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Title 73. Professions and Vocations

Chapter 15. Nurses

# **Article 1. Regulation of Practice of Nursing**

## **§ 73-15-1. Short title**

This article shall be cited as the “Mississippi Nursing Practice Law.”

## **§ 73-15-3. License or practice privilege requirement**

In order to safeguard life and health, any person practicing or offering to practice as a registered nurse 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 or a licensed practical nurse;
- (b) To use a sign, card or device to indicate that such person is a 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.

## **§ 73-15-5. Definitions**

- (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. "RN" 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. "LPN" 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 who is 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. "CNS" is the abbreviation for the title of Clinical Nurse Specialist.
- (11) An "advanced 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. "CNM" is the abbreviation for the title of Certified Nurse Midwife, "CRNA" is the abbreviation for the title of Certified Registered Nurse Anesthetist. "CNP" 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 multistate licensure privilege to practice nursing in the state as described in the Nurse Licensure Compact provided for in [Section 73-15-201](#).
- (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.

#### § 73-15-7. Activities excepted from article

The following shall be excepted from the provisions of this article:

- (a) Gratuitous nursing by friends and members of the family.
- (b) The furnishing of nursing assistance in an emergency.
- (c) The practice of nursing which is incidental to a program of study by a student enrolled in an approved educational program of nursing, provided the practice is under the supervision of a registered nurse.
- (d) The practice of nursing by a graduate of an approved educational program of nursing pending the results of the first licensing examination scheduled by the board following such graduation, provided the practice is under the supervision of a registered nurse or a licensed physician if the nurse is practicing in a physician's office and the graduate holds a temporary permit to practice nursing in Mississippi.
- (e) The practice of nursing by any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof while in the discharge of his or her official duties.
- (f) The practice of nursing by a registered nurse or a licensed practical nurse for a period of not more than ninety (90) days pending licensure in Mississippi, provided the nurse upon employment has furnished the employer with satisfactory evidence of current registration and licensure in another state, and provided such nurse furnishes evidence to the prospective employer of having submitted proper application and fees to the board prior to employment and holds a temporary permit to practice nursing in Mississippi.
- (g) The furnishing of nursing assistance by any duly qualified auxiliary personnel employed by state mental health facilities until December 31, 1983.
- (h) Any registered nurse or licensed practical nurse for nursing duties performed in a physician's office under the direction and supervision of a licensed physician; provided, however, that said registered nurse or licensed practical nurse shall otherwise comply with the other provisions of this article.
- (i) The infliction of the punishment of death pursuant to [Section 99-19-51](#).

#### § 73-15-9. Establishment and composition of board

- (1) There is hereby created a board to be known as the Mississippi Board of Nursing, composed of thirteen (13) members, two (2) of whom shall be nurse educators; three (3) of whom shall be registered nurses in clinical practice, two (2) to have as basic nursing preparation an associate degree or diploma and one (1) to have as basic nursing preparation a baccalaureate

degree; one (1) of whom shall be a registered nurse at large; one (1) of whom shall be a registered nurse practitioner; four (4) of whom shall be licensed practical nurses; one (1) of whom shall be a licensed physician who shall always be a member of the State Board of Medical Licensure; and one (1) of whom shall represent consumers of health services. There shall be at least one (1) board member from each congressional district in the state; provided, however, that the physician member, the consumer representative member and one (1) registered nurse member shall be at large always.

- (2) Members of the Mississippi Board of Nursing, excepting the member of the State Board of Medical Licensure, shall be appointed by the Governor, with the advice and consent of the Senate, from lists of nominees submitted by any Mississippi registered nurse organization and/or association chartered by the State of Mississippi whose board of directors is elected by the membership and whose membership includes registered nurses statewide, for the nomination of registered nurses, and by the Mississippi Federation of Licensed Practical Nurses and the Mississippi Licensed Practical Nurses' Association for the nomination of a licensed practical nurse. Nominations submitted by any such registered nurse organization or association to fill vacancies on the board shall be made and voted on by registered nurses only. Each list of nominees shall contain a minimum of three (3) names for each vacancy to be filled. The list of names shall be submitted at least thirty (30) days before the expiration of the term for each position. If such list is not submitted, the Governor is authorized to make an appointment from the group affected and without nominations. Appointments made to fill vacancies for unexpired terms shall be for the duration of such terms and until a successor is duly appointed.
- (3) Members of the board shall be appointed in staggered terms for four (4) years or until a successor shall be duly qualified. No member may serve more than two (2) consecutive full terms. Members of the board serving on July 1, 1988, shall continue to serve for their appointed terms.
- (4) Vacancies occurring by reason of resignation, death or otherwise shall be filled by appointment of the Governor upon nominations from a list of nominees from the affected group to be submitted within not more than thirty (30) days after such a vacancy occurs. In the absence of such list, the Governor is authorized to fill such vacancy in accordance with the provisions for making full-term appointments. All vacancy appointments shall be for the unexpired terms.
- (5) Any member may be removed from the board by the Governor after a hearing by the board and provided such removal is recommended by the executive committee of the affected group.

