

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2920

1 AN ACT TO AMEND SECTIONS 73-15-17, 73-15-18, 73-15-19,
2 73-15-21, 73-15-27, 73-15-29, 73-15-33 AND 73-15-35, MISSISSIPPI
3 CODE OF 1972, RELATING TO THE NURSE PRACTICE ACT; TO CLARIFY THE
4 LOCATION OF THE BOARD OFFICE; TO CLARIFY THE RESPONSIBILITIES OF
5 THE OFFICE OF NURSING WORKFORCE; TO DELETE LIMITATIONS ON
6 APPLICATION AND TEMPORARY PERMIT FEES FOR REGISTERED NURSES AND
7 LICENSED PRACTICAL NURSES; TO CLARIFY THE LICENSE RENEWAL
8 PROCEDURE; TO AUTHORIZE SUMMARY SUSPENSION OF LICENSE BY THE BOARD
9 IN EMERGENCY SITUATIONS; TO CLARIFY PARTIES WHO MAY SEEK
10 INJUNCTIVE RELIEF FOR VIOLATIONS OF THE NURSE PRACTICE ACT; TO
11 REPEAL SECTIONS 73-15-22 AND 73-15-23, MISSISSIPPI CODE OF 1972,
12 WHICH IS THE NURSE LICENSURE INTERSTATE COMPACT AND PROVISIONS
13 RELATING TO THE WITHDRAWAL FROM THE COMPACT; AND FOR RELATED
14 PURPOSES.

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

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

18 73-15-17. The Mississippi Board of Nursing is authorized and
19 empowered to:

20 (a) Adopt and from time to time revise such rules and
21 regulations consistent with the law as shall be necessary to
22 govern its proceedings and carry into effect the provisions of
23 this chapter.

24 (b) Require the secretary to keep records of all
25 meetings of the board and keep a record of all proceedings, and to
26 prepare a register of registered nurses and a register of licensed
27 practical nurses, all nurses appearing thereon to be duly licensed
28 under this chapter, and which registers shall be open for public
29 inspection at all reasonable times.

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

32 (d) Cause the prosecution of all persons violating the
33 provisions of this chapter, and incur such necessary expenses
34 therefor.

35 (e) Conduct hearings upon charges calling for
36 discipline of a licensee or revocation of a license or of the
37 privilege to practice.

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

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

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

46 (i) File an annual list of all certificates of
47 registration issued by the board to registered nurses, including
48 addresses of the persons with the Mississippi Nurses' Association;
49 and file a similar list of all certificates of registration issued
50 to licensed practical nurses, including addresses of the persons,
51 with the Mississippi Federation of Licensed Practical Nurses and
52 the Mississippi Licensed Practical Nurses Association.

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

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

61 (l) Examine, license and renew licenses of duly
62 qualified applicants.

63 (m) Appoint and employ a qualified person who shall not
64 be a member of the board to serve as executive director, define

65 the duties, fix the compensation, and delegate to him or her those
66 activities that will expedite the functions of the board. The
67 executive director shall meet all the qualifications for board
68 members, and shall in addition:

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

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

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

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

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

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

87 73-15-18. (1) The Mississippi Board of Nursing is
88 designated as the state agency responsible for the administration
89 and supervision of the Nursing Workforce Program as an educational
90 curriculum in the State of Mississippi. It is the intent of the
91 Legislature to develop a nursing workforce able to carry out the
92 scope of service and leadership tasks required of the profession
93 by promoting a strong educational infrastructure between nursing
94 practice and nursing education.

95 (2) The Mississippi Board of Nursing is authorized to
96 establish an Office of Nursing Workforce within the administrative
97 framework of the board for the purpose of providing coordination

98 and consultation to nursing education and practice. The Nursing
99 Workforce Program shall encompass five (5) interdependent
100 components:

101 (a) Develop and facilitate implementation of a state
102 educational program directed toward nursing educators regarding
103 health care delivery system changes resulting from managed care,
104 case management and capitated health finance systems and the
105 impact these changes will have on curriculum and on the service
106 needs of nurses.

107 (b) Determine the continuing education needs of the
108 nursing workforce * * * and facilitate such continuing education
109 coursework through the university/college schools of nursing in
110 the state and the community/junior college nursing programs in the
111 state.

