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Proposed Legislation

West's Annotated Mississippi Code

Title 73. Professions and Vocations

Chapter 15. Nurses

Article 1. Regulation of Practice of Nursing

Miss. Code Ann. § 73-15-29

§ 73-15-29. License or practice privilege denial, revocation or suspension; shielding regarding written certification under compliance with Mississippi Medical Cannabis Act

Effective: February 2, 2022

Currentness

(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 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 or licensed practical nurse in any jurisdiction or has been placed under a disciplinary order(s) in any manner as a 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 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 or practical nursing;
 - (b) Administering a reprimand;
 - (c) Suspending or restricting the license or other authorization to practice as a registered nurse or licensed practical nurse

for up to two (2) years without review;

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

(e) Requiring the discipline 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 or practical nursing;

(f) Requiring the discipline 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 discipline to practice under the supervision of a 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.

(6) A nurse practitioner who provides a written certification as authorized under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder shall not be subject to any disciplinary action under this section solely due to providing the written certification.

Credits

Laws 1970, Ch. 420, § 15; Laws 1976, Ch. 356, § 7; Laws 1981, Ch. 449, § 12; Laws 1983, Ch. 485, § 14; Laws 1991, Ch. 465, § 14; Laws 1996, Ch. 507, § 42, eff. July 1, 1996; Laws 2000, Ch. 482, § 8, eff. July 1, 2000. Amended by Laws 2006, Ch. 343, § 4, eff. July 1, 2006; Laws 2012, Ch. 409, § 12, eff. July 1, 2012; Laws 2016, Ch. 419 (H.B. No. 489), § 9, eff. July 1, 2016; Laws 2019, Ch. 378 (H.B. No. 1519), § 1, eff. July 1, 2019; Laws 2020, Ch. 393 (H.B. No. 686), § 9, eff. July 1, 2020; Laws 2022, Ch. 303 (S.B. No. 2095), § 69, eff. from and after passage (approved Feb. 2, 2022).

Miss. Code Ann. § 73-15-29, MS ST § 73-15-29

The Statutes and Constitution are current with laws from the 2022 Regular Session effective through July 1, 2022. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

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