#### § 73-15-11. Meetings of board

- (1) The members of the Mississippi Board of Nursing shall meet annually and organize for the ensuing year by election of one (1) of its members as president, one (1) as secretary, and one (1) as treasurer. The physician member and the representative of consumers of health services may discuss and nominate but shall not vote for officers nor hold office in such elections.
- (2) The board shall meet at least once every four (4) months for the purpose of transacting such business as may come before the board. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The president of the board

- shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.
- (3) Special meetings of the board may be held on call of the president or upon call of any seven (7) members. A notice of time, place and purpose of any special meeting shall be provided by the executive director to all members of the board.
  - (4) On all matters the board shall function as a board of thirteen (13) members, and seven (7) members, including at least three (3) registered nurses and two (2) practical nurses, shall constitute a quorum. In any case, the affirmative vote of a majority of the members present and participating shall be necessary to take action. In all cases pertaining to practical nursing, such majority must include the affirmative vote of at least one (1) of the practical nurse members of the board.
  - (5) The board shall hold not less than two (2) examinations each year for registered nurses and not less than two (2) each year for licensed practical nurses, at such times and places as the board may determine.
  - (6) Each member of the board shall receive a per diem compensation as provided in [Section 25-3-69](#) for attendance at board meetings, together with necessary travel and other expenses incurred in the discharge of his or her duties as a board member.

#### § 73-15-13. Fees collected by board

- (1) All fees from examination, registration and licensure of nurses as provided for hereafter, and all monies coming into possession of the board from any source whatsoever, shall be paid to the treasurer who shall issue receipts therefor and the same shall be deposited in the state treasury to the credit of the board.
- (2) The funds collected by this board shall be expended only pursuant to appropriation approved by the legislature and as provided by law.
- (3) The treasurer and executive director shall execute surety bonds in a sum to be determined by the board, conditioned upon the faithful performance of their duties and upon their accounting for all monies coming into their hands. The premium for the bond shall be paid by the board funds. Funds shall not be withdrawn or expended except upon approval of the board.

#### § 73-15-15. Board member qualifications

- (1) Each board member shall be a citizen of the United States, a resident of the State of Mississippi, and shall before entering upon duties of said office take the oath prescribed by [Section 268 of the Constitution of the State of Mississippi](#) and file same with the office of the secretary of state who shall thereupon issue such person so appointed a certificate of appointment.
- (2) Each registered nurse board member shall possess these additional qualifications:
  - (a) Education-graduation from an approved educational program for the preparation of registered nurses;
  - (b) Experience-have at least five (5) years of nursing experience since graduation;
  - (c) Employment-have been employed for at least the past three (3) years as a registered nurse in Mississippi;
  - (d) Licensure-be currently registered to practice as a registered nurse in the State of Mississippi.

- (3) Each licensed practical nurse board member shall possess these additional qualifications:
  - (a) Education-graduation from an approved educational program for the preparation of licensed practical nurses;
  - (b) Experience-have at least five (5) years of nursing experience since graduation;
  - (c) Employment-have been employed for at least the past three (3) years as a licensed practical nurse in Mississippi;
  - (d) Licensure-be currently registered to practice as a licensed practical nurse in the State of Mississippi.
- (4) The physician member shall be a physician licensed to practice in the State of Mississippi and a member of the state board of medical licensure.

### § 73-15-17. Authority and power of Board

The Mississippi Board of Nursing is authorized and empowered to:

- (a) Adopt and from time to time revise such rules and regulations consistent with the law as shall be necessary to govern its proceedings and carry into effect the provisions of this article; however, the board shall not adopt any rule or regulation or impose any requirement regarding the licensing or certification of advanced practice registered nurses that conflicts with the prohibitions in [Section 73-49-3](#).
- (b) Require the secretary to keep records of all meetings of the board and keep a record of all proceedings, and to prepare a register of registered nurses and a register of licensed practical nurses, all nurses appearing thereon to be duly licensed under this article, and which registers shall be open for public inspection at all reasonable times.
- (c) Issue subpoenas, require attendance of witnesses, and administer oaths of persons giving testimony.
- (d) Cause the prosecution of all persons violating the provisions of this article, and incur such necessary expenses therefor.
- (e) Conduct hearings upon charges calling for discipline of a licensee or revocation of a license or of the privilege to practice.
- (f) Present a true and full report to the Governor and the Legislature, together with a statement of receipts and disbursements on or before February 1 of each year.
- (g) Maintain an office in the greater Jackson area for the administration of this article.
- (h) File an annual list of all certificates of registration issued by the board with the Secretary of State's office for both registered nurses and licensed practical nurses.
- (i) File an annual list of all certificates of registration issued by the board to registered nurses, including addresses of the persons with the Mississippi Nurses' Association; and file a similar list of all certificates of registration issued to licensed practical nurses, including addresses of the persons, with the Mississippi Federation of Licensed Practical Nurses and the Mississippi Licensed Practical Nurses Association.
- (j) Adopt a seal which shall be in the form of a circle with the image of an eagle in the center, and around the margin the words "Mississippi Board of Nursing," and under the image of the eagle the word "Official." The seal shall be affixed to certificates and warrants issued by the board, and to all records sent up on appeal from its decisions.
- (k) Schedule dates and locations for state board examinations for examining qualified applicants for licensure.



