

Title 30: Professions and Occupations

Part 2820 Denial, Revocation, Suspension of License

Part 2820 Chapter 1: Denial, Revocation, Suspension of License

Rule 1.1 Board Authority to Deny, Revoke, Suspend License. The board shall have power to deny, revoke, suspend, or refuse to renew any license or permit to practice nursing issued by the board or applied for in accordance with the provision of this act, including the power to fine said individual, upon proof that such person has violated the provisions of Miss. Code Ann. Chapter 15 as more specifically defined in Section 73-15-29.

Source: *Miss. Code Ann. § 73-15-17* (1972, as amended).

Rule 1.2 Unprofessional Conduct Defined. Unprofessional conduct shall include but not be limited to the following:

- A. Conviction of a felony within the past five (5) years;
- B. Filing false, forged or altered documents when applying for a license;
- C. Misrepresentation, deception or failure to disclose information as requested on any licensure or board of nursing document when attempting to secure or obtain a nursing license;
- D. Practicing nursing beyond the authorized scope of the license or directing others to practice beyond their authorized scope;
- E. Failure to maintain medical records in a professional manner:
 - 1) Altering entries or destroying medical records;
 - 2) Failure to make intelligible essential entries;
 - 3) Recording entries prior to patient care including but not limited to medication administration and treatments; and/or
 - 4) Making false entries in patient records.
- F. Practicing the profession while under the influence of alcohol or other mood altering substances as evidenced by any of the following:
 - 1) Positive screen for alcohol, an illegal substance or unauthorized medication;
 - 2) Pattern of abuse or habitual abuse of authorized or unauthorized medications;
 - 3) Impairment while on duty while using authorized or unauthorized medications;
 - 4) Refusal to submit drug screen;
 - 5) Submission of diluted, adulterated or substituted specimen for testing; and/or
 - 6) Noncompliance with a treatment plan for a substance abuse disorder.
- G. Practicing nursing while the ability to practice is impaired by a physical or emotional condition;
- H. Misappropriation of drugs, supplies or equipment;
- I. Practicing nursing in this state without a current active Mississippi license, privilege to practice or permit or while the license, privilege or permit is revoked;
- J. Permitting, aiding or abetting an unlicensed person to perform activities requiring a license;
- K. Assuming duties and responsibilities in the practice of nursing when competency has not been established or maintained;

- L. Inappropriately delegating tasks to individuals licensed or unlicensed when the person lacks educational preparedness, experience, credentials, competence or physical or emotional ability to complete the task.
- M. Failure to adequately supervise, manage or train persons to whom nursing functions are delegated or assigned.
- N. Violating confidentiality of information or knowledge concerning the patient;
- O. Willfully altering medications;
- P. Passing or attempting to pass a forged prescription;
- Q. Selling or attempting to sell a controlled substance;
- R. Possessing, obtaining, furnishing or administering drugs to any person, including self, except as legally directed;
- S. Violating professional boundaries of the nurse patient relationship including but not limited to:
 - 1) Engaging in conduct that is sexual, or reasonably interpreted as sexual, with a patient, patient's immediate family or patient's significant other;
 - 2) Emotional or financial exploitation of the patient or the patient's immediate family member or significant other;
 - 3) Engaging in inappropriate behavior such as exposure or gratification in the presence of a patient.
- T. Failing to immediately report facts known regarding a nurse who fails to render care in accordance with current standards of practice or illegal practice of any licensed nurse. This requirement excludes the reporting of chemically dependent nurses who have sought and complied with treatment for chemical dependency provided that no other provision of the *Mississippi Nursing Practice Law and Rules and Regulations* has been violated;
- U. Practicing in an expanded role without certification by the board;
- V. Failure to adhere to the standards of practice for nurses in the expanded role;
- W. Having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked or voluntarily surrendered in another state, territory or country;
- X. Failure to safeguard the patient's rights and dignity;
- Y. Intentionally or negligently causing or allowing others to physically, sexually, emotionally or verbally abuse a patient;
- Z. Abandoning patients;
- AA. Impersonating another licensed practitioner;
- BB. Failure to appropriately act in safeguarding the patient from incompetent healthcare practices or practitioners;
- CC. Inappropriately prescribing controlled substances by an advanced practice registered nurse.

Source: *Miss. Code Ann.* § 73-15-17 (1972, as amended).

Rule 1.3 Sanction and Fines. The board may administratively sanction and impose fines for any of the following:

- A. Failing to timely renew a nursing license while continuing to practice nursing or engage in activities or duties related to nursing.

- B. Failing to notify the board through the gateway within thirty days after a change in residence address. If the primary address is a P.O. Box, a physical address must also be listed.
- C. Failing to notify the board immediately after a change in practice site of the APRN and collaborative physician of the APRN.
- D. Violating the provisions of Miss. Code Ann. Section 37-101-291.
- E. Failing to divulge current disciplinary action of a nursing license to an employer.

A person who fails to pay an administrative penalty within thirty (30) days after notification may be subject to further disciplinary action.

Source: *Miss. Code Ann.* § 73-15-17 (1972, as amended).