

By: Representative Holland

To: Public Health and Human
Services

HOUSE BILL NO. 1062

1 AN ACT TO AMEND SECTION 73-15-17, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE MISSISSIPPI BOARD OF NURSING TO MAINTAIN AN
3 OFFICE IN THE GREATER JACKSON AREA; TO AMEND SECTION 73-15-18,
4 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN COMPONENTS OF THE
5 NURSING WORKFORCE PROGRAM OF THE BOARD; TO AMEND SECTIONS 73-15-19
6 AND 73-15-21, MISSISSIPPI CODE OF 1972, TO DELETE THE SPECIFIC
7 LICENSE FEE AMOUNTS AND PROVIDE THAT THE BOARD SHALL SET THE
8 AMOUNTS OF THE FEES; TO AMEND SECTION 73-15-27, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE THAT THE BOARD SHALL SEND LICENSEES A NOTICE
10 OF RENEWAL OF LICENSURE INSTEAD OF AN APPLICATION FOR RENEWAL; TO
11 AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO DELETE THE
12 MAXIMUM AMOUNT OF A FINE THAT THE BOARD MAY IMPOSE IN DISCIPLINARY
13 ACTIONS; TO AUTHORIZE THE BOARD TO ORDER SUMMARY SUSPENSION OF A
14 LICENSE PENDING PROCEEDINGS FOR REVOCATION OR OTHER ACTION IF THE
15 PUBLIC HEALTH, SAFETY OR WELFARE IMPERATIVELY REQUIRES EMERGENCY
16 ACTION; TO AMEND SECTION 73-15-33, MISSISSIPPI CODE OF 1972, TO
17 INCREASE THE MAXIMUM AMOUNT OF A CRIMINAL FINE THAT MAY BE IMPOSED
18 UPON CONVICTION FOR VIOLATING THE NURSING PRACTICE LAW; TO AMEND
19 SECTION 73-15-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY
20 PROSECUTING ATTORNEYS TO MAINTAIN ACTIONS TO ENJOIN PERSONS WHO
21 PRACTICE NURSING WITHOUT A LICENSE; TO REPEAL SECTION 73-15-22,
22 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE NURSE LICENSURE
23 COMPACT, AND 73-15-23, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
24 THE GOVERNOR TO WITHDRAW THE STATE FROM THE NURSE LICENSURE
25 COMPACT UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 73-15-17, Mississippi Code of 1972, is
28 amended as follows:

29 73-15-17. The Mississippi Board of Nursing is authorized and
30 empowered to:

31 (a) Adopt and from time to time revise such rules and
32 regulations consistent with the law as shall be necessary to
33 govern its proceedings and carry into effect the provisions of
34 this chapter.

35 (b) Require the secretary to keep records of all
36 meetings of the board and keep a record of all proceedings, and to
37 prepare a register of registered nurses and a register of licensed
38 practical nurses, all nurses appearing thereon to be duly licensed

39 under this chapter, and which registers shall be open for public
40 inspection at all reasonable times.

41 (c) Issue subpoenas, require attendance of witnesses,
42 and administer oaths of persons giving testimony.

43 (d) Cause the prosecution of all persons violating the
44 provisions of this chapter, and incur such necessary expenses
45 therefor.

46 (e) Conduct hearings upon charges calling for
47 discipline of a licensee or revocation of a license or of the
48 privilege to practice.

49 (f) Present a true and full report to the Governor and
50 the Legislature, together with statement of receipts and
51 disbursements on or before February 1 of each year.

52 (g) Maintain an office in the greater Jackson area for
53 the administration of this chapter.

54 (h) File an annual list of all certificates of
55 registration issued by the board with the Secretary of State's
56 office for both registered nurses and licensed practical nurses.

57 (i) File an annual list of all certificates of
58 registration issued by the board to registered nurses, including
59 addresses of the persons with the Mississippi Nurses' Association;
60 and file a similar list of all certificates of registration issued
61 to licensed practical nurses, including addresses of the persons,
62 with the Mississippi Federation of Licensed Practical Nurses and
63 the Mississippi Licensed Practical Nurses Association.

64 (j) Adopt a seal which shall be in the form of a circle
65 with the image of an eagle in the center, and around the margin
66 the words "Mississippi Board of Nursing," and under the image of
67 the eagle the word "Official." The seal shall be affixed to
68 certificates and warrants issued by the board, and to all records
69 sent up on appeal from its decisions.