- (l) Examine, license and renew licenses of duly qualified applicants.
- (m) Appoint and employ a qualified person who shall not be a member of the board to serve as executive director, define the duties, fix the compensation, and delegate to him or her those activities that will expedite the functions of the board. The executive director shall meet all the qualifications for board members, and shall in addition:
  - (i) Have had at least a master's degree in nursing, eight (8) years' experience as a registered nurse, five (5) of which shall be in teaching or in administration, or a combination thereof; and
  - (ii) Have been actively engaged in nursing for at least five (5) years immediately preceding appointment.
- (n) Employ, discharge, define duties, and fix compensation of such other persons as may be necessary to carry out the provisions of this article.
- (o) Secure the services of research consultants as deemed necessary who shall receive a per diem, travel and other necessary expenses incurred while engaged by the board.
- (p) Enter into contracts with any other state or federal agency or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest and in the furtherance of its responsibilities.
- (q) Upon reasonable suspicion that a holder of a license issued under this article has violated any statutory ground for denial of licensure as set forth in [Section 73-15-29](#) or is guilty of any offense specified in [Section 73-15-33](#), require the license holder to undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database, in the same manner as required for applicants for licensure under [Sections 73-15-19\(1\)](#) and [73-15-21\(1\)](#).
- (r) Perform the duties prescribed by the Nurse Licensure Compact in [Section 73-15-201](#).

#### **§ 73-15-18. Office of Nursing Workforce Redevelopment; creation**

- (1) The Mississippi Board of Nursing is designated as the state agency responsible for the administration and supervision of the Nursing Workforce Program as an educational curriculum in the State of Mississippi. It is the intent of the Legislature to develop a nursing workforce able to carry out the scope of service and leadership tasks required of the profession by promoting a strong educational infrastructure between nursing practice and nursing education.
- (2) The Mississippi Board of Nursing is authorized to establish an Office of Nursing Workforce within the administrative framework of the board for the purpose of providing coordination and consultation to nursing education and practice. The Nursing Workforce Program shall encompass five (5) interdependent components:
  - (a) Develop and facilitate implementation of a state educational program directed toward nursing educators regarding health care delivery system changes and the impact these changes will have on curriculum and on the service needs of nurses.
  - (b) Determine the continuing education needs of the nursing workforce and facilitate such continuing education coursework through the university/college schools of nursing in the state and the community/junior college nursing programs in the state.
  - (c) Promote and coordinate through the schools of nursing opportunities for nurses prepared at the associate degree and bachelor degree levels to obtain higher degrees.



- (d) Apply for and administer grants from public and private sources for the development of the Nursing Workforce Program prescribed in this section.
  - (e) Establish systems to ensure an adequate supply of nurses to meet the health care needs of the citizens of Mississippi. This will include, but is not limited to, gathering and quantifying dependable data on current nursing workforce capacities and forecasting future requirements. The Office of Nursing Workforce will report its findings annually to the Mississippi Legislature.
- (3) Pursuant to the provisions of subsections (1) and (2), the Board of Nursing is authorized to provide for the services of an Office of Nursing Workforce Director and such other professional and nonprofessional staff as may be needed and as funds are available to the Board of Nursing to implement the Nursing Workforce Program prescribed in this section. It shall be the responsibility of such professional staff to coordinate efforts of the bachelor degree schools of nursing, the associate degree schools of nursing and other appropriate agencies in the State of Mississippi to implement the Nursing Workforce Program.
  - (4) The Board of Nursing shall appoint a Nursing Workforce Advisory Committee composed of health care professionals, health agency administrators, nursing educators and other appropriate individuals to provide technical advice to the Office of Nursing Workforce created in this section. The members of the committee shall be appointed by the Board of Nursing from a list of nominees submitted by appropriate nursing and health care organizations in the State of Mississippi. The members of the committee shall receive no compensation for their services, but may be reimbursed for actual travel expenses and mileage authorized by law for necessary committee business.
  - (5) All funds made available to the Board of Nursing for the purpose of nursing workforce shall be administered by the board office for that purpose. The Board of Nursing is authorized to enter into contract with any private person, organization or entity capable of contracting for the purpose of administering this section.
  - (6) The Nursing Workforce Program and the Office of Nursing Workforce provided for in this section will be established and implemented only if sufficient funds are appropriated to or otherwise available to the Board of Nursing for that purpose.

#### § 73-15-19. Registered nurse; qualifications; criminal history investigation; licensing or practice privileges

- (1) **Registered nurse applicant qualifications.** Any applicant for a license to practice as a registered nurse shall submit to the board:
  - (a) An attested written application on a Board of Nursing form;
  - (b) Written official evidence of completion of a nursing program approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;
  - (c) Evidence of competence in English related to nursing, provided the first language is not English;
  - (d) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (d) of this subsection, in order to qualify for a license to practice as a registered nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in [Section 73-15-29](#) or guilty of any offense specified in [Section 73-15-33](#). To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

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

**(2) Licensure by examination.**

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

- (c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.
  - (d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.
- (3) **Licensure by endorsement.** The board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.
- (4) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent rewriting.
- (5) **Fee.** The applicant applying for a license by examination or by endorsement to practice as a registered nurse shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the board.
- (6) **Temporary permit.**
  - (a) The board may issue a temporary permit to practice nursing to a graduate of an approved school of nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or District of Columbia, or pending licensure procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars (\$25.00).
  - (b) The board may issue a temporary permit for a period of ninety (90) days to a registered nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.
  - (c) The board may issue a temporary permit to a graduate of an approved school of nursing pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.
  - (d) The board may issue a temporary permit for a period of thirty (30) days to any registered nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).
  - (e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.
- (7) **Temporary license.** The board may issue a temporary license to practice nursing at a youth camp licensed by the State Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of [Section 75-74-8](#).

