

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 418

1 AN ACT TO AMEND SECTIONS 73-15-5 AND 73-15-20, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE CERTIFIED NURSE MIDWIVES TO PRACTICE AS
3 AN ADVANCED PRACTICE REGISTERED NURSE WITHOUT HAVING A WRITTEN
4 COLLABORATIVE/CONSULTATIVE RELATIONSHIP AGREEMENT WITH A PHYSICIAN
5 OR HAVING AN AGREEMENT WITH A PHYSICIAN REGARDING THE PROTOCOL OR
6 PRACTICE GUIDELINES OF THE CERTIFIED NURSE MIDWIFE; AND FOR
7 RELATED PURPOSES.

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

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

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

13 (2) The "practice of nursing" by a registered nurse means
14 the performance for compensation of services which requires
15 substantial knowledge of the biological, physical, behavioral,
16 psychological and sociological sciences and of nursing theory as
17 the basis for assessment, diagnosis, planning, intervention and
18 evaluation in the promotion and maintenance of health; management
19 of individuals' responses to illness, injury or infirmity; the
20 restoration of optimum function; or the achievement of a dignified

21 death. "Nursing practice" includes, but is not limited to,
22 administration, teaching, counseling, delegation and supervision
23 of nursing, and execution of the medical regimen, including the
24 administration of medications and treatments prescribed by any
25 licensed or legally authorized physician or dentist. The
26 foregoing shall not be deemed to include acts of medical diagnosis
27 or prescriptions of medical, therapeutic or corrective measures,
28 except as may be set forth by rules and regulations promulgated
29 and implemented by the Mississippi Board of Nursing.

30 (3) "Clinical nurse specialist practice" by a certified
31 clinical nurse specialist means the delivery of advanced practice
32 nursing care to individuals or groups using advanced diagnostic
33 and assessment skills to manage and improve the health status of
34 individuals and families; diagnose human responses to actual or
35 potential health problems; plan for health promotion, disease
36 prevention, and therapeutic intervention in collaboration with the
37 patient or client; implement therapeutic interventions based on
38 the nurse specialist's area of expertise and within the scope of
39 advanced nursing practice, including, but not limited to, direct
40 patient care, counseling, teaching, collaboration with other
41 licensed health care providers; and, coordination of health care
42 as necessary and appropriate and evaluation of the effectiveness
43 of care.

44 (4) "Advanced nursing practice" means, in addition to the
45 practice of professional nursing, the performance of

46 advanced-level nursing approved by the board which, by virtue of
47 graduate education and experience are appropriately performed by
48 an advanced practice registered nurse. The advanced practice
49 registered nurse may diagnose, treat and manage medical
50 conditions. This may include prescriptive authority as identified
51 by the board. Advanced practice registered nurses must practice
52 in a collaborative/consultative relationship with a physician or
53 dentist with an unrestricted license to practice in the State of
54 Mississippi, except as otherwise authorized in Section
55 73-15-20(3), and advanced nursing must be performed within the
56 framework of a standing protocol or practice guidelines, as
57 appropriate.

58 (5) The "practice of nursing" by a licensed practical nurse
59 means the performance for compensation of services requiring basic
60 knowledge of the biological, physical, behavioral, psychological
61 and sociological sciences and of nursing procedures which do not
62 require the substantial skill, judgment and knowledge required of
63 a registered nurse. These services are performed under the
64 direction of a registered nurse or a licensed physician or
65 licensed dentist and utilize standardized procedures in the
66 observation and care of the ill, injured and infirm; in the
67 maintenance of health; in action to safeguard life and health; and
68 in the administration of medications and treatments prescribed by
69 any licensed physician or licensed dentist authorized by state law
70 to prescribe. On a selected basis, and within safe limits, the



71 role of the licensed practical nurse shall be expanded by the
72 board under its rule-making authority to more complex procedures
73 and settings commensurate with additional preparation and
74 experience.

75 (6) A "license" means an authorization to practice nursing
76 as a registered nurse or a licensed practical nurse designated
77 herein.

78 (7) A "registered nurse" is a person who is licensed or
79 holds the privilege to practice under the provisions of this
80 article and who practices nursing as defined herein. "RN" is the
81 abbreviation for the title of Registered Nurse.

