of Trustees of State Institutions of Higher Learning, or one 277 approved by a legal accrediting agency of another state, territory

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278 or possession of the United States, the District of Columbia, or a 279 foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the writtenexamination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state
board test pool examination for registered nurse licensure, its
successor examination, or any other nationally standardized
examination identified by the board in its rules. The passing
score shall be established by the board in its rules.

290 (3) Licensure by endorsement. The board may issue a license 291 to practice nursing as a registered nurse without examination to 292 an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the 293 294 United States, the District of Columbia, or a foreign country if, 295 in the opinion of the board, the applicant meets the 296 qualifications required of licensed registered nurses in this 297 state and has previously achieved the passing score or scores on 298 the licensing examination required by this state, at the time of 299 his or her graduation. The issuance of a license by endorsement 300 to a military-trained applicant, military spouse or person who 301 establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable. 302

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303 (4) Requirements for rewriting the examination. The board 304 shall establish in its rules the requirements for rewriting the 305 examination for those persons failing the examination on the first 306 writing or subsequent rewriting.

307 (5) Fee. The applicant applying for a license by
308 examination or by endorsement to practice as a registered nurse
309 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
310 board.

311 **Temporary permit.** (a) The board may issue a temporary (6) 312 permit to practice nursing to a graduate of an approved school of 313 nursing pending the results of the examination in Mississippi, and 314 to a qualified applicant from another state, territory or 315 possession of the United States, or District of Columbia, or 316 pending licensure procedures as provided for elsewhere in this 317 The fee shall not exceed Twenty-five Dollars (\$25.00). article.

318 (b) The board may issue a temporary permit for a period 319 of ninety (90) days to a registered nurse who is currently 320 licensed in another state, territory or possession of the United 321 States or the District of Columbia and who is an applicant for 322 licensure by endorsement. Such permit is not renewable except by 323 board action. The issuance of a temporary permit to a 324 military-trained applicant, military spouse or person who 325 establishes residence in this state shall be subject to the 326 provisions of Section 73-50-1 or 73-50-2, as applicable.

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327 (c) The board may issue a temporary permit to a 328 graduate of an approved school of nursing pending the results of 329 the first licensing examination scheduled after application. Such 330 permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any registered nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(7) **Temporary license.** The board may issue a temporary license to practice nursing at a youth camp licensed by the State Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of Section 75-74-8.

(8) Title and abbreviation. Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.

350 (9) Registered nurses licensed under a previous law. Any
 351 person holding a license to practice nursing as a registered nurse

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352 issued by this board which is valid on July 1, 1981, shall 353 thereafter be deemed to be licensed as a registered nurse under 354 the provisions of this article upon payment of the fee provided in 355 Section 73-15-27.

356 (10) Each application or filing made under this section 357 shall include the social security number(s) of the applicant in 358 accordance with Section 93-11-64.

359 **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is 360 brought forward as follows:

361 73-15-21. (1) Licensed practical nurse applicant
 362 qualifications. Any applicant for a license to practice practical
 363 nursing as a licensed practical nurse shall submit to the board:
 364 (a) An attested written application on a Board of

365 Nursing form;

366 (b) A diploma from an approved high school or the
367 equivalent thereof, as determined by the appropriate educational
368 agency;

369 (c) Written official evidence of completion of a 370 practical nursing program approved by the State Department of 371 Education through its Division of Vocational Education, or one 372 approved by a legal accrediting agency of another state, territory 373 or possession of the United States, the District of Columbia, or a 374 foreign country which is satisfactory to this board;

375 (d) Evidence of competence in English related to376 nursing, provided the first language is not English;

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377 (e) Any other official records required by the board. 378 In addition to the requirements specified in paragraphs (a) through (e) of this subsection, in order to qualify for a license 379 380 to practice practical nursing as a licensed practical nurse, an 381 applicant must have successfully been cleared for licensure 382 through an investigation that shall consist of a determination as 383 to good moral character and verification that the prospective 384 licensee is not guilty of or in violation of any statutory ground 385 for denial of licensure as set forth in Section 73-15-29 or quilty 386 of any offense specified in Section 73-15-33. To assist the board 387 in conducting its licensure investigation, all applicants shall 388 undergo a fingerprint-based criminal history records check of the 389 Mississippi central criminal database and the Federal Bureau of 390 Investigation criminal history database. Each applicant shall 391 submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the 392 393 Mississippi Department of Public Safety (department) and the 394 Federal Bureau of Investigation Identification Division for this 395 purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for

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402 licensure, and shall be exempt from the Mississippi Public Records 403 Act of 1983. Except when introduced into evidence in a hearing 404 before the board to determine licensure, no such information or 405 records related thereto shall, except with the written consent of 406 the applicant or by order of a court of competent jurisdiction, be 407 released or otherwise disclosed by the board to any other person 408 or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, as now or hereafter amended, or any provision of this article.

