

By: Senator(s) Burton, Tollison

To: Public Health and Welfare

SENATE BILL NO. 2502

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.