MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2007

AN ACT TO AMEND SECTION 73-15-3, MISSISSIPPI CODE OF 1972, TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES IN THE STATEMENT OF PURPOSE OF THE MISSISSIPPI NURSING PRACTICE LAW; TO AMEND SECTION 73-15-5, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN DEFINITIONS AND REVISE CERTAIN DEFINITIONS IN THE NURSING PRACTICE LAW REGARDING ADVANCED NURSING PRACTICE; TO AMEND SECTION 73-15-20, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS RELATING TO THE PRACTICE OF ADVANCED NURSING PRACTICE NURSES; TO PROVIDE THAT AN ADVANCED PRACTICE REGISTERED NURSE SHALL BE EXEMPT FROM THE REQUIREMENT OF ENTERING AND MAINTAINING A COLLABORATIVE/CONSULTATIVE RELATIONSHIP WITH A LICENSED PHYSICIAN OR DENTIST AFTER COMPLETING 3,600 TRANSITION TO PRACTICE HOURS; TO AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES IN THE PROVISIONS RELATING TO GROUNDS FOR DISCIPLINARY ACTIONS AGAINST NURSES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-15-3, Mississippi Code of 1972, is amended as follows:

73-15-3. In order to safeguard life and health, any person practicing or offering to practice as a registered nurse<u>, an advanced practice registered nurse</u> or a licensed practical nurse in Mississippi for compensation shall hereafter be required to submit evidence of qualifications to practice and shall be licensed or hold the privilege to practice as hereinafter

provided. It shall be unlawful for any person not licensed or holding the privilege to practice under the provisions of this article:

(a) To practice or offer to practice as a registered nurse, an advanced practice registered nurse or a licensed practical nurse;

(b) To use a sign, card or device to indicate that such person is a registered nurse, an advanced practice registered nurse or a licensed practical nurse.

Any person offering to practice nursing in Mississippi must be licensed or otherwise authorized to practice as provided in this article.

SECTION 2. Section 73-15-5, Mississippi Code of 1972, is amended as follows:

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

(2) The "practice of nursing" by a registered nurse means the performance for compensation of services which requires substantial knowledge of the biological, physical, behavioral, psychological and sociological sciences and of nursing theory as the basis for assessment, diagnosis, planning, intervention and evaluation in the promotion and maintenance of health; management of individuals' responses to illness, injury or infirmity; the restoration of optimum function; or the achievement of a dignified death. "Nursing practice" includes, but is not limited to,

administration, teaching, counseling, delegation and supervision of nursing, and execution of the medical regimen, including the administration of medications and treatments prescribed by any licensed or legally authorized physician or dentist. The foregoing shall not be deemed to include acts of medical diagnosis or prescriptions of medical, therapeutic or corrective measures, except as may be set forth by rules and regulations promulgated and implemented by the Mississippi Board of Nursing.

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(*** * ***3) "Advanced nursing practice" means, in addition to the practice of professional nursing, the performance of advanced-level nursing approved by the board which, by virtue of graduate education and experience are appropriately performed by an advanced practice registered nurse. The advanced practice registered nurse may diagnose, treat and manage medical conditions. This may include prescriptive authority as identified by the board. Except as otherwise authorized in Section 73-15-20(3), advanced practice registered nurses must practice in a collaborative/consultative relationship with a physician or dentist with an unrestricted license to practice in the State of Mississippi and advanced nursing must be performed within the framework of a standing protocol or practice guidelines, as appropriate.

(*** * ***4) The "practice of nursing" by a licensed practical nurse means the performance for compensation of services requiring

basic knowledge of the biological, physical, behavioral, psychological and sociological sciences and of nursing procedures which do not require the substantial skill, judgment and knowledge required of a registered nurse. These services are performed under the direction of a registered nurse or a licensed physician or licensed dentist and utilize standardized procedures in the observation and care of the ill, injured and infirm; in the maintenance of health; in action to safeguard life and health; and in the administration of medications and treatments prescribed by any licensed physician or licensed dentist authorized by state law to prescribe. On a selected basis, and within safe limits, the role of the licensed practical nurse shall be expanded by the board under its rule-making authority to more complex procedures and settings commensurate with additional preparation and experience.

(* * *5) A "license" means an authorization to practice nursing as a registered nurse, an advanced practice registered nurse or a licensed practical nurse designated herein.

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

(* * *7) A "licensed practical nurse" is a person who is licensed or holds the privilege to practice under this article and

who practices practical nursing as defined herein. "LPN" is the abbreviation for the title of Licensed Practical Nurse.