82 (8) A "licensed practical nurse" is a person who is licensed
83 or holds the privilege to practice under this article and who
84 practices practical nursing as defined herein. "LPN" is the
85 abbreviation for the title of Licensed Practical Nurse.

86 (9) A "registered nurse in clinical practice" is one who
87 functions in any health care delivery system which provides
88 nursing services.

89 (10) A "clinical nurse specialist" is a person who is
90 licensed or holds the privilege to practice under this article in
91 this state to practice professional nursing and who in this state
92 practices advanced nursing as defined herein. "CNS" is the
93 abbreviation for the title of Clinical Nurse Specialist.

94 (11) An "advanced practice registered nurse" is a person who
95 is licensed or holds the privilege to practice under this article



96 and who is certified in advanced practice registered nurse or
97 specialized nursing practice and includes certified registered
98 nurse midwives, certified registered nurse anesthetists and
99 certified nurse practitioners. "CNM" is the abbreviation for the
100 title of Certified Nurse Midwife, "CRNA" is the abbreviation for
101 the title of Certified Registered Nurse Anesthetist. "CNP" is the
102 abbreviation for the title of Certified Nurse Practitioner.

103 (12) A "nurse educator" is a registered nurse who meets the
104 criteria for faculty as set forth in a state-accredited program of
105 nursing for registered nurses, or a state-approved program of
106 nursing for licensed practical nurses, and who functions as a
107 faculty member.

108 (13) A "consumer representative" is a person representing
109 the interests of the general public, who may use services of a
110 health agency or health professional organization or its members
111 but who is neither a provider of health services, nor employed in
112 the health services field, nor holds a vested interest in the
113 provision of health services at any level, nor has an immediate
114 family member who holds vested interests in the provision of
115 health services at any level.

116 (14) "Privilege to practice" means the multistate licensure
117 privilege to practice nursing in the state as described in the
118 Nurse Licensure Compact provided for in Section 73-15-201.

119 (15) "Licensee" is a person who has been issued a license to
120 practice nursing in the state or who holds the privilege to
121 practice nursing in the state.

122 **SECTION 2.** Section 73-15-20, Mississippi Code of 1972, is
123 amended as follows:

124 73-15-20. (1) **Advanced practice registered nurses.** Any
125 nurse desiring to be certified as an advanced practice registered
126 nurse shall apply to the board and submit proof that he or she
127 holds a current license to practice professional nursing and that
128 he or she meets one or more of the following requirements:

129 (a) Satisfactory completion of a formal post-basic
130 educational program of at least one (1) academic year, the primary
131 purpose of which is to prepare nurses for advanced or specialized
132 practice.

133 (b) Certification by a board-approved certifying body.
134 Such certification shall be required for initial state
135 certification and any recertification as a registered nurse
136 anesthetist, nurse practitioner or nurse midwife. The board may
137 by rule provide for provisional or temporary state certification
138 of graduate nurse practitioners for a period of time determined to
139 be appropriate for preparing and passing the National
140 Certification Examination. Those with provisional or temporary
141 certifications must practice under the direct supervision of a
142 licensed physician or a certified nurse practitioner or certified
143 nurse midwife with at least five (5) years of experience.

144 (c) Graduation from a program leading to a master's or
145 post-master's degree in a nursing clinical specialty area with
146 preparation in specialized practitioner skills.

147 (2) **Rulemaking.** The board shall provide by rule the
148 appropriate requirements for advanced practice registered nurses
149 in the categories of certified registered nurse anesthetist,
150 certified nurse midwife and advanced practice registered nurse.

(3) **Collaboration.** Except as otherwise authorized in this subsection (3), an advanced practice registered nurse shall perform those functions authorized in this section within a collaborative/consultative relationship with a dentist or physician with an unrestricted license to practice dentistry or medicine in this state and within an established protocol or practice guidelines, as appropriate, that is filed with the board upon license application, license renewal, after entering into a new collaborative/consultative relationship or making changes to the protocol or practice guidelines or practice site. The board shall review and approve the protocol to ensure compliance with applicable regulatory standards. The advanced practice registered nurse may not practice as an * * * advance practice registered nurse if there is no collaborative/consultative relationship with a physician or dentist and a board-approved protocol or practice guidelines. However, a certified nurse midwife is not required to have a written collaborative/consultative relationship agreement with a physician or have an agreement with a physician regarding



169 the protocol or practice guidelines of the certified nurse midwife
170 in order to practice as an advance practice registered nurse.