70 (k) Schedule dates and locations for state board
71 examinations for examining qualified applicants for licensure.

72 (1) Examine, license and renew licenses of duly
73 qualified applicants.

74 (m) Appoint and employ a qualified person who shall not
75 be a member of the board to serve as executive director, define
76 the duties, fix the compensation, and delegate to him or her those
77 activities that will expedite the functions of the board. The
78 executive director shall meet all the qualifications for board
79 members, and shall in addition:

80 (i) Have had at least a master's degree in
81 nursing, eight (8) years' experience as a registered nurse, five
82 (5) of which shall be in teaching or in administration, or a
83 combination thereof; and

84 (ii) Have been actively engaged in nursing for at
85 least five (5) years immediately preceding appointment.

86 (n) Employ, discharge, define duties, and fix
87 compensation of such other persons as may be necessary to carry
88 out the provisions of this chapter.

89 (o) Secure the services of research consultants as
90 deemed necessary who shall receive a per diem, travel and other
91 necessary expenses incurred while engaged by the board.

92 (p) To enter into contracts with any other state or
93 federal agency or with any private person, organization or group
94 capable of contracting, if it finds such action to be in the
95 public interest and in the furtherance of its responsibilities.

96 **SECTION 2.** Section 73-15-18, Mississippi Code of 1972, is
97 amended as follows:

98 73-15-18. (1) The Mississippi Board of Nursing is
99 designated as the state agency responsible for the administration
100 and supervision of the Nursing Workforce Program as an educational
101 curriculum in the State of Mississippi. It is the intent of the
102 Legislature to develop a nursing workforce able to carry out the
103 scope of service and leadership tasks required of the profession

104 by promoting a strong educational infrastructure between nursing
105 practice and nursing education.

106 (2) The Mississippi Board of Nursing is authorized to
107 establish an Office of Nursing Workforce within the administrative
108 framework of the board for the purpose of providing coordination
109 and consultation to nursing education and practice. The Nursing
110 Workforce Program shall encompass five (5) interdependent
111 components:

112 (a) Develop and facilitate implementation of a state
113 educational program directed toward nursing educators regarding
114 health care delivery system changes * * * and the impact these
115 changes will have on curriculum and on the service needs of
116 nurses.

117 (b) Determine the continuing education needs of the
118 nursing workforce * * * and facilitate such continuing education
119 coursework through the university/college schools of nursing in
120 the state and the community/junior college nursing programs in the
121 state.

122 (c) Promote and coordinate through the schools of
123 nursing opportunities for nurses prepared at the associate degree
124 and bachelor degree levels to obtain higher degrees.

125 (d) Apply for and administer grants from public and
126 private sources for the development of the Nursing Workforce
127 Program prescribed in this section.

128 (e) Establish systems to ensure an adequate supply of
129 nurses to meet the health care needs of the citizens of
130 Mississippi. This will include, but is not limited to, gathering
131 and quantifying dependable data on current nursing workforce
132 capacities and forecasting future requirements. The Office of
133 Nursing Workforce will report its findings annually to the
134 Mississippi Legislature.

135 (3) Pursuant to the provisions of subsections (1) and (2),
136 the Board of Nursing is authorized to provide for the services of

137 an Office of Nursing Workforce Director and such other
138 professional and nonprofessional staff as may be needed and as
139 funds are available to the Board of Nursing to implement the
140 Nursing Workforce Program prescribed in this section. It shall be
141 the responsibility of such professional staff to coordinate
142 efforts of the bachelor degree schools of nursing, the associate
143 degree schools of nursing and other appropriate agencies in the
144 State of Mississippi to implement the Nursing Workforce Program.

145 (4) The Board of Nursing shall appoint a Nursing Workforce
146 Advisory Committee composed of health care professionals, health
147 agency administrators, nursing educators and other appropriate
148 individuals to provide technical advice to the Office of Nursing
149 Workforce created in this section. The members of the committee
150 shall be appointed by the Board of Nursing from a list of nominees
151 submitted by appropriate nursing and health care organizations in
152 the State of Mississippi. The members of the committee shall
153 receive no compensation for their services, but may be reimbursed
154 for actual travel expenses and mileage authorized by law for
155 necessary committee business.

