

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 1410

1 AN ACT TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO
2 DEFINE THE PRACTICE OF NURSING BY A NURSE PRACTITIONER UNDER THE
3 NURSING PRACTICE LAW; TO SPECIFY THE REQUIREMENTS THAT MUST BE MET
4 BEFORE CERTIFICATION BY THE BOARD OF NURSING TO ALLOW A REGISTERED
5 NURSE TO PRACTICE AS A NURSE PRACTITIONER; 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 practice
25 of nursing by a nurse practitioner means the practice of nursing
26 according to standards and guidelines of a national certification
27 organization recognized by the Board of Nursing in accordance with
28 Board of Nursing approved protocol/practice guidelines in a
29 collaborative/consultative relationship with a licensed physician

30 or dentist whose practice is compatible with that of the nurse
31 practitioner. If, after a diligent effort to obtain a
32 collaborative/consultative agreement, the nurse practitioner is
33 unable to obtain a collaborative/consultative agreement, the Board
34 of Nursing may waive, for up to one (1) year, the requirement of a
35 collaborative/consultative relationship upon a showing that the
36 applicant has made a diligent effort to obtain a
37 collaborative/consultative agreement and agrees to practice in an
38 underserved area of the state. The foregoing shall not be deemed
39 to include acts of medical diagnosis or prescriptions of medical,
40 therapeutic or corrective measures, except as may be set forth by
41 rules and regulations promulgated jointly by the State Board of
42 Medical Licensure and the Mississippi Board of Nursing and
43 implemented by the Mississippi Board of Nursing. Before
44 certification by the Board of Nursing to allow a registered nurse
45 to practice as a nurse practitioner, the registered nurse must be
46 currently licensed as a registered nurse in Mississippi or another
47 state participating in the Nurse Licensure Compact or hold a
48 temporary permit to practice as a registered nurse in Mississippi;
49 submit required applications and fees; submit official evidence of
50 graduation from an accredited program recognized by the board; and
51 hold current certification as a nurse practitioner in a designated
52 area of practice by a national certification organization
53 recognized by the board. Nurse practitioner applicants who
54 graduated from a nurse practitioner program and were nationally
55 certified as a nurse practitioner before December 31, 1993, may
56 submit evidence of graduation from an accredited educational
57 program for registered nurses. Nurse practitioner applicants who
58 graduated from a nurse practitioner program after December 31,
59 1998, must submit official evidence of graduation from a graduate
60 program with a concentration in the applicant's respective
61 advanced practice nursing specialty.

62 (3) The "practice of nursing" by a licensed practical nurse
63 means the performance for compensation of services requiring basic
64 knowledge of the biological, physical, behavioral, psychological
65 and sociological sciences and of nursing procedures which do not
66 require the substantial skill, judgment and knowledge required of
67 a registered nurse. These services are performed under the
68 direction of a registered nurse or a licensed physician or
69 licensed dentist and utilize standardized procedures in the
70 observation and care of the ill, injured and infirm; in the
71 maintenance of health; in action to safeguard life and health; and
72 in the administration of medications and treatments prescribed by
73 any licensed physician or licensed dentist authorized by state law
74 to prescribe. On a selected basis, and within safe limits, the
75 role of the licensed practical nurse shall be expanded by the
76 board under its rule-making authority to more complex procedures
77 and settings commensurate with additional preparation and
78 experience.

79 (4) A "license" means an authorization to practice nursing
80 as a registered nurse or a licensed practical nurse designated
81 herein.

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

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

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

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

95 nursing for registered nurses, or a state approved program of
96 nursing for licensed practical nurses, and who functions as a
97 faculty member.

98 (9) A "consumer representative" is a person representing the
99 interests of the general public, who may use services of a health
100 agency or health professional organization or its members but who
101 is neither a provider of health services, nor employed in the
102 health services field, nor holds a vested interest in the
103 provision of health services at any level, nor has an immediate
104 family member who holds vested interests in the provision of
105 health services at any level.

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

109 (11) "Licensee" is a person who has been issued a license to
110 practice nursing in the state or who holds the privilege to
111 practice nursing in the state.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2005.