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

115 (d) Apply for and administer grants from public and
116 private sources for the development of the Nursing Workforce
117 Program prescribed in this section.

118 (e) Establish systems to ensure an adequate supply of
119 nurses to meet the health care needs of the citizens of
120 Mississippi. This will include, but is not limited to, gathering
121 and quantifying dependable data on current nursing workforce
122 capacities and forecasting future requirements. The Office of
123 Nursing Workforce will report its findings annually to the
124 Mississippi Legislature.

125 (3) Pursuant to the provisions of subsections (1) and (2),
126 the Board of Nursing is authorized to provide for the services of
127 an Office of Nursing Workforce Director and such other
128 professional and nonprofessional staff as may be needed and as
129 funds are available to the Board of Nursing to implement the
130 Nursing Workforce Program prescribed in this section. It shall be

131 the responsibility of such professional staff to coordinate
132 efforts of the bachelor degree schools of nursing, the associate
133 degree schools of nursing and other appropriate agencies in the
134 State of Mississippi to implement the Nursing Workforce Program.

135 (4) The Board of Nursing shall appoint a Nursing Workforce
136 Advisory Committee composed of health care professionals, health
137 agency administrators, nursing educators and other appropriate
138 individuals to provide technical advice to the Office of Nursing
139 Workforce created in this section. The members of the committee
140 shall be appointed by the Board of Nursing from a list of nominees
141 submitted by appropriate nursing and health care organizations in
142 the State of Mississippi. The members of the committee shall
143 receive no compensation for their services, but may be reimbursed
144 for actual travel expenses and mileage authorized by law for
145 necessary committee business.

146 (5) All funds made available to the Board of Nursing for the
147 purpose of nursing workforce shall be administered by the board
148 office for that purpose. The Board of Nursing is authorized to
149 enter into contract with any private person, organization or
150 entity capable of contracting for the purpose of administering
151 this section.

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

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

158 73-15-19. (1) Registered nurse applicant qualifications.
159 Any applicant for a license to practice as a registered nurse
160 shall submit to the board:

161 (a) An attested written application on a board of
162 nursing form;

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

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

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

172 The board may, in its discretion, refuse to accept the
173 application of any person who has been convicted of a criminal
174 offense under any provision of Title 97 of the Mississippi Code of
175 1972, as now or hereafter amended, or any provision of this
176 chapter.

177 (2) Licensure by examination.

178 (a) Upon the board being satisfied that an applicant
179 for a license as a registered nurse has met the qualifications set
180 forth in subsection (1) of this section, the board shall proceed
181 to examine such applicant in such subjects as the board shall, in
182 its discretion, determine. The subjects in which applicants shall
183 be examined shall be in conformity with curricula in schools of
184 nursing approved by the Board of Trustees of State Institutions of
185 Higher Learning, or one approved by a legal accrediting agency of
186 another state, territory or possession of the United States, the
187 District of Columbia, or a foreign country which is satisfactory
188 to the board.

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

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

194 (d) The board may use any part or all of the state
195 board test pool examination for registered nurse licensure, its

196 successor examination, or any other nationally standardized
197 examination identified by the board in its rules. The passing
198 score shall be established by the board in its rules.

199 (3) Licensure by endorsement. The board may issue a license
200 to practice nursing as a registered nurse without examination to
201 an applicant who has been duly licensed as a registered nurse
202 under the laws of another state, territory or possession of the
203 United States, the District of Columbia, or a foreign country if,
204 in the opinion of the board, the applicant meets the
205 qualifications required of licensed registered nurses in this
206 state and has previously achieved the passing score or scores on
207 the licensing examination required by this state, at the time of
208 his or her graduation.

209 (4) Requirements for rewriting the examination. The board
210 shall establish in its rules the requirements for rewriting the
211 examination for those persons failing the examination on the first
212 writing or subsequent rewriting.

213 (5) Fee. The applicant applying for a license by
214 examination or by endorsement to practice as a registered nurse
215 shall pay a fee * * * to the board.

216 (6) Temporary permit.

217 (a) The board may issue a temporary permit to practice
218 nursing to a graduate of an approved school of nursing pending the
219 results of the examination in Mississippi, and to a qualified
220 applicant from another state, territory or possession of the
221 United States, or District of Columbia, or pending licensure
222 procedures as provided for elsewhere in this chapter. The
223 applicant shall pay a fee to the board.