156 (5) All funds made available to the Board of Nursing for the
157 purpose of nursing workforce shall be administered by the board
158 office for that purpose. The Board of Nursing is authorized to
159 enter into contract with any private person, organization or
160 entity capable of contracting for the purpose of administering
161 this section.

162 (6) The Nursing Workforce Program and the Office of Nursing
163 Workforce provided for in this section will be established and
164 implemented only if sufficient funds are appropriated to or
165 otherwise available to the Board of Nursing for that purpose.

166 **SECTION 3.** Section 73-15-19, Mississippi Code of 1972, is
167 amended as follows:

168 73-15-19. (1) **Registered nurse applicant qualifications.**

169 Any applicant for a license to practice as a registered nurse
170 shall submit to the board:

171 (a) An attested written application on a board of
172 nursing form;

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

179 (c) Evidence of competence in English related to
180 nursing, provided the first language is not English;

181 (d) Any other official records required by the board.

182 The board may, in its discretion, refuse to accept the
183 application of any person who has been convicted of a criminal
184 offense under any provision of Title 97 of the Mississippi Code of
185 1972, as now or hereafter amended, or any provision of this
186 chapter.

187 (2) **Licensure by examination.**

188 (a) Upon the board being satisfied that an applicant
189 for a license as a registered nurse has met the qualifications set
190 forth in subsection (1) of this section, the board shall proceed
191 to examine such applicant in such subjects as the board shall, in
192 its discretion, determine. The subjects in which applicants shall
193 be examined shall be in conformity with curricula in schools of
194 nursing approved by the Board of Trustees of State Institutions of
195 Higher Learning, or one approved by a legal accrediting agency of
196 another state, territory or possession of the United States, the
197 District of Columbia, or a foreign country which is satisfactory
198 to the board.

199 (b) The applicant shall be required to pass the written
200 examination as selected by the board.

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

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

209 (3) **Licensure by endorsement.** The board may issue a license
210 to practice nursing as a registered nurse without examination to
211 an applicant who has been duly licensed as a registered nurse
212 under the laws of another state, territory or possession of the
213 United States, the District of Columbia, or a foreign country if,
214 in the opinion of the board, the applicant meets the
215 qualifications required of licensed registered nurses in this
216 state and has previously achieved the passing score or scores on
217 the licensing examination required by this state, at the time of
218 his or her graduation.

219 (4) **Requirements for rewriting the examination.** The board
220 shall establish in its rules the requirements for rewriting the
221 examination for those persons failing the examination on the first
222 writing or subsequent rewriting.

223 (5) **Fee.** The applicant applying for a license by
224 examination or by endorsement to practice as a registered nurse
225 shall pay a fee * * * to the board in an amount set by the board.

226 (6) **Temporary permit.**

227 (a) The board may issue a temporary permit to practice
228 nursing to a graduate of an approved school of nursing pending the
229 results of the examination in Mississippi, and to a qualified
230 applicant from another state, territory or possession of the
231 United States, or District of Columbia, or pending licensure
232 procedures as provided for elsewhere in this chapter. The

233 applicant for the temporary permit shall pay a fee to the board in
234 an amount set by the board.

235 (b) The board may issue a temporary permit for a period
236 of ninety (90) days to a registered nurse who is currently
237 licensed in another state, territory or possession of the United
238 States or the District of Columbia and who is an applicant for
239 licensure by endorsement. Such permit is not renewable except by
240 board action.

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

245 (d) The board may issue a temporary permit for a period
246 of thirty (30) days to any registered nurse during the time
247 enrolled in a nursing reorientation program. This time period may
248 be extended by board action. The applicant for the temporary
249 permit shall pay a fee to the board in an amount set by the board.

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

253 (7) **Temporary license.** The board may issue a temporary
254 license to practice nursing at a youth camp licensed by the State
255 Board of Health to nonresident registered nurses and retired
256 resident registered nurses under the provisions of Section
257 75-48-8.

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

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

266 issued by this board which is valid on July 1, 1981, shall
267 thereafter be deemed to be licensed as a registered nurse under
268 the provisions of this chapter upon payment of the fee provided in
269 Section 73-15-27.

270 (10) Each application or filing made under this section
271 shall include the Social Security number(s) of the applicant in
272 accordance with Section 93-11-64.