(* * *8) A "registered nurse in clinical practice" is one who functions in any health care delivery system which provides nursing services.

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(9) "Collaboration" or "collaborate" means the act of communicating pertinent information or consulting with a licensed physician or other licensed health care provider with each provider contributing the provider's respective expertise to optimize the overall care delivered to the patient.

(* * *10) An "advanced practice registered nurse" is a person who is licensed or holds the privilege to practice under this article as a professional nurse and who is * * * licensed as an advanced practice registered nurse or specialized nursing practice and includes certified registered nurse midwives, certified registered nurse anesthetists, clinical nurse specialists and certified nurse practitioners. As used in this subsection (10):

(a) "Certified registered nurse midwife" means a registered nurse who holds certification as a certified registered nurse midwife by a nationally recognized certifying body approved by the board and is licensed by the board to engage in advanced practice nursing in this state. "CNM" is the abbreviation for the title of Certified Nurse Midwife * * *.

(b) "Certified registered nurse anesthetist" means a registered nurse who holds certification as a certified registered nurse anesthetist by a nationally recognized certifying body approved by the board and is licensed by the board to engage in advanced practice nursing in this state. "CRNA" is the abbreviation for the title of Certified Registered Nurse Anesthetist.

(c) "Certified nurse practitioner" means a registered nurse who holds certification as a certified nurse practitioner by a nationally recognized certifying body approved by the board and is licensed by the board to engage in advanced practice nursing in this state. "CNP" is the abbreviation for the title of Certified Nurse Practitioner.

(d) "Clinical nurse specialist" means a registered nurse who holds certification as a clinical nurse specialist by a nationally recognized certifying body approved by the board and is licensed by the board to engage in advanced practice nursing in this state. "CNS" is the abbreviation for the title of Clinical Nurse Specialist.

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

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

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

(* * *14) "Licensee" is a person who has been issued a license to practice nursing or advanced practice nursing in the state or who holds the privilege to practice nursing in the state.

SECTION 3. Section 73-15-20, Mississippi Code of 1972, is amended as follows:

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

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

(b) Certification by a board-approved certifying body. Such certification shall be required for initial state * * * licensure and any * * * license renewal as a certified registered nurse anesthetist, certified nurse practitioner, clinical nurse specialist or certified nurse midwife. The board may by rule provide for provisional or temporary state * * * licensure of graduate * * * advanced practice registered nurses for a period of time determined to be appropriate for preparing and passing the National Certification Examination. Those with provisional or temporary * * * licenses must practice under the direct supervision of a licensed physician or * * * an advanced practice registered nurse with at least five (5) years of experience.

(c) Graduation from a program leading to a master's or post-master's degree in a * * * program of study preparing for one (1) of the described advanced practice registered nurse roles.

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

(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. * * * After an advanced practice registered nurse has completed three thousand six hundred (3,600) transition-to-practice hours, the advanced practice registered nurse, except certified registered nurse anesthetists, shall be exempt from the requirement of entering and maintaining a collaborative/consultative relationship with a licensed physician as provided under this subsection (3).

(4) **Renewal.** The board shall renew a license for an advanced practice registered nurse upon receipt of the renewal application, fees and any required protocol or practice guidelines. The board shall adopt rules establishing procedures for license renewals. The board shall by rule prescribe continuing education requirements for advanced practice registered nurses * * * as a condition for renewal of * * * licensure.

(5) **Reinstatement.** Advanced practice registered nurses may reinstate a lapsed privilege to practice upon submitting documentation of a current active license to practice professional nursing, a reinstatement application and fee, * * * any required protocol or practice guidelines, documentation of current

certification as an advanced practice registered nurse in a designated area of practice by a national certification organization recognized by the board and documentation of at least forty (40) hours of continuing education related to the advanced clinical practice of the *** * *** advanced practice registered nurse within the previous two-year period. The board shall adopt rules establishing the procedure for reinstatement.

(6) **Changes in status. * * *** An advanced practice registered nurse who is required to have a collaborative/consultative relationship with a licensed physician shall notify the board immediately regarding changes in the collaborative/consultative relationship *** * ***. If changes leave the advanced practice registered nurse without a board-approved collaborative/consultative relationship with a physician or dentist, the advanced practice nurse may not practice as an advanced practice registered nurse.

(7) **Practice requirements.** The advanced practice registered nurse shall practice as follows:

(a) According to standards and guidelines of their respective professional organization and the National Certification Organization.