224 (b) The board may issue a temporary permit for a period
225 of ninety (90) days to a registered nurse who is currently
226 licensed in another state, territory or possession of the United
227 States or the District of Columbia and who is an applicant for

228 licensure by endorsement. Such permit is not renewable except by
229 board action.

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

234 (d) The board may issue a temporary permit for a period
235 of thirty (30) days to any registered nurse during the time
236 enrolled in a nursing reorientation program. This time period may
237 be extended by board action. The applicant shall pay a fee to the
238 board.

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

242 (7) Temporary license. The board may issue a temporary
243 license to practice nursing at a youth camp licensed by the State
244 Board of Health to nonresident registered nurses and retired
245 resident registered nurses under the provisions of Section
246 75-74-8.

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

253 (9) Registered nurses licensed under a previous law. Any
254 person holding a license to practice nursing as a registered nurse
255 issued by this board which is valid on July 1, 1981, shall
256 thereafter be deemed to be licensed as a registered nurse under
257 the provisions of this chapter upon payment of the fee provided in
258 Section 73-15-27.

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

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

264 73-15-21. (1) Licensed practical nurse applicant
265 qualifications. Any applicant for a license to practice practical
266 nursing as a licensed practical nurse shall submit to the board:

267 (a) An attested written application on a Board of
268 Nursing form;

269 (b) A diploma from an approved high school or the
270 equivalent thereof, as determined by the appropriate educational
271 agency;

272 (c) Written official evidence of completion of a
273 practical nursing program approved by the State Department of
274 Education through its Division of Vocational Education, or one
275 approved by a legal accrediting agency of another state, territory
276 or possession of the United States, the District of Columbia, or a
277 foreign country which is satisfactory to this board;

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

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

281 The board may, in its discretion, refuse to accept the
282 application of any person who has been convicted of a criminal
283 offense under any provision of Title 97 of the Mississippi Code of
284 1972, as now or hereafter amended, or any provision of this
285 chapter.

286 (2) Licensure by examination.

287 (a) Upon the board being satisfied that an applicant
288 for a license as a practical nurse has met the qualifications set
289 forth in subsection (1) of this section, the board shall proceed
290 to examine such applicant in such subjects as the board shall, in
291 its discretion, determine. The subjects in which applicants shall

292 be examined shall be in conformity with curricula in schools of
293 practical nursing approved by the State Department of Education.

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

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

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

304 (3) Licensure by endorsement. The board may issue a license
305 to practice practical nursing as a licensed practical nurse
306 without examination to an applicant who has been duly licensed as
307 a licensed practical nurse under the laws of another state,
308 territory or possession of the United States, the District of
309 Columbia, or a foreign country if, in the opinion of the board,
310 the applicant meets the qualifications required of licensed
311 practical nurses in this state and has previously achieved the
312 passing score or scores on the licensing examination required by
313 this state at the time of his or her graduation.

314 (4) Licensure by equivalent amount of theory and clinical
315 experience. In the discretion of the board, former students of a
316 state accredited school preparing students to become registered
317 nurses may be granted permission to take the examination for
318 licensure to practice as a licensed practical nurse, provided the
319 applicant's record or transcript indicates the former student
320 completed an equivalent amount of theory and clinical experiences
321 as required of a graduate of a practical nursing program, and
322 provided the school attended was, at the time of the student's
323 attendance, an accredited school of nursing.

324 (5) Requirements for rewriting the examination. The board
325 shall establish in its rules the requirements for rewriting the
326 examination for those persons failing the examination on the first
327 writing or subsequent writing.

328 (6) Fee. The applicant applying for a license by
329 examination or by endorsement to practice as a licensed practical
330 nurse shall pay a fee * * * to the board.

331 (7) Temporary permit.

332 (a) The board may issue a temporary permit to practice
333 practical nursing to a graduate of an approved school of practical
334 nursing pending the results of the examination in Mississippi, and
335 to a qualified applicant from another state, territory or
336 possession of the United States, or the District of Columbia,
337 pending licensing procedures as provided for elsewhere in this
338 chapter. The applicant shall pay a fee to the board.