273 **SECTION 4.** Section 73-15-21, Mississippi Code of 1972, is
274 amended as follows:

275 73-15-21. (1) **Licensed practical nurse applicant**
276 **qualifications.** Any applicant for a license to practice practical
277 nursing as a licensed practical nurse shall submit to the board:

278 (a) An attested written application on a Board of
279 Nursing form;

280 (b) A diploma from an approved high school or the
281 equivalent thereof, as determined by the appropriate educational
282 agency;

283 (c) Written official evidence of completion of a
284 practical nursing program approved by the State Department of
285 Education through its Division of Vocational Education, or one
286 approved by a legal accrediting agency of another state, territory
287 or possession of the United States, the District of Columbia, or a
288 foreign country which is satisfactory to this board;

289 (d) Evidence of competence in English related to
290 nursing, provided the first language is not English;

291 (e) Any other official records required by the board.

292 The board may, in its discretion, refuse to accept the
293 application of any person who has been convicted of a criminal
294 offense under any provision of Title 97 of the Mississippi Code of
295 1972, as now or hereafter amended, or any provision of this
296 chapter.

297 (2) **Licensure by examination.**

298 (a) Upon the board being satisfied that an applicant
299 for a license as a practical nurse has met the qualifications set
300 forth in subsection (1) of this section, the board shall proceed
301 to examine such applicant in such subjects as the board shall, in
302 its discretion, determine. The subjects in which applicants shall
303 be examined shall be in conformity with curricula in schools of
304 practical nursing approved by the State Department of Education.

305 (b) The applicant shall be required to pass the written
306 examination selected by the board.

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

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

315 (3) **Licensure by endorsement.** The board may issue a license
316 to practice practical nursing as a licensed practical nurse
317 without examination to an applicant who has been duly licensed as
318 a licensed practical nurse under the laws of another state,
319 territory or possession of the United States, the District of
320 Columbia, or a foreign country if, in the opinion of the board,
321 the applicant meets the qualifications required of licensed
322 practical nurses in this state and has previously achieved the
323 passing score or scores on the licensing examination required by
324 this state at the time of his or her graduation.

325 (4) **Licensure by equivalent amount of theory and clinical**
326 **experience.** In the discretion of the board, former students of a
327 state accredited school preparing students to become registered
328 nurses may be granted permission to take the examination for
329 licensure to practice as a licensed practical nurse, provided the
330 applicant's record or transcript indicates the former student

331 completed an equivalent amount of theory and clinical experiences
332 as required of a graduate of a practical nursing program, and
333 provided the school attended was, at the time of the student's
334 attendance, an accredited school of nursing.

335 (5) **Requirements for rewriting the examination.** The board
336 shall establish in its rules the requirements for rewriting the
337 examination for those persons failing the examination on the first
338 writing or subsequent writing.

339 (6) **Fee.** The applicant applying for a license by
340 examination or by endorsement to practice as a licensed practical
341 nurse shall pay a fee * * * to the board in an amount set by the
342 board.

343 (7) **Temporary permit.**

344 (a) The board may issue a temporary permit to practice
345 practical nursing to a graduate of an approved school of practical
346 nursing pending the results of the examination in Mississippi, and
347 to a qualified applicant from another state, territory or
348 possession of the United States, or the District of Columbia,
349 pending licensing procedures as provided for elsewhere in this
350 chapter. The applicant for the temporary permit shall pay a fee
351 to the board in an amount set by the board.

352 (b) The board may issue a temporary permit for a period
353 of ninety (90) days to a licensed practical nurse who is currently
354 licensed in another state, territory or possession of the United
355 States or the District of Columbia and who is an applicant for
356 licensure by endorsement. Such permit is not renewable except by
357 board action.

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

363 (d) The board may issue a temporary permit for a period
364 of thirty (30) days to any licensed practical nurse during the
365 time enrolled in a nursing reorientation program. This time
366 period may be extended by board action. The applicant for the
367 temporary permit shall pay a fee to the board in an amount set by
368 the board.

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

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

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

385 (10) Each application or filing made under this section
386 shall include the Social Security number(s) of the applicant in
387 accordance with Section 93-11-64.