(b) In a collaborative/consultative relationship with a licensed physician whose practice is compatible with that of the nurse practitioner, except as otherwise authorized in subsection (3) of this section. Certified registered nurse anesthetists may

collaborate/consult with licensed dentists. The advanced practice registered nurse must be able to communicate reliably with a collaborating/consulting physician or dentist while practicing. Advanced practice registered nurses who are not required to have a collaborative/consultative relationship with a licensed physician or dentist shall collaborate with other health care providers and refer or transfer patients as appropriate.

(c) According to a board-approved protocol or practice guidelines, except as otherwise authorized in subsection (3) of this section.

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

(e) Except as otherwise authorized in subsection (3) of this section, advanced practice registered nurses practicing in other specialty areas must practice according to a board-approved protocol that has been mutually agreed upon by the nurse practitioner and a Mississippi licensed physician or dentist whose practice or prescriptive authority is not limited as a result of voluntary surrender or legal/regulatory order.

(f) Each required collaborative/consultative relationship shall include and implement a formal quality

assurance/quality improvement program which shall be maintained on site and shall be available for inspection by representatives of the board. This quality assurance/quality improvement program must be sufficient to provide a valid evaluation of the practice and be a valid basis for change, if any.

(g) * * * Advanced practice registered nurses may not write prescriptions for, dispense or order the use of or administration of any schedule of controlled substances except as contained in this chapter.

(8) **Prescribing controlled substances and medications. * * *** Advanced practice registered nurses may apply for controlled substance prescriptive authority after completing a board-approved educational program. * * * Advanced practice registered nurses who have completed the program and received prescription authority from the board may prescribe Schedules II-V. The words "administer," "controlled substances" and "ultimate user," shall have the same meaning as set forth in Section 41-29-105, unless the context otherwise requires. The board shall promulgate rules governing prescribing of controlled substances, including distribution, record keeping, drug maintenance, labeling and distribution requirements and prescription guidelines for controlled substances and all medications. Prescribing any controlled substance in violation of the rules promulgated by the board shall constitute a violation of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for disciplinary action. The

prescribing, administering or distributing of any legend drug or other medication in violation of the rules promulgated by the board shall constitute a violation of Section 73-15-29(1)(f), (k) and (l) and shall be grounds for disciplinary action.

SECTION 4. Section 73-15-29, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) Has had a license or privilege to practice as a registered nurse<u>, an advanced practice registered nurse</u> or a

licensed practical nurse suspended or revoked in any jurisdiction, has voluntarily surrendered such license or privilege to practice in any jurisdiction, has been placed on probation as a registered nurse, an advanced practice registered nurse or licensed practical nurse in any jurisdiction or has been placed under a disciplinary order(s) in any manner as a registered nurse, an advanced practice registered nurse or licensed practical nurse in any jurisdiction, (a certified copy of the order of suspension, revocation, probation or disciplinary action shall be prima facie evidence of such action);

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

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

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

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

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

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

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

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

(m) Has violated any provision of this article; or

(n) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, 2025.

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

(a) Denying application for a license or other authorization to practice nursing, advanced nursing practice or practical nursing;

(b) Administering a reprimand;

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

(d) Revoking the license or other authorization to practice nursing, advanced nursing practice or practical nursing;

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

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

(g) Requiring the disciplinee to practice under the supervision of a registered nurse or advanced practice registered nurse for a specified period of time; or

(h) Imposing a fine not to exceed Five Hundred Dollars ($500.00).

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license or privilege to practice of any licensee for being out of compliance with an order for support, as defined in Section

93-11-153. The procedure for suspension of a license or privilege to practice for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

(5) The board may establish by rule an alternative to discipline program for licensees who have an impairment as a result of substance abuse or a mental health condition, which program shall include at least the following components:

(a) Participation in the program is voluntary with the licensee, and the licensee must enter the program before the board holds a disciplinary action hearing regarding the licensee;

(b) The full cost of participation in the program, including the cost of any care, counseling, treatment and/or education received by the licensee, shall be borne by the licensee;

(c) All of the procedures and records regarding the licensee's participation in the program shall be confidential, shall not be disclosed and shall be exempt from the provisions of the Mississippi Public Records Act of 1983; and

(d) A licensee may not participate in the program more often than one (1) time during any period of five (5) years or such longer period as set by the board.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

ST: Advanced practice registered nurses; revise certain provisions relating to, including collaboration requirement.