

By: Representatives Stevens, Montgomery
(74th), Moody

To: Public Health and
Welfare

HOUSE BILL NO. 665

1 AN ACT TO AMEND SECTIONS 73-15-5 AND 83-41-213, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT RULES AND REGULATIONS REGARDING THE
3 PRACTICE OF NURSE PRACTITIONERS SHALL BE PROMULGATED ONLY BY THE
4 MISSISSIPPI BOARD OF NURSING INSTEAD OF BEING PROMULGATED JOINTLY
5 WITH THE STATE BOARD OF MEDICAL LICENSURE; AND FOR RELATED
6 PURPOSES.

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

8 SECTION 1. Section 73-15-5, Mississippi Code of 1972, is
9 amended as follows:

10 73-15-5. (1) "Board" means the Mississippi Board of
11 Nursing.

12 (2) The "practice of nursing" by a registered nurse means
13 the performance for compensation of services which require
14 substantial knowledge of the biological, physical, behavioral,
15 psychological and sociological sciences and of nursing theory as
16 the basis for assessment, diagnosis, planning, intervention and
17 evaluation in the promotion and maintenance of health; management
18 of individuals' responses to illness, injury or infirmity; the
19 restoration of optimum function; or the achievement of a dignified
20 death. "Nursing practice" includes, but is not limited to,
21 administration, teaching, counseling, delegation and supervision
22 of nursing, and execution of the medical regimen, including the
23 administration of medications and treatments prescribed by any
24 licensed or legally authorized physician or dentist. The
25 foregoing shall not be deemed to include acts of medical diagnosis
26 or prescriptions of medical, therapeutic or corrective measures,
27 except as may be set forth by rules and regulations
28 promulgated * * * and implemented by the Mississippi Board of
29 Nursing.



30 (3) The "practice of nursing" by a licensed practical nurse
31 means the performance for compensation of services requiring basic
32 knowledge of the biological, physical, behavioral, psychological
33 and sociological sciences and of nursing procedures which do not
34 require the substantial skill, judgment and knowledge required of
35 a registered nurse. These services are performed under the
36 direction of a registered nurse or a licensed physician or
37 licensed dentist and utilize standardized procedures in the
38 observation and care of the ill, injured and infirm; in the
39 maintenance of health; in action to safeguard life and health; and
40 in the administration of medications and treatments prescribed by
41 any licensed physician or licensed dentist authorized by state law
42 to prescribe. On a selected basis, and within safe limits, the
43 role of the licensed practical nurse shall be expanded by the
44 board under its rule-making authority to more complex procedures
45 and settings commensurate with additional preparation and
46 experience.

47 (4) A "license" means an authorization to practice nursing
48 as a registered nurse or a licensed practical nurse designated
49 herein.

50 (5) A "registered nurse" is a person who is licensed or
51 holds the privilege to practice under the provisions of this
52 chapter and who practices nursing as defined herein. "R.N." is
53 the abbreviation for the title of Registered Nurse.

54 (6) A "licensed practical nurse" is a person who is licensed
55 or holds the privilege to practice under this chapter and who
56 practices practical nursing as defined herein. "L.P.N." is the
57 abbreviation for the title of Licensed Practical Nurse.

58 (7) A "registered nurse in clinical practice" is one who
59 functions in any health care delivery system which provides
60 nursing services.

61 (8) A "nurse educator" is a registered nurse who meets the
62 criteria for faculty as set forth in a state accredited program of



63 nursing for registered nurses, or a state approved program of
64 nursing for licensed practical nurses, and who functions as a
65 faculty member.

66 (9) A "consumer representative" is a person representing the
67 interests of the general public, who may use services of a health
68 agency or health professional organization or its members but who
69 is neither a provider of health services, nor employed in the
70 health services field, nor holds a vested interest in the
71 provision of health services at any level, nor has an immediate
72 family member who holds vested interests in the provision of
73 health services at any level.

74 (10) "Privilege to practice" means the authorization to
75 practice nursing in the state as described in the Nurse Licensure
76 Compact provided for in Section 73-15-22.

77 (11) "Licensee" is a person who has been issued a license to
78 practice nursing in the state or who holds the privilege to
79 practice nursing in the state.

80 SECTION 2. Section 83-41-213, Mississippi Code of 1972, is
81 amended as follows:

82 83-41-213. (1) From and after January 1, 1999, whenever any
83 policy of insurance or any medical service plan or hospital
84 service contract or hospital and medical service contract issued,
85 delivered, administered, continued or renewed in this state
86 provides for reimbursement for any service which is within the
87 lawful scope of practice of a duly certified nurse practitioner
88 working under the supervision of a duly licensed physician as
89 provided for by rules and regulations implemented by the
90 Mississippi Board of Nursing under Section 73-15-5(2), the insured
91 or other person entitled to benefits under such policy shall be
92 entitled to reimbursement for such services, whether such services
93 are performed by a duly licensed physician or by a duly certified
94 nurse practitioner working under the supervision of a duly
95 licensed physician, notwithstanding any provision to the contrary



96 in any statute or in such policy, plan or contract. Duly
97 certified nurse practitioners shall be entitled to participate in
98 such policies, plans or contracts providing for the services of
99 nurse practitioners working under the supervision of a duly
100 licensed physician, as authorized by the rules and regulations
101 implemented by the Mississippi Board of Nursing under Section
102 73-15-5(2). Reimbursement shall be based on services rendered by
103 a duly certified nurse practitioner.

104 It is the intent of the Legislature by this section to
105 provide for expanded health delivery services and to provide for
106 some reduction of the cost of medical services where possible; and
107 any payments made hereunder shall either be in lieu of payments to
108 physicians or payments to physicians shall be reduced by that
109 amount paid to a nurse practitioner for the performance of
110 authorized services by such practitioner.

111 (2) Any action taken to prohibit nurses from practicing in a
112 manner consistent with Section 73-15-1 et seq., including any
113 limitation on clinical privileging or performing other activities
114 consistent with standards of nursing practice, is
115 prohibited. * * *

116 SECTION 3. This act shall take effect and be in force from
117 and after July 1, 2001.