424 (2) Licensure by examination. (a) Upon the board being
425 satisfied that an applicant for a license as a practical nurse has
426 met the qualifications set forth in subsection (1) of this

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427 section, the board shall proceed to examine such applicant in such 428 subjects as the board shall, in its discretion, determine. The 429 subjects in which applicants shall be examined shall be in 430 conformity with curricula in schools of practical nursing approved 431 by the State Department of Education.

432 (b) The applicant shall be required to pass the written433 examination selected by the board.

434 (c) Upon successful completion of such examination, the
435 board shall issue to the applicant a license to practice as a
436 licensed practical nurse.

(d) The board may use any part or all of the state
board test pool examination for practical nurse licensure, its
successor examination, or any other nationally standardized
examination identified by the board in its rules. The passing
score shall be established by the board in its rules.

442 (3) Licensure by endorsement. The board may issue a license 443 to practice practical nursing as a licensed practical nurse 444 without examination to an applicant who has been duly licensed as 445 a licensed practical nurse under the laws of another state, 446 territory or possession of the United States, the District of 447 Columbia, or a foreign country if, in the opinion of the board, 448 the applicant meets the qualifications required of licensed 449 practical nurses in this state and has previously achieved the 450 passing score or scores on the licensing examination required by 451 this state at the time of his or her graduation. The issuance of

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452 a license by endorsement to a military-trained applicant, military 453 spouse or person who establishes residence in this state shall be 454 subject to the provisions of Section 73-50-1 or 73-50-2, as 455 applicable.

456 Licensure by equivalent amount of theory and clinical (4)457 experience. In the discretion of the board, former students of a 458 state-accredited school preparing students to become registered 459 nurses may be granted permission to take the examination for 460 licensure to practice as a licensed practical nurse, provided the applicant's record or transcript indicates the former student 461 462 completed an equivalent amount of theory and clinical experiences 463 as required of a graduate of a practical nursing program, and 464 provided the school attended was, at the time of the student's 465 attendance, an accredited school of nursing.

466 (5) Requirements for rewriting the examination. The board
467 shall establish in its rules the requirements for rewriting the
468 examination for those persons failing the examination on the first
469 writing or subsequent writing.

(6) Fee. The applicant applying for a license by
examination or by endorsement to practice as a licensed practical
nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
board.

474 (7) Temporary permit. (a) The board may issue a temporary
475 permit to practice practical nursing to a graduate of an approved
476 school of practical nursing pending the results of the examination

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477 in Mississippi, and to a qualified applicant from another state, 478 territory or possession of the United States, or the District of 479 Columbia, pending licensing procedures as provided for elsewhere 480 in this article. The fee shall not exceed Twenty-five Dollars 481 (\$25.00).

(b) 482 The board may issue a temporary permit for a period 483 of ninety (90) days to a licensed practical nurse who is currently 484 licensed in another state, territory or possession of the United 485 States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by 486 487 board action. The issuance of a temporary permit to a 488 military-trained applicant, military spouse or person who 489 establishes residence in this state shall be subject to the 490 provisions of Section 73-50-1 or 73-50-2, as applicable.

(c) The board may issue a temporary permit to a graduate of an approved practical nursing education program or an equivalent program satisfactory to the board pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any licensed practical nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).

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501 (e) The board may adopt such regulations as are 502 necessary to limit the practice of persons to whom temporary 503 permits are issued.

(8) **Title and abbreviation**. Any person who holds a license or holds the privilege to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that a person using the same is a licensed practical nurse.

(9) Licensed practical nurses licensed under a previous law. Any person holding a license to practice nursing as a practical nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a practical nurse under the provisions of this article upon payment of the fee prescribed in Section 73-15-27.

(10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64."

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