388 **SECTION 5.** Section 73-15-27, Mississippi Code of 1972, is
389 amended as follows:

390 73-15-27. The license of every person licensed under the
391 provisions of this chapter shall be renewed biennially except as
392 hereinafter provided:

393 (a) Registered nurses:

394 (i) The license to practice as a registered nurse
395 shall be valid for two (2) calendar years, beginning January 1 of

396 each uneven-numbered year and expiring December 31 in each
397 even-numbered year of the biennial period and subject to renewal
398 for each period of two (2) years thereafter.

399 (ii) A notice for renewal of licensure will be
400 mailed by the board on or before November 1 of the year the
401 license expires to every person to whom a license was issued or
402 renewed during the biennial period. An application shall be
403 completed and returned to the board by December 31 of that year
404 with the biennial renewal fee to be set at the discretion of the
405 board * * *.

406 (iii) Upon receipt of the application and fee, the
407 board shall verify the accuracy of the application and issue to
408 the applicant a certificate of renewal for the ensuing period of
409 two (2) years. Such renewal shall render the holder thereof the
410 right to practice as a registered nurse.

411 (iv) A registered nurse may request in writing to
412 the board that his or her license be placed on inactive status.
413 The board may grant such request and shall have authority, in its
414 discretion, to attach conditions to the licensure of such
415 registered nurse while on inactive status. A biennial renewal fee
416 for inactive registered nurses shall be set at the discretion of
417 the board * * *.

418 (v) Any registered nurse applying for a license,
419 renewal of an active license, reinstatement of a lapsed license,
420 or change from inactive to active status may be required to
421 provide evidence of continuing basic nursing competencies when
422 such nurse has not practiced nursing for compensation or performed
423 the function of a registered nurse in a voluntary capacity with or
424 without compensation within the five-year period immediately prior
425 to such application for a license, renewal, reinstatement or
426 change of status.

427 (vi) Any registered nurse who permits his or her
428 license to lapse by failing to renew the license as provided above

429 may be reinstated by the board on satisfactory explanation for
430 such failure to renew his or her license, by compliance with all
431 other applicable provisions of this chapter, by completion of a
432 reinstatement form, and upon payment of a reinstatement fee in an
433 amount set by the board, which shall not include the renewal fee
434 for the current biennial period. Any registered nurse who permits
435 his or her license to lapse shall be notified by the board within
436 fifteen (15) days of such lapse.

437 (vii) Any person practicing as a registered nurse
438 during the time his or her license has lapsed shall be considered
439 in violation of this chapter and shall be subject to the penalties
440 provided for violation of this chapter, provided the registered
441 nurse has not submitted the required reinstatement form and fees
442 within fifteen (15) days after notification by the board of such
443 lapse.

444 (b) Licensed practical nurses:

445 (i) The license to practice as a licensed
446 practical nurse shall be valid for two (2) calendar years,
447 beginning January 1 of each even-numbered year and expiring
448 December 31 in each uneven-numbered year of the biennial period
449 and subject to renewal for each period of two (2) years
450 thereafter.

451 (ii) A notice for renewal of licensure will be
452 mailed by the board on or before November 1 of the year the
453 license expires to every person to whom a license was issued or
454 renewed during the biennial period. An application shall be
455 completed and returned to the board by December 31 of that year
456 with the biennial renewal fee to be set at the discretion of the
457 board * * *.

458 (iii) Upon receipt of the application and fee, the
459 board shall verify the accuracy of the application and issue to
460 the applicant a certificate of renewal for the ensuing period of

461 two (2) years. Such renewal shall render the holder thereof the
462 right to practice as a licensed practical nurse.

463 (iv) A licensed practical nurse may request in
464 writing to the board that his or her license be placed on inactive
465 status. The board may grant such request and shall have
466 authority, in its discretion, to attach conditions to the
467 licensure of such licensed practical nurse while on inactive
468 status. A biennial renewal fee for inactive licensed practical
469 nurses shall be set at the discretion of the board * * *.

470 (v) Any licensed practical nurse applying for a
471 license, renewal of an active license, reinstatement of a lapsed
472 license, or change from inactive to active status may be required
473 to provide evidence of continuing basic nursing competencies when
474 such nurse has not practiced nursing for compensation or performed
475 the function of a licensed practical nurse in a voluntary capacity
476 with or without compensation within the five-year period
477 immediately prior to such application for a license, renewal,
478 reinstatement or change of status.