- (8) **Title and abbreviation.** Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title “registered nurse” and the abbreviation “R.N.” No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.
- (9) **Registered nurses licensed under a previous law.** Any person holding a license to practice nursing as a registered nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a registered nurse under the provisions of this article upon payment of the fee provided in [Section 73-15-27](#).
- (10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with [Section 93-11-64](#).

### § 73-15-20. Advanced practice registered nurses

- (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.

### **§ 73-15-21. Licensed practical nurse; qualifications; criminal history investigation; licensing or practice privileges**

- (1) **Licensed practical nurse applicant qualifications.** Any applicant for a license to practice practical nursing as a licensed practical nurse shall submit to the board:
  - (a) An attested written application on a Board of Nursing form;
  - (b) A diploma from an approved high school or the equivalent thereof, as determined by the appropriate educational agency;
  - (c) Written official evidence of completion of a practical nursing program approved by the State Department of Education through its Division of Vocational Education, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;
  - (d) Evidence of competence in English related to nursing, provided the first language is not English;
  - (e) Any other official records required by the board.
- (2) **Licensed practical nurse applicant qualifications for military medics.** Any applicant for a license to practice practical nursing as a licensed practical nurse who is a United States Army Combat Medic Specialist, a United States Navy Hospital Corpsman, or a United States Air Force Aerospace Medical Service Specialist shall submit to the board:
  - (a) An attested written application on a Board of Nursing form;
  - (b) A diploma from an approved high school or the equivalent thereof, as determined by the appropriate educational agency;
  - (c) Written official evidence of completion of the training required for a United States Army Combat Medic Specialist, a United States Navy Hospital Corpsman, or a United States Air Force Aerospace Medical Service Specialist, and after such training, completion of two (2) years of clinical experience that involves providing direct patient care, which may include trauma or emergency oriented care;
  - (d) Evidence of competence in English related to nursing, provided the first language is not English;
  - (e) Any other official records required by the board.
- (3) **Additional requirements for applicants.** In addition to the requirements specified in paragraphs (a) through (e) of subsection (1) or (2) of this section, in order to qualify for a license to practice practical nursing as a licensed practical nurse, an applicant must have successfully been cleared



for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in [Section 73-15-29](#) or guilty of any offense specified in [Section 73-15-33](#). To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

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

- (4) **Licensure by examination.** (a) Upon the board being satisfied that an applicant for a license as a practical nurse has met the qualifications set forth in subsection (1) or (2) of this section and subsection (3) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of practical nursing approved by the State Department of Education.
- (b) The applicant shall be required to pass the written examination selected by the board.
  - (c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.
  - (d) The board may use any part or all of the state board test pool examination for practical nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score



shall be established by the board in its rules.

- (5) **Licensure by endorsement.** The board may issue a license to practice practical nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed practical nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.
- (6) **Licensure by equivalent amount of theory and clinical experience.** In the discretion of the board, former students of a state-accredited school preparing students to become registered nurses may be granted permission to take the examination for licensure to practice as a licensed practical nurse, provided the applicant's record or transcript indicates the former student completed an equivalent amount of theory and clinical experiences as required of a graduate of a practical nursing program, and provided the school attended was, at the time of the student's attendance, an accredited school of nursing.
- (7) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent writing.
- (8) **Fee.** The applicant applying for a license by examination or by endorsement to practice as a licensed practical nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the board.
- (9) **Temporary permit.** (a) The board may issue a temporary permit to practice practical nursing to a graduate of an approved school of practical nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or the District of Columbia, pending licensing procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars (\$25.00).
  - (b) The board may issue a temporary permit for a period of ninety (90) days to a licensed practical nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.
  - (c) The board may issue a temporary permit to a graduate of an approved practical nursing education program or an equivalent program satisfactory to the board pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.
  - (d) The board may issue a temporary permit for a period of thirty (30) days to any licensed practical nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).
  - (e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.
- (10) **Title and abbreviation.** Any person who holds a license or holds the privilege to practice as a

licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that a person using the same is a licensed practical nurse.

- (11) **Licensed practical nurses licensed under a previous law.** Any person holding a license to practice nursing as a practical nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a practical nurse under the provisions of this article upon payment of the fee prescribed in [Section 73-15-27](#).
- (12) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with [Section 93-11-64](#).

**§§ 73-15-22, 73-15-23. Repealed by Laws 2017, Ch. 359 (H.B. No. 488), §§ 6 and 7, eff. July 20, 2017**

### **§ 73-15-25. Regulating schools of practical nursing**

Beginning on July 1, 2019, in addition to all other powers and duties now vested by law in the State Department of Education, it is hereby empowered and required, acting in this behalf by and through its Division of Vocational Education, to:

1. Contract with the Mississippi Board of Nursing to establish by rules and regulations and promulgate uniform standards for the accreditation of schools of practical nursing in this state insofar as concerns the eligibility of graduates of such schools to take the examination to become licensed practical nurses;
2. Contract with the Mississippi Board of Nursing to issue to such schools certificates of accreditation as may be proper under such standards.

### **§ 73-15-27. License renewal**

The license of every person licensed under the provisions of this article shall be renewed biennially except as hereinafter provided:

- (a) Registered nurses:
  - (i) Except as provided in [Section 33-1-39](#), the license to practice as a registered nurse shall be valid for two (2) calendar years, beginning January 1 of each uneven-numbered year and expiring December 31 in each even-numbered year of the biennial period and subject to renewal for each period of two (2) years thereafter.
  - (ii) A notice for renewal of licensure will be mailed by the board on or before November 1 of the year the license expires to every person to whom a license was issued or renewed during the biennial period. An application shall be completed and returned to the board by December 31 of that year with the biennial renewal fee to be set at the discretion of the board, but not to exceed One Hundred Dollars (\$100.00).
  - (iii) Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the

ensuing period of two (2) years. Such renewal shall render the holder thereof the right to practice as a registered nurse.