339 (b) The board may issue a temporary permit for a period
340 of ninety (90) days to a licensed practical nurse who is currently
341 licensed in another state, territory or possession of the United
342 States or the District of Columbia and who is an applicant for
343 licensure by endorsement. Such permit is not renewable except by
344 board action.

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

350 (d) The board may issue a temporary permit for a period
351 of thirty (30) days to any licensed practical nurse during the
352 time enrolled in a nursing reorientation program. This time
353 period may be extended by board action. The applicant shall pay a
354 fee to the board.

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

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

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

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

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

376 73-15-27. The license of every person licensed under the
377 provisions of this chapter shall be renewed biennially except as
378 hereinafter provided:

379 (a) Registered nurses:

380 (i) The license to practice as a registered nurse
381 shall be valid for two (2) calendar years, beginning January 1 of
382 each uneven-numbered year and expiring December 31 in each
383 even-numbered year of the biennial period and subject to renewal
384 for each period of two (2) years thereafter.

385 (ii) A notice for renewal of licensure will be
386 mailed by the board on or before November 1 of the year the
387 license expires to every person to whom a license was issued or

388 renewed during the biennial period. An application shall be
389 completed and returned to the board by December 31 of that year
390 with the biennial renewal fee to be set at the discretion of the
391 board, but not to exceed Fifty Dollars (\$50.00).

392 (iii) Upon receipt of the application and fee, the
393 board shall verify the accuracy of the application and issue to
394 the applicant a certificate of renewal for the ensuing period of
395 two (2) years. Such renewal shall render the holder thereof the
396 right to practice as a registered nurse.

397 (iv) A registered nurse may request in writing to
398 the board that his or her license be placed on inactive status.
399 The board may grant such request and shall have authority, in its
400 discretion, to attach conditions to the licensure of such
401 registered nurse while on inactive status. A biennial renewal fee
402 for inactive registered nurses shall be set at the discretion of
403 the board, not to exceed Fifty Dollars (\$50.00).

404 (v) Any registered nurse applying for a license,
405 renewal of an active license, reinstatement of a lapsed license,
406 or change from inactive to active status may be required to
407 provide evidence of continuing basic nursing competencies when
408 such nurse has not practiced nursing for compensation or performed
409 the function of a registered nurse in a voluntary capacity with or
410 without compensation within the five-year period immediately prior
411 to such application for a license, renewal, reinstatement or
412 change of status.

413 (vi) Any registered nurse who permits his or her
414 license to lapse by failing to renew the license as provided above
415 may be reinstated by the board on satisfactory explanation for
416 such failure to renew his or her license, by compliance with all
417 other applicable provisions of this chapter, by completion of a
418 reinstatement form, and upon payment of a reinstatement fee not to
419 exceed One Hundred Dollars (\$100.00) which shall not include the
420 renewal fee for the current biennial period. Any registered nurse

421 who permits his or her license to lapse shall be notified by the
422 board within fifteen (15) days of such lapse.

423 (vii) Any person practicing as a registered nurse
424 during the time his or her license has lapsed shall be considered
425 in violation of this chapter and shall be subject to the penalties
426 provided for violation of this chapter, provided the registered
427 nurse has not submitted the required reinstatement form and fees
428 within fifteen (15) days after notification by the board of such
429 lapse.

430 (b) Licensed practical nurses:

431 (i) The license to practice as a licensed
432 practical nurse shall be valid for two (2) calendar years,
433 beginning January 1 of each even-numbered year and expiring
434 December 31 in each uneven-numbered year of the biennial period
435 and subject to renewal for each period of two (2) years
436 thereafter.

437 (ii) A notice for renewal of licensure will be
438 mailed by the board on or before November 1 of the year the
439 license expires to every person to whom a license was issued or
440 renewed during the biennial period. An application shall be
441 completed and returned to the board by December 31 of that year
442 with the biennial renewal fee to be set at the discretion of the
443 board, but not to exceed Fifty Dollars (\$50.00).

444 (iii) Upon receipt of the application and fee, the
445 board shall verify the accuracy of the application and issue to
446 the applicant a certificate of renewal for the ensuing period of
447 two (2) years. Such renewal shall render the holder thereof the
448 right to practice as a licensed practical nurse.