171 (4) **Renewal.** The board shall renew a license for an
172 advanced practice registered nurse upon receipt of the renewal
173 application, fees and protocol or practice guidelines. The board
174 shall adopt rules establishing procedures for license renewals.
175 The board shall by rule prescribe continuing education
176 requirements for advanced practice nurses not to exceed forty (40)
177 hours biennially as a condition for renewal of a license or
178 certificate.

179 (5) **Reinstatement.** Advanced practice registered nurses may
180 reinstate a lapsed privilege to practice upon submitting
181 documentation of a current active license to practice professional
182 nursing, a reinstatement application and fee, a protocol or
183 practice guidelines, documentation of current certification as an
184 advanced practice nurse in a designated area of practice by a
185 national certification organization recognized by the board and
186 documentation of at least forty (40) hours of continuing education
187 related to the advanced clinical practice of the nurse
188 practitioner within the previous two-year period. The board shall
189 adopt rules establishing the procedure for reinstatement.

190 (6) **Changes in status.** The advanced practice registered
191 nurse shall notify the board immediately regarding changes in the
192 collaborative/consultative relationship with a licensed physician
193 or dentist. If changes leave the advanced practice registered



194 nurse without a board-approved collaborative/consultative
195 relationship with a physician or dentist, the advanced practice
196 registered nurse may not practice as an advanced practice
197 registered nurse.

198 (7) **Practice requirements.** The advanced practice registered
199 nurse shall practice:

200 (a) According to standards and guidelines of the
201 National Certification Organization.

202 (b) In a collaborative/consultative relationship with a
203 licensed physician whose practice is compatible with that of the
204 nurse practitioner, except as otherwise authorized in Section
205 73-15-20(3). Certified registered nurse anesthetists may
206 collaborate/consult with licensed dentists. The advanced practice
207 nurse must be able to communicate reliably with a
208 collaborating/consulting physician or dentist while practicing.

209 (c) According to a board-approved protocol or practice
210 guidelines.

211 (d) Advanced practice registered nurses practicing as
212 nurse anesthetists must practice according to board-approved
213 practice guidelines that address pre-anesthesia preparation and
214 evaluation; anesthesia induction, maintenance, and emergence;
215 post-anesthesia care; peri-anesthetic and clinical support
216 functions.

217 (e) Except as otherwise authorized in Section
218 73-15-20(3), advanced practice registered nurses practicing in

219 other specialty areas must practice according to a board-approved
220 protocol that has been mutually agreed upon by the nurse
221 practitioner and a Mississippi licensed physician or dentist whose
222 practice or prescriptive authority is not limited as a result of
223 voluntary surrender or legal/regulatory order.

224 (f) Each collaborative/consultative relationship shall
225 include and implement a formal quality assurance/quality
226 improvement program which shall be maintained on site and shall be
227 available for inspection by representatives of the board. This
228 quality assurance/quality improvement program must be sufficient
229 to provide a valid evaluation of the practice and be a valid basis
230 for change, if any.

231 (g) Nurse practitioners may not write prescriptions
232 for, dispense or order the use of or administration of any
233 schedule of controlled substances except as contained in this
234 chapter.

235 (8) **Prescribing controlled substances and medications.**

236 Certified nurse midwives and certified nurse practitioners may
237 apply for controlled substance prescriptive authority after
238 completing a board-approved educational program. Certified nurse
239 midwives and certified nurse practitioners who have completed the
240 program and received prescription authority from the board may
241 prescribe Schedules II-V. The words "administer," "controlled
242 substances" and "ultimate user," shall have the same meaning as
243 set forth in Section 41-29-105, unless the context otherwise



244 requires. The board shall promulgate rules governing prescribing
245 of controlled substances, including distribution, record keeping,
246 drug maintenance, labeling and distribution requirements and
247 prescription guidelines for controlled substances and all
248 medications. Prescribing any controlled substance in violation of
249 the rules promulgated by the board shall constitute a violation of
250 Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
251 disciplinary action. The prescribing, administering or
252 distributing of any legend drug or other medication in violation
253 of the rules promulgated by the board shall constitute a violation
254 of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for
255 disciplinary action.

256 **SECTION 3.** This act shall take effect and be in force from
257 and after July 1, 2026.