- (iv) A registered nurse may request in writing to the board that his or her license be placed on inactive status. The board may grant such request and shall have authority, in its discretion, to attach conditions to the licensure of such registered nurse while on inactive status. A biennial renewal fee for inactive registered nurses shall be set at the discretion of the board, not to exceed Fifty Dollars (\$50.00).
  - (v) Any registered nurse applying for a license, renewal of an active license, reinstatement of a lapsed license, or change from inactive to active status may be required to provide evidence of continuing basic nursing competencies when such nurse has not practiced nursing for compensation or performed the function of a registered nurse in a voluntary capacity with or without compensation within the five-year period immediately prior to such application for a license, renewal, reinstatement or change of status.
  - (vi) Any registered nurse who permits his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license, by compliance with all other applicable provisions of this article, by completion of a reinstatement form, and upon payment of a reinstatement fee not to exceed One Hundred Dollars (\$100.00), which shall not include the renewal fee for the current biennial period. Any registered nurse who permits his or her license to lapse shall be notified by the board within fifteen (15) days of such lapse.
  - (vii) Any person practicing as a registered nurse during the time his or her license has lapsed shall be considered in violation of this article and shall be subject to the penalties provided for violation of this article, provided the registered nurse has not submitted the required reinstatement form and fees within fifteen (15) days after notification by the board of such lapse.
- (b) Licensed practical nurses:
- (i) Except as provided in [Section 33-1-39](#), the license to practice as a licensed practical nurse shall be valid for two (2) calendar years, beginning January 1 of each even-numbered year and expiring December 31 in each uneven-numbered year of the biennial period and subject to renewal for each period of two (2) years thereafter.
  - (ii) A notice for renewal of licensure will be mailed by the board on or before November 1 of the year the license expires to every person to whom a license was issued or renewed during the biennial period. An application shall be completed and returned to the board by December 31 of that year with the biennial renewal fee to be set at the discretion of the board, but not to exceed One Hundred Dollars (\$100.00).
  - (iii) Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing period of two (2) years. Such renewal shall render the holder thereof the right to practice as a licensed practical nurse.

- (iv) A licensed practical nurse may request in writing to the board that his or her license be placed on inactive status. The board may grant such request and shall have authority, in its discretion, to attach conditions to the licensure of such licensed practical nurse while on inactive status. A biennial renewal fee for inactive licensed practical nurses shall be set at the discretion of the board, not to exceed Fifty Dollars (\$50.00).
- (v) Any licensed practical nurse applying for a license, renewal of an active license, reinstatement of a lapsed license, or change from inactive to active status may be required to provide evidence of continuing basic nursing competencies when such nurse has not practiced nursing for compensation or performed the function of a licensed practical nurse in a voluntary capacity with or without compensation within the five-year period immediately prior to such application for a license, renewal, reinstatement or change of status.
- (vi) Any licensed practical nurse who permits his or her license to lapse by failing to renew the license as provided above may be reinstated by the board upon satisfactory explanation for such failure to renew his or her license, by compliance with all other applicable provisions of this article, by completion of a reinstatement form, and upon payment of the reinstatement fee not to exceed One Hundred Dollars (\$100.00), which shall not include the renewal fee for the current biennial period. Any licensed practical nurse who permits his or her license to lapse shall be notified by the board within fifteen (15) days of such lapse.
- (vii) Any person practicing as a licensed practical nurse during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of this article, provided the licensed practical nurse has not submitted the required reinstatement form and fees within fifteen (15) days after notification by the board of such lapse.

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

- (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 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 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 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.

### **§ 73-15-31. Disciplinary proceedings**

- (1) Charges may be brought upon sworn affidavit filed by the Board of Nursing against any licensee who has allegedly committed any act in violation of this article that is grounds for disciplinary action. Upon receiving the sworn affidavit charging a licensee with an act which is a ground for disciplinary action under this article, the executive director or designee of the board shall fix a time and place for a hearing and shall cause a copy of the specific allegations and charges to be sent by certified mail or served by personal service of process together with notice of the time and place fixed for the hearing, to be served upon the accused at least fifteen (15) days prior thereto. The accused may waive notice of the hearing in writing and the board may grant the accused at least one (1) extension of time, upon the request of the accused. When personal service of process or service of process by certified mail cannot be effected, the executive director of the board shall cause to be published once in each of three (3) successive



weeks a notice of the hearing in the newspapers published in the county in which the accused last practiced according to the records of the board, or in the county in which the accused last resided. When publication of the notice is necessary, the date of the hearing shall not be less than ten (10) days after the last date of the notice.

