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Chapter No. 315
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SENATE BILL NO. 2557

Originated in Senate Secretary

SENATE BILL NO. 2557

AN ACT TO AMEND SECTIONS 73-15-5, 73-15-20 AND 83-41-213, MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTOMATIC REVERTER AND REPEALER ON THOSE STATUTES WHICH DELETE THE REQUIREMENT THAT CERTAIN REGULATIONS RELATING TO THE PRACTICE OF NURSING SHALL BE JOINTLY PROMULGATED BY THE STATE BOARD OF NURSING AND THE STATE BOARD OF MEDICAL LICENSURE, DEFINE THE TERM "ADVANCE PRACTICE REGISTERED NURSE" FOR THE PURPOSES OF THE NURSING PRACTICE LAW, PRESCRIBE THE QUALIFICATIONS FOR THE LICENSURE OF ADVANCE PRACTICE REGISTERED NURSES, PRESCRIBE THE PRACTICE REQUIREMENTS FOR ADVANCE PRACTICE REGISTERED NURSES, AND DELETE THE REQUIREMENT THAT CERTIFIED NURSE PRACTITIONERS SHALL BE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN FOR INSURANCE REIMBURSEMENT PURPOSES; AND FOR RELATED PURPOSES.

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

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

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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.

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

(4) "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. 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.

(5) 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.

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

(7) 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. "R.N." is the abbreviation for the title of Registered Nurse.

(8) 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. "L.P.N." is the abbreviation for the title of Licensed Practical Nurse.

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

(10) A "clinical nurse specialist" is a person <u>who is</u> licensed or holds the privilege to practice under this article in

this state to practice professional nursing and who in this state practices advanced nursing as defined herein. "C.N.S." is the abbreviation for the title of Clinical Nurse Specialist.

(11) An "advance practice registered nurse" is a person who is licensed or holds the privilege to practice under this article and who is certified in advanced practice registered nurse or specialized nursing practice and includes certified registered nurse midwives, certified registered nurse anesthetists and certified nurse practitioners. "C.N.M" is the abbreviation for the title of Certified Nurse Midwife, "C.R.N.A." is the abbreviation for the title of Certified Registered Nurse Anesthetist. "C.N.P." is the abbreviation for the title of Certified Nurse Practitioner.

(12) 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.

(13) 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.

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

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

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SECTION 2. 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 certified as an advanced practice registered nurse shall apply to the board and submit proof that he or she holds a current license to practice professional nursing 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 certification and any recertification as a registered nurse anesthetist, nurse practitioner or nurse midwife. The board may by rule provide for provisional or temporary state certification of graduate nurse practitioners for a period of time determined to be appropriate for preparing and passing the National Certification Examination. Those with provisional or temporary certifications must practice under the direct supervision of a licensed physician or a certified nurse practitioner or certified nurse midwife 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 nursing clinical specialty area with preparation in specialized practitioner skills.

(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 and advance practice registered nurse.

(3) **Collaboration.** 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 APRN if there is no collaborative/consultative relationship with a physician or dentist and a board-approved protocol or practice guidelines.

(4) **Renewal.** The board shall renew a license for an advanced practice registered nurse upon receipt of the renewal application, fees and 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 nurses not to exceed forty (40) hours biennially as a condition for renewal of a license or certificate.

(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, a protocol or practice guidelines, documentation of current certification as an advanced practice 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 nurse practitioner within the previous two-year period. The board shall adopt rules establishing the procedure for reinstatement.

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

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

(b) In a collaborative/consultative relationship with a licensed physician whose practice is compatible with that of the nurse practitioner. Certified registered nurse anesthetists may collaborate/consult with licensed dentists. The advanced practice nurse must be able to communicate reliably with a collaborating/consulting physician or dentist while practicing.

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

(d) Advanced practice registered nurses practicing as 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) 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 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) Nurse practitioners 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.** Certified nurse midwives and certified nurse practitioners may apply for controlled substance prescriptive authority after completing a board-approved educational program. Certified nurse midwives and certified nurse practitioners 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.

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SECTION 3. Section 83-41-213, Mississippi Code of 1972, is amended as follows:

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83-41-213. From and after January 1, 1999, whenever any policy of insurance or any medical service plan or hospital

service contract or hospital and medical service contract issued, delivered, administered, continued or renewed in this state provides for reimbursement for any service which is within the lawful scope of practice of a duly certified nurse practitioner as provided for by rules and regulations implemented by the Mississippi Board of Nursing under Section 73-15-5(2), the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician or by a duly certified nurse practitioner, notwithstanding any provision to the contrary in any statute or in such policy, plan or contract. Duly certified nurse practitioners shall be entitled to participate in such policies, plans or contracts providing for the services of nurse practitioners, as authorized by the rules and regulations implemented by the Mississippi Board of Nursing under Section 73-15-5(2). Reimbursement shall be based on services rendered by a duly certified nurse practitioner.

It is the intent of the Legislature by this section to provide for increased access of health delivery services to the underserved.

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SECTION 4. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
February ~~11~~ 2010

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 2, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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