449 (iv) A licensed practical nurse may request in
450 writing to the board that his or her license be placed on inactive
451 status. The board may grant such request and shall have
452 authority, in its discretion, to attach conditions to the
453 licensure of such licensed practical nurse while on inactive

454 status. A biennial renewal fee for inactive licensed practical
455 nurses shall be set at the discretion of the board, not to exceed
456 Fifty Dollars (\$50.00).

457 (v) Any licensed practical nurse applying for a
458 license, renewal of an active license, reinstatement of a lapsed
459 license, or change from inactive to active status may be required
460 to provide evidence of continuing basic nursing competencies when
461 such nurse has not practiced nursing for compensation or performed
462 the function of a licensed practical nurse in a voluntary capacity
463 with or without compensation within the five-year period
464 immediately prior to such application for a license, renewal,
465 reinstatement or change of status.

466 (vi) Any licensed practical nurse who permits his
467 or her license to lapse by failing to renew the license as
468 provided above may be reinstated by the board upon satisfactory
469 explanation for such failure to renew his or her license, by
470 compliance with all other applicable provisions of this chapter,
471 by completion of a reinstatement form, and upon payment of the
472 reinstatement fee not to exceed One Hundred Dollars (\$100.00),
473 which shall not include the renewal fee for the current biennial
474 period. Any licensed practical nurse who permits his or her
475 license to lapse shall be notified by the board within fifteen
476 (15) days of such lapse.

477 (vii) Any person practicing as a licensed
478 practical nurse during the time his or her license has lapsed
479 shall be considered an illegal practitioner and shall be subject
480 to the penalties provided for violation of this chapter, provided
481 the licensed practical nurse has not submitted the required
482 reinstatement form and fees within fifteen (15) days after
483 notification by the board of such lapse.

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

486 73-15-29. (1) The board shall have power to revoke, suspend
487 or refuse to renew any license issued by the board, or to revoke
488 or suspend any privilege to practice, or to deny an application
489 for a license, or to fine, place on probation and/or discipline a
490 licensee, in any manner specified in this chapter, upon proof that
491 such person:

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

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

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

503 (d) Has had a license or privilege to practice as a
504 registered nurse or a licensed practical nurse suspended or
505 revoked in any jurisdiction, has voluntarily surrendered such
506 license or privilege to practice in any jurisdiction, has been
507 placed on probation as a registered nurse or licensed practical
508 nurse in any jurisdiction or has been placed under a disciplinary
509 order(s) in any manner as a registered nurse or licensed practical
510 nurse in any jurisdiction, (a certified copy of the order of
511 suspension, revocation, probation or disciplinary action shall be
512 prima facie evidence of such action);

513 (e) Has negligently or willfully practiced nursing in a
514 manner that fails to meet generally accepted standards of such
515 nursing practice;

516 (f) Has negligently or willfully violated any order,
517 rule or regulation of the board pertaining to nursing practice or
518 licensure;

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

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

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

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

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

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

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

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

544 (a) Denying application for a license or other
545 authorization to practice nursing or practical nursing;

546 (b) Administering a reprimand;

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

550 (d) Revoking the license or other authorization to
551 practice nursing or practical nursing;

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

557 (f) Requiring the discipline to participate in a
558 program of education prescribed by the board as a condition for
559 initial, continued or renewed licensure or other authorization to
560 practice;

561 (g) Requiring the discipline to practice under the
562 supervision of a registered nurse for a specified period of time;
563 or

564 (h) Imposing a fine * * *.

565 (3) In addition to the grounds specified in subsection (1)
566 of this section, the board shall be authorized to suspend the
567 license or privilege to practice of any licensee for being out of
568 compliance with an order for support, as defined in Section
569 93-11-153. The procedure for suspension of a license or privilege
570 to practice for being out of compliance with an order for support,
571 and the procedure for the reissuance or reinstatement of a license
572 or privilege to practice suspended for that purpose, and the
573 payment of any fees for the reissuance or reinstatement of a
574 license or privilege to practice suspended for that purpose, shall
575 be governed by Section 93-11-157 or 93-11-163, as the case may be.
576 If there is any conflict between any provision of Section
577 93-11-157 or 93-11-163 and any provision of this chapter, the
578 provisions of Section 93-11-157 or 93-11-163, as the case may be,
579 shall control.