- (2) The board, acting by and through its executive director, shall have the power to subpoena persons and compel the production of any records, including, but not limited to, hospital and physician's records, papers and other documents, which shall be served in accordance with law for the Board of Nursing and on behalf of the accused. The person providing copies shall prepare them from the original records and shall delete from the copy provided pursuant to the subpoena the name of the individual by numbered code, to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the individual's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liabilities shall lie against the board or the custodian for furnishing or using such copies in accordance with this article.
- (3) All records of the investigation and all patient charts, records, emergency room records or any other document that may have been copied shall be kept confidential and shall not be subject to discovery or subpoena. If no disciplinary proceedings are initiated within a period of five (5) years after the determination of insufficient cause, then the board shall destroy all records obtained pursuant to this section.
- (4) At the hearings the board shall administer oaths as may be necessary for the proper conduct of the hearings. The accused shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the board. All disciplinary hearings shall be conducted by a hearing panel consisting of three (3) members of the board, designated on a rotating basis by the board. All disciplinary hearings or appeals before the board and the Attorney General, and/or a designee thereof, shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it. A final decision by the hearing panel and by the board on appeal shall include findings of fact and conclusions of law, separately stated, of which the accused shall receive a copy.
- (5) If the hearing panel determines that probable cause and sufficient legal evidence exist to believe that an applicant does not possess the qualifications required by this article or that an accused has violated any of the provisions of this article, the hearing panel may refuse to issue a license to the applicant, or revoke, suspend, refuse to renew a license, or revoke or suspend the privilege to practice, or otherwise discipline the accused as prescribed in this article.
- (6) No previously issued license to practice nursing as a registered nurse or as a licensed practical nurse shall be revoked or suspended until after a hearing conducted pursuant to this article, except where the board finds there is imminent danger to the public health or safety that warrants injunctive relief provided in this article.
- (7) A revoked or suspended license may be reissued after one (1) year, in the discretion of the hearing panel. A revoked or suspended privilege to practice may be reinstated after one (1) year, in the discretion of the hearing panel. The denial of an application to renew an existing license shall be treated in all respects as a revocation. The procedure for the reissuance of a



license or reinstatement of the privilege to practice that is suspended for being out of compliance with an order for support, as defined in [Section 93-11-153](#), shall be governed by [Section 93-11-157](#) or [93-11-163](#), as the case may be.

- (8) The hearing panel need not find that the actions that are grounds for discipline were willful, but it may consider the same in determining the nature of the disciplinary actions imposed.
- (9) The right to appeal from the action of the hearing panel to the full membership of the board in denying, revoking, suspending or refusing to renew any license issued by the board, or revoking or suspending any privilege to practice, or fining or otherwise disciplining any person practicing as a registered nurse or licensed practical nurse, is granted. The appeal must be taken within thirty (30) days after notice of the action of the hearing panel in denying, revoking, suspending or refusing to renew the license, or revoking or suspending the privilege to practice, or fining or otherwise disciplining the person, and is perfected upon filing notice of appeal and Fifty Dollars (\$50.00) with the executive director of the board.
- (10) The right to appeal from the action of the board in affirming the denial, revocation, suspension or refusal to renew any license issued by the board, or revoking or suspending any privilege to practice, or fining or otherwise disciplining of any person practicing as a registered nurse or a licensed practical nurse, is granted. Such appeal shall be to the chancery court of the county of the residence of the licensee on the record made, including a verbatim transcript of the testimony at the hearing. The appeal must be taken within thirty (30) days after notice of the action of the board in denying, revoking, suspending or refusing to renew the license, or revoking or suspending the privilege to practice, or fining or otherwise disciplining the person. The appeal is perfected upon filing notice of the appeal, together with a bond in the sum of One Hundred Dollars (\$100.00), with two (2) sureties, conditioned that if the action of the board in denying, revoking, suspending or refusing to renew the license, or revoking or suspending the privilege to practice, or fining or otherwise disciplining the person, be affirmed by the chancery court the nurse will pay the costs of the appeal and the action in the chancery court. Such bond shall be approved by the president of the board. In lieu of the bond, the nurse may deposit One Hundred Dollars (\$100.00) with the clerk of the chancery court. Appeals may be had to the Supreme Court of the State of Mississippi as provided by law from any final action of the chancery court. No such person shall be allowed to practice nursing or deliver health care services in violation of any action of the chancery court denying, revoking, suspending, restricting or refusing to renew a license or revoking or suspending the privilege to practice while any such appeal to the Supreme Court is pending. Actions taken by the board in suspending a license or suspending the privilege to practice when required by [Section 93-11-157](#) or [93-11-163](#) are not actions from which an appeal may be taken under this section. Any appeal of a license suspension or suspension of the privilege to practice that is required by [Section 93-11-157](#) or [93-11-163](#) shall be taken in accordance with the appeal procedure specified in [Section 93-11-157](#) or [93-11-163](#), as the case may be, rather than the procedure specified in this section.
- (11) Nothing contained in this article shall be construed to bar any criminal prosecutions for violation of this article or any regulations promulgated hereunder.
- (12) Any member of the board and any witness appearing before the board shall be immune from suit in any civil action brought by a licensee who is the subject of a review hearing if such member or witness acts in good faith within the scope of the board and has made a reasonable

effort to obtain the facts of the matter as to which the individual acts, and acts in the reasonable belief that the action taken is warranted by the facts.

- (13) Proceedings in progress on July 1, 1998, to deny, revoke, suspend or refuse to renew any license, or fine or otherwise discipline a licensee, shall not abate by reason of this article.

