

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

November 16, 2018

Phyllis Polk Johnson, Executive Director
Mississippi Board of Nursing
713 S. Pear Orchard Rd.
Plaza II, Suite 300
Ridgeland, MS 39157

Re: Advanced Practice Registered Nurses; request for clarification

Dear Ms. Johnson:

Attorney General Hood is in receipt of your request for an official opinion on behalf of the Mississippi Board of Nursing, and it has been assigned to me for research and reply.

Background

Your request states that the Mississippi Board of Nursing is seeking clarification as to the March 16, 2018 opinion. It is the Board's interpretation that Section 73-15-20(8) only provides authorization for the Board to issue controlled substance prescriptive authority to Nurse Midwives and Certified Nurse Practitioners.

Questions Presented

We understand your questions to be as follows:

1. Does Section 73-15-20(8) authorize the Board to grant CRNAs controlled substance prescriptive authority?
2. Does the *Mississippi Nursing Practice Law* give the Board the authority to grant controlled substance prescriptive authority to CRNAs?
3. If the federal government grants controlled substance prescriptive authority to CRNAs, does the federal law or regulations control over state law?

Brief Responses

1. No.
2. No.
3. We are unable to respond to your third question without a citation to a particular federal law. Additionally, the Office of the Attorney General does not interpret or opine as to federal law.

Applicable Law and Analysis

This office previously addressed these questions in MS AG Op., *Johnson* (March 16, 2018), in which we stated:

In this instance, we are of the opinion that the statutes are clear. Section 73-15-5(4) describes the meaning of advanced nursing practice and provides generally that APRNs may diagnose, treat and manage medical conditions which the statute states "may include prescriptive authority as identified by the board." Section 73-15-20(8) more specifically describes prescriptive authority of APRNs and identifies two categories of APRNs – certified nurse midwives and certified nurse practitioners – who may apply for controlled substance prescriptive authority after completing a board-approved educational program. Thus, controlled substance prescriptive authority is limited to those particular categories of APRNs. Had the legislature intended to authorize controlled substance authority for all APRNs, it would not have distinguished certified nurse midwives and certified nurse practitioners from other APRNs.


We are of the opinion that state law limits controlled substance prescriptive authority to certified nurse practitioners and certified nurse midwives.

Please let us know if this office can be of further assistance.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Elizabeth S. Bolin
Special Assistant Attorney General