479 (vi) Any licensed practical nurse who permits his
480 or her license to lapse by failing to renew the license as
481 provided above may be reinstated by the board upon satisfactory
482 explanation for such failure to renew his or her license, by
483 compliance with all other applicable provisions of this chapter,
484 by completion of a reinstatement form, and upon payment of the
485 reinstatement fee in an amount set by the board, which shall not
486 include the renewal fee for the current biennial period. Any
487 licensed practical nurse who permits his or her license to lapse
488 shall be notified by the board within fifteen (15) days of such
489 lapse.

490 (vii) Any person practicing as a licensed
491 practical nurse during the time his or her license has lapsed
492 shall be considered an illegal practitioner and shall be subject
493 to the penalties provided for violation of this chapter, provided

494 the licensed practical nurse has not submitted the required
495 reinstatement form and fees within fifteen (15) days after
496 notification by the board of such lapse.

497 **SECTION 6.** Section 73-15-29, Mississippi Code of 1972, is
498 amended as follows:

499 73-15-29. (1) The board shall have power to revoke, suspend
500 or refuse to renew any license issued by the board, or to revoke
501 or suspend any privilege to practice, or to deny an application
502 for a license, or to fine, place on probation and/or discipline a
503 licensee, in any manner specified in this chapter, upon proof that
504 such person:

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

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

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

516 (d) Has had a license or privilege to practice as a
517 registered nurse or a licensed practical nurse suspended or
518 revoked in any jurisdiction, has voluntarily surrendered such
519 license or privilege to practice in any jurisdiction, has been
520 placed on probation as a registered nurse or licensed practical
521 nurse in any jurisdiction or has been placed under a disciplinary
522 order(s) in any manner as a registered nurse or licensed practical
523 nurse in any jurisdiction, (a certified copy of the order of
524 suspension, revocation, probation or disciplinary action shall be
525 prima facie evidence of such action);

526 (e) Has negligently or willfully practiced nursing in a
527 manner that fails to meet generally accepted standards of such
528 nursing practice;

529 (f) Has negligently or willfully violated any order,
530 rule or regulation of the board pertaining to nursing practice or
531 licensure;

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

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

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

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

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

550 (l) Engages in any unprofessional conduct as identified
551 by the board in its rules; or

552 (m) Has violated any provision of this chapter.

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

557 (a) Denying application for a license or other
558 authorization to practice nursing or practical nursing;

559 (b) Administering a reprimand;

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

563 (d) Revoking the license or other authorization to
564 practice nursing or practical nursing;

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

570 (f) Requiring the discipline to participate in a
571 program of education prescribed by the board as a condition for
572 initial, continued or renewed licensure or other authorization to
573 practice;

574 (g) Requiring the discipline to practice under the
575 supervision of a registered nurse for a specified period of time;
576 or

577 (h) Imposing a fine * * *.

578 (3) In addition to the grounds specified in subsection (1)
579 of this section, the board shall be authorized to suspend the
580 license or privilege to practice of any licensee for being out of
581 compliance with an order for support, as defined in Section
582 93-11-153. The procedure for suspension of a license or privilege
583 to practice for being out of compliance with an order for support,
584 and the procedure for the reissuance or reinstatement of a license
585 or privilege to practice suspended for that purpose, and the
586 payment of any fees for the reissuance or reinstatement of a
587 license or privilege to practice suspended for that purpose, shall
588 be governed by Section 93-11-157 or 93-11-163, as the case may be.
589 If there is any conflict between any provision of Section
590 93-11-157 or 93-11-163 and any provision of this chapter, the

591 provisions of Section 93-11-157 or 93-11-163, as the case may be,
592 shall control.

593 (4) If the public health, safety or welfare imperatively
594 requires emergency action and the board incorporates a finding to
595 that effect in an order, the board may order summary suspension of
596 a license pending proceedings for revocation or other action.
597 These proceedings shall be promptly instituted and determined by
598 the board.