### § 73-15-33. Offenses and penalties

It is unlawful for any person, including a corporation or association, to:

- (a) Sell, fraudulently obtain or furnish any nursing diploma, license, renewal of license, or record, or to aid or abet therein;
- (b) Practice nursing as defined by this article under cover of any diploma, license, renewal of license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (c) Practice or offer to practice nursing as defined by this article unless duly licensed or privileged to practice under the provisions of this article;
- (d) Use any title, designation or abbreviation by which a person presents to the public that he or she is a registered nurse, a licensed practical nurse or any other type of nurse, unless the person is duly licensed or privileged to practice under the provisions of this article; however, this paragraph does not prohibit a certified nurse assistant or certified nursing assistant from using the word "nurse" or "nursing" as part of his or her job title;
- (e) Practice as a registered nurse or a licensed practical nurse during the time his or her license or privilege to practice issued under the provisions of this article is under suspension or revocation;
- (f) Conduct a nursing education program for the preparation of registered nurses, unless the program has been accredited by the Board of Trustees of State Institutions of Higher Learning, or conduct a nursing education program for the preparation of licensed practical nurses unless the program has been accredited by the Department of Education through the Division of Vocational Education;
- (g) Willfully employ unlicensed persons or persons not holding the privilege to practice, to practice as registered nurses or licensed practical nurses; or
- (h) Willfully aid or abet any person who violates any provisions of this article.

Any person, firm or corporation who violates any provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not less than twelve (12) months, or by both such fine and imprisonment. It shall be necessary to prove, in any prosecution under this article, only a single act prohibited by law, or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation. Each violation may constitute a separate offense. Except as otherwise authorized in [Section 7-5-39](#), it shall be the duty of the Attorney General to advise with the board in preparing charges, to assist in conducting board disciplinary hearings, to provide assistance with appropriate affidavits and other charges for filing in the appropriate court, and to assist the county or district attorney in prosecution, if any.

### § 73-15-35. Enjoining violations of statute

The practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse by any person who has not been issued a license or who does not hold the privilege to practice under the provisions of this article, or whose license or privilege to practice has been suspended or revoked, or has expired and not been reinstated, or has negligently or willfully practiced nursing in a manner that fails to meet generally accepted standards of such nursing practice, is declared to be a danger to the public health and welfare and shall be enjoined through appropriate court action. In addition to and not in lieu of any other civil, criminal or disciplinary remedy, the Attorney General, the Board of Nursing or the prosecuting attorney of any county where a person is practicing or purporting to practice as a registered nurse or as a licensed practical nurse in violation of this article may, in accordance with the laws of this state governing injunctions, maintain an action to enjoin that person from practicing as a registered nurse or a licensed practical nurse until in compliance with this article. The court may issue a temporary injunction without notice or without bond enjoining a defendant from further practicing as a registered nurse or a licensed practical nurse. If it is established to the satisfaction of the court that the defendant has been or is practicing as a registered nurse or a licensed practical nurse without being licensed or privileged to practice and in good standing as provided herein, the court may enter a decree perpetually enjoining the defendant from such further activities, and a subsequent violation of which may be considered as contempt of court by any court of competent jurisdiction. Such injunction and contempt proceedings may be in addition to and not in lieu of any other penalties and remedies provided by this article.

§ 73-15-37. Repealed by Laws 1991, Ch. 465, § 18, eff. July 1, 1991

### **Article 3. Hemodialysis Technicians**

**Effective: July 1, 2019**

Miss. Code Ann. § 73-15-101

§ 73-15-101. Repealed by Laws 2019, Ch. 375 (H.B. No. 1048), § 2, eff. July 1, 2019

Miss. Code Ann. § 73-15-201

Formerly cited as MS ST 73-15-22

### **Article 5. Nurse Licensure Compact**

§ 73-15-201. Nurse Licensure Compact

The Nurse Licensure Compact is enacted into law and entered into by this state with any and all states legally joining in the compact in accordance with its term, in the form substantially as follows:

#### **ARTICLE I.**

##### **Findings and declaration of purpose.**

(a) The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
  3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
  4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
  5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and
  6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.
- (b) The general purposes of this compact are to:
1. Facilitate the states' responsibility to protect the public's health and safety;
  2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
  3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;
  4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;
  5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;
  6. Decrease redundancies in the consideration and issuance of nurse licenses; and
  7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

## **ARTICLE II.**

### **Definitions.**

As used in this compact:

- (a) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.
- (b) "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.
- (c) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
- (d) "Current significant investigative information" means:
  1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state

- law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- (e) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.
  - (f) "Home state" means the party state which is the nurse's primary state of residence.
  - (g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
  - (h) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.
  - (i) "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.
  - (j) "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.
  - (k) "Party state" means any state that has adopted this compact.
  - (l) "Remote state" means a party state, other than the home state.
  - (m) "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.
  - (n) "State" means a state, territory or possession of the United States and the District of Columbia.
  - (o) "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

### **ARTICLE III.**

#### **General provisions and jurisdiction.**

- (a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.
- (b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.
- (c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:
  - 1. Meets the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws;
  - 2. (i) Has graduated or is eligible to graduate from a licensing board approved RN or LPN/VN prelicensure education program; or

- (ii) Has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;
- 3. Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
- 4. Has successfully passed a National Council Licensure Examination-Registered Nurse (NCLEX-RN®) or National Council Licensure Examination-Practical Nurse (NCLEX-PN®) Examination or recognized predecessor, as applicable;
- 5. Is eligible for or holds an active, unencumbered license;
- 6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
- 7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;
- 8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
- 9. Is not currently enrolled in an alternative program;
- 10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and
- 11. Has a valid United States social security number.
- (d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.
- (f) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

- (g) Any nurse holding a home state multistate license, on the effective date of this compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:
1. A nurse, who changes primary state of residence after this compact's effective date, must meet all applicable Article III(c) requirements to obtain a multistate license from a new home state.
  2. A nurse who fails to satisfy the multistate licensure requirements in subsection (c) of this article due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("commission").