580 (4) If the public health, safety or welfare imperatively
581 requires emergency action and incorporates a finding to that
582 effect in an order, summary suspension of a license may be ordered
583 pending proceedings for revocation or other action. These
584 proceedings shall be promptly instituted and determined.

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

587 73-15-33. It is unlawful for any person, including a
588 corporation or association, to:

589 (a) Sell, fraudulently obtain or furnish any nursing
590 diploma, license, renewal of license, or record, or to aid or abet
591 therein;

592 (b) Practice nursing as defined by this chapter under
593 cover of any diploma, license, renewal of license, or record
594 illegally or fraudulently obtained or signed or issued unlawfully
595 or under fraudulent representation;

596 (c) Practice or offer to practice nursing as defined by
597 this chapter unless duly licensed or privileged to practice under
598 the provisions of this chapter;

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

603 (e) Practice as a registered nurse or a licensed
604 practical nurse during the time his or her license or privilege to
605 practice issued under the provisions of this chapter is under
606 suspension or revocation;

607 (f) Conduct a nursing education program for the
608 preparation of registered nurses, unless the program has been
609 accredited by the Board of Trustees of State Institutions of
610 Higher Learning, or conduct a nursing education program for the
611 preparation of licensed practical nurses unless the program has
612 been accredited by the Department of Education through the
613 Division of Vocational Education;

614 (g) Willfully employ unlicensed persons or persons not
615 holding the privilege to practice, to practice as registered
616 nurses or licensed practical nurses; or

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

619 Any person, firm or corporation who violates any provisions
620 of this chapter shall be guilty of a misdemeanor and, upon
621 conviction thereof, shall be punished by a fine not less than One
622 Hundred Dollars (\$100.00) nor more than Two Thousand Dollars
623 (\$2,000.00) or by imprisonment in the county jail for not less
624 than twelve (12) months, or by both such fine and imprisonment.
625 It shall be necessary to prove, in any prosecution under this
626 chapter, only a single act prohibited by law, or a single holding
627 out or an attempt without proving a general course of conduct in
628 order to constitute a violation. Each violation may constitute a
629 separate offense. It shall be the duty of the Attorney General to
630 advise with the board in preparing charges, to assist in
631 conducting board disciplinary hearings, to provide assistance with
632 appropriate affidavits and other charges for filing in the
633 appropriate court, and to assist the county or district attorney
634 in prosecution, if any.

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

637 73-15-35. The practice of nursing as a registered nurse or
638 the practice of nursing as a licensed practical nurse by any
639 person who has not been issued a license or who does not hold the
640 privilege to practice under the provisions of this chapter, or
641 whose license or privilege to practice has been suspended or
642 revoked, or has expired and not been reinstated, or has
643 negligently or willfully practiced nursing in a manner that fails
644 to meet generally accepted standards of such nursing practice, is
645 declared to be a danger to the public health and welfare and shall
646 be enjoined through appropriate court action. In addition to and
647 not in lieu of any other civil, criminal or disciplinary remedy,
648 the Attorney General, the Board of Nursing or the prosecuting
649 attorney of any county where a person is practicing or purporting

650 to practice as a registered nurse or as a licensed practical nurse
651 in violation of this chapter may, in accordance with the laws of
652 this state governing injunctions, maintain an action to enjoin
653 that person from practicing as a registered nurse or a licensed
654 practical nurse until in compliance with this chapter. The court
655 may issue a temporary injunction without notice or without bond
656 enjoining a defendant from further practicing as a registered
657 nurse or a licensed practical nurse. If it is established to the
658 satisfaction of the court that the defendant has been or is
659 practicing as a registered nurse or a licensed practical nurse
660 without being licensed or privileged to practice and in good
661 standing as provided herein, the court may enter a decree
662 perpetually enjoining the defendant from such further activities,
663 and a subsequent violation of which may be considered as contempt
664 of court by any court of competent jurisdiction. Such injunction
665 and contempt proceedings may be in addition to and not in lieu of
666 any other penalties and remedies provided by this chapter.

667 **SECTION 9.** Sections 73-15-22 and 73-15-23, Mississippi Code
668 of 1972, which is the Nurse Licensure Interstate Compact and
669 provisions relating to the withdrawal from the compact, are hereby
670 repealed.

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