599 **SECTION 7.** Section 73-15-33, Mississippi Code of 1972, is
600 amended as follows:

601 73-15-33. It is unlawful for any person, including a
602 corporation or association, to:

603 (a) Sell, fraudulently obtain or furnish any nursing
604 diploma, license, renewal of license, or record, or to aid or abet
605 therein;

606 (b) Practice nursing as defined by this chapter under
607 cover of any diploma, license, renewal of license, or record
608 illegally or fraudulently obtained or signed or issued unlawfully
609 or under fraudulent representation;

610 (c) Practice or offer to practice nursing as defined by
611 this chapter unless duly licensed or privileged to practice under
612 the provisions of this chapter;

613 (d) Use any designation by which a person presents to
614 the public that he or she is a registered nurse or a licensed
615 practical nurse unless duly licensed or privileged to practice
616 under the provisions of this chapter;

617 (e) Practice as a registered nurse or a licensed
618 practical nurse during the time his or her license or privilege to
619 practice issued under the provisions of this chapter is under
620 suspension or revocation;

621 (f) Conduct a nursing education program for the
622 preparation of registered nurses, unless the program has been
623 accredited by the Board of Trustees of State Institutions of

624 Higher Learning, or conduct a nursing education program for the
625 preparation of licensed practical nurses unless the program has
626 been accredited by the Department of Education through the
627 Division of Vocational Education;

628 (g) Willfully employ unlicensed persons or persons not
629 holding the privilege to practice, to practice as registered
630 nurses or licensed practical nurses; or

631 (h) Willfully aid or abet any person who violates any
632 provisions of this chapter.

633 Any person, firm or corporation who violates any provisions
634 of this chapter shall be guilty of a misdemeanor and, upon
635 conviction thereof, shall be punished by a fine not less than One
636 Hundred Dollars (\$100.00) nor more than Two Thousand Dollars
637 (\$2,000.00) or by imprisonment in the county jail for not less
638 than twelve (12) months, or by both such fine and imprisonment.
639 It shall be necessary to prove, in any prosecution under this
640 chapter, only a single act prohibited by law, or a single holding
641 out or an attempt without proving a general course of conduct in
642 order to constitute a violation. Each violation may constitute a
643 separate offense. It shall be the duty of the Attorney General to
644 advise with the board in preparing charges, to assist in
645 conducting board disciplinary hearings, to provide assistance with
646 appropriate affidavits and other charges for filing in the
647 appropriate court, and to assist the county or district attorney
648 in prosecution, if any.

649 **SECTION 8.** Section 73-15-35, Mississippi Code of 1972, is
650 amended as follows:

651 73-15-35. The practice of nursing as a registered nurse or
652 the practice of nursing as a licensed practical nurse by any
653 person who has not been issued a license or who does not hold the
654 privilege to practice under the provisions of this chapter, or
655 whose license or privilege to practice has been suspended or
656 revoked, or has expired and not been reinstated, or has

657 negligently or willfully practiced nursing in a manner that fails
658 to meet generally accepted standards of such nursing practice, is
659 declared to be a danger to the public health and welfare and shall
660 be enjoined through appropriate court action. In addition to and
661 not in lieu of any other civil, criminal or disciplinary remedy,
662 the Attorney General, the Board of Nursing or the prosecuting
663 attorney of any county where a person is practicing or purporting
664 to practice as a registered nurse or as a licensed practical nurse
665 in violation of this chapter may, in accordance with the laws of
666 this state governing injunctions, maintain an action to enjoin
667 that person from practicing as a registered nurse or a licensed
668 practical nurse until in compliance with this chapter. The court
669 may issue a temporary injunction without notice or without bond
670 enjoining a defendant from further practicing as a registered
671 nurse or a licensed practical nurse. If it is established to the
672 satisfaction of the court that the defendant has been or is
673 practicing as a registered nurse or a licensed practical nurse
674 without being licensed or privileged to practice and in good
675 standing as provided herein, the court may enter a decree
676 perpetually enjoining the defendant from such further activities,
677 and a subsequent violation of which may be considered as contempt
678 of court by any court of competent jurisdiction. Such injunction
679 and contempt proceedings may be in addition to and not in lieu of
680 any other penalties and remedies provided by this chapter.

681 **SECTION 9.** Section 73-15-22, Mississippi Code of 1972, which
682 establishes the Nurse Licensure Compact, and 73-15-23, Mississippi
683 Code of 1972, which authorizes the Governor to withdraw the state
684 from the Nurse Licensure Compact under certain conditions, are
685 repealed.

686 **SECTION 10.** This act shall take effect and be in force from
687 and after July 1, 2006.