#### **ARTICLE IV.**

##### **Applications for licensure in a party state.**

- (a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.
- (b) A nurse may hold a multistate license, issued by the home state, in only one (1) party state at a time.
- (c) If a nurse changes primary state of residence by moving between two (2) party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.
1. The nurse may apply for licensure in advance of a change in primary state of residence.
  2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.
- (d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

#### **ARTICLE V.**

##### **Additional authorities invested in party state licensing boards.**

- (a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:
1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.
    - (i) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.



- (ii) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state.

In so doing, the home state shall apply its own state laws to determine appropriate action.

- 2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.
- 3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.
- 4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as, the production of evidence.

Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

- 5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.
  - 6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.
  - 7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.
- (b) If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.
  - (c) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

## **ARTICLE VI.**

### **Coordinated licensure information system and exchange of information.**

- (a) All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.
- (b) The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.
- (c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.
- (d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.
- (e) Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.
- (f) Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.
- (g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.
- (h) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:
  - 1. Identifying information;
  - 2. Licensure data;
  - 3. Information related to alternative program participation; and
  - 4. Other information that may facilitate the administration of this compact, as determined by commission rules.
- (i) The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

## **ARTICLE VII.**

### **Establishment of the Interstate Commission of Nurse Licensure Compact Administrators.**

- (a) The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.
  - 1. The commission is an instrumentality of the party states.
  - 2. Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and

jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting and meetings.

1. Each party state shall have and be limited to one (1) administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.
2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.
3. The commission shall meet at least once during each calendar year.

Additional meetings shall be held as set forth in the bylaws or rules of the commission.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.
5. The commission may convene in a closed, nonpublic meeting if the commission must discuss:
  - (i) Noncompliance of a party state with its obligations under this compact;
  - (ii) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
  - (iii) Current, threatened or reasonably anticipated litigation;
  - (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;
  - (v) Accusing any person of a crime or formally censuring any person;
  - (vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
  - (vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - (viii) Disclosure of investigatory records compiled for law enforcement purposes;
  - (ix) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or
  - (x) Matters specifically exempted from disclosure by federal or state statute.
6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor,

including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

- (c) The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including, but not limited to:
  - 1. Establishing the fiscal year of the commission;
  - 2. Providing reasonable standards and procedures:
    - (i) For the establishment and meetings of other committees; and
    - (ii) Governing any general or specific delegation of any authority or function of the commission;
  - 3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
  - 4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
  - 5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and
  - 6. Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations;
- (d) The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.
- (e) The commission shall maintain its financial records in accordance with the bylaws.
- (f) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
- (g) The commission shall have the following powers:
  - 1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;
  - 2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;
  - 3. To purchase and maintain insurance and bonds;
  - 4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office space or other resources;
6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;
8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;
9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
10. To establish a budget and make expenditures;
11. To borrow money;
12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;
13. To provide and receive information from, and to cooperate with, law enforcement agencies;
14. To adopt and use an official seal; and
15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the commission.

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
2. The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.
3. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by, and with the authority of, such party state.
4. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified immunity, defense and indemnification.

1. The administrators, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.
2. The commission shall defend any administrator, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.
3. The commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

## **ARTICLE VIII.**

### **Rulemaking.**

- (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.
- (b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
- (c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:
  1. On the website of the commission; and
  2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.
- (d) The notice of proposed rulemaking shall include:
  1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
  2. The text of the proposed rule or amendment, and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and
  4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
- (e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
- (f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.
- (g) The commission shall publish the place, time and date of the scheduled public hearing.
1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
- (h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.
- (i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.
- (j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
1. Meet an imminent threat to public health, safety or welfare;
  2. Prevent a loss of commission or party state funds; or
  3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.
- (l) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## ARTICLE IX.



## **Oversight, dispute resolution and enforcement.**

### **(a) Oversight:**

1. Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.
2. The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

### **(b) Default, technical assistance and termination:**

1. If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:
  - (i) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and
  - (ii) Provide remedial training and specific technical assistance regarding the default.
2. If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
3. Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the Governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.
4. A state whose membership in this compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
5. The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.
6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

### **(c) Dispute resolution:**

1. Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.
2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. In the event the commission cannot resolve disputes among party states arising under this compact:
  - (i) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.
  - (ii) The decision of a majority of the arbitrators shall be final and binding.
- (d) Enforcement:
  1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
  2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
  3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

## **ARTICLE X.**

### **Effective date, withdrawal and amendment.**

- (a) This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this compact, that also were parties to the prior Nurse Licensure Compact, superseded by this compact, ("prior compact"), shall be deemed to have withdrawn from the prior compact within six (6) months after the effective date of this compact.
- (b) Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.
- (c) Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
- (d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.
- (e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.
- (f) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

- (g) Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

## **ARTICLE XI.**

### **Construction and severability.**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the Constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

### **§ 73-15-202. "Head of the state licensing board" defined**

The term "head of the state licensing board" as used to define the compact administrator in Article VII(b)(1) of the Nurse Licensure Compact shall mean the Executive Director of the Mississippi Board of Nursing.