

Title 30: Professions and Occupations

Part 2820: DISCIPLINARY ACTION

Part 2820, Chapter 1: Board Authority to Discipline Licenses

Rule 1.1 Board Authority. The Board shall have power to deny an application for license in this state; the Board shall have power to revoke, suspend, refuse to renew, place on probation, fine and/or otherwise discipline any license issued by the Board and/or any privilege to practice in this state in any manner specified in Miss. Code Ann. § 73-15-29 and Miss. Code Ann. § 73-15-101 (3)(g).

- A. The Board shall have authority to impose disciplinary action upon any licensed practical nurse (LPN) license, registered nurse (RN) license, advanced practice registered nurse (APRN) privilege to practice, and certified clinical hemodialysis technician (CCHT) license, regardless of the status of the license, save for a license in revoked status.
- B. Varying statuses of a license for which the Board may impose disciplinary action include, but are not limited to: active, inactive, lapsed, restricted, suspended.

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

Rule 1.2 Unprofessional Conduct Defined.

- A. The following is unprofessional conduct and may be grounds for denial of an application for initial licensure, reinstatement by examination or endorsement.
 - 1) Failure to meet any requirement or standard established by law or by rules adopted by the Board;
 - 2) Engaging in fraud, misrepresentation, deception, or concealment of a material fact, whether willfully, negligently, or otherwise) in applying for or securing licensure or taking any examination required for licensure;
 - 3) Having disciplinary action pending or having had a license denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory, or country;
 - 4) Having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline in this State under Rule 1.2;
 - 5) Having engaged in conduct that is inconsistent with good moral character
 - (a) In determining whether the applicant has engaged in conduct that is inconsistent with good moral character, the Board may consider the applicant's criminal history, pattern of illegal conduct or disregard for the law, history of use or abuse of or dependency on legal or illegal substances, or other evidence bearing on the applicant's fitness for practice as a licensed nurse;

- (b) The decision as to whether the applicant has engaged in conduct that is inconsistent with good moral character is within the discretion of the Board.
 - 6) Being subject to criminal probation, whether supervised or unsupervised, or a pre-trial intervention, non-adjudication, drug court, or other similar agreement in which the applicant is subject to court-ordered conditions at the time the applicant submits his application for licensure;
 - 7) A course of conduct that is grounds for discipline under Rule 1.2 (B);
 - 8) Any other reasons authorized by law.
- B. The following is unprofessional conduct and may be grounds for the Board to reprimand, fine, probate, suspend, revoke, and/or otherwise discipline any licensee under its jurisdiction upon proof that the person:
- 1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:
 - (a) Filing false, forged, or altered documents when applying for a license;
 - (b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reinstatement, or restoration of a license;
 - (c) Having another person appear for a licensing or certification examination.
 - 2) Has been convicted of a felony or has entered a plea of guilty, no contest, nolo contendere, not guilty by reason of insanity, or other similar plea to a felony, or has stipulated that a prima facie case exists that would support conviction of a felony.
 - 3) Is guilty of a crime involving moral turpitude.
 - (a) For purposes of this rule, a person is guilty of a crime if the person
 - 1. Has been convicted of the crime; or
 - 2. Regardless of court disposition, has entered a plea of guilty, no contest, nolo contendere, not guilty by reason of insanity, or other similar plea, or has stipulated that a prima facie case exists that would support conviction.
 - (b) For purposes of this rule, a crime involving moral turpitude is any crime, whether felony or misdemeanor that involves:
 - 1. Drugs;
 - 2. Theft;
 - 3. Lewdness;
 - 4. Any sexual offense;
 - 5. Abuse;
 - 6. Violence;
 - 7. Fraud;
 - 8. Any other conduct detrimental to the public's health, safety, or welfare.
 - 4) Has been convicted of any violation of a federal or state law relating to controlled substances, including misdemeanor and felony offenses.
 - 5) Practicing nursing beyond the authorized scope of the license or directing others to practice beyond their authorized scope

- 6) 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.
- 7) Failure to:
 - (a) use appropriate nursing judgment;
 - (b) administer medications and treatments in a responsible manner;
 - (c) demonstrate competence in administering or carrying out patient care;
- 8) Failure to maintain patient or medical records in a professional manner, including but not limited to the following:
 - (a) Altering entries or destroying or attempting to destroy patient or medical records;
 - (b) Failure to make intelligible essential entries;
 - (c) Recording entries prior to the provision of patient care, including but not limited to medication administration;
 - (d) Making false entries in patient or medical records.
- 9) Falsifying, altering, destroying, or attempting to destroy employer or employee records.
- 10) Abandoning or neglecting patients.
- 11) Violating confidentiality of information or knowledge concerning a patient.
- 12) Failure to maintain professional boundaries of the nurse-patient relationship including but not limited to:
 - (a) Engaging in conduct that is sexual, or reasonably interpreted as sexual, with a patient, patient's immediate family or patient's significant other;
 - (b) Emotional or financial exploitation of the patient or the patient's immediate family member or significant other;
 - (c) Engaging in inappropriate behavior such as exposure or gratification in the presence of a patient.
- 13) Intentionally or negligently causing or permitting one or more of the following to a patient:
 - (a) Physical abuse;
 - (b) Sexual abuse;
 - (c) Emotional abuse;
 - (d) Verbal abuse;
 - (e) Willful harassment or intimidation;
 - (f) Financial exploitation.
- 14) Intentionally or negligently misrepresenting or falsifying facts in billing a patient or any public or private third party payor.
- 15) Permitting, aiding, abetting, directing, or assisting:
 - (a) An unlicensed person to perform activities requiring a license;
 - (b) An individual to violate or circumvent any law or rule intended to guide the conduct of a licensed nurse or any other licensed healthcare provider.
- 16) Assuming duties and responsibilities in the practice of nursing when competency has not been established or maintained.

- 17) 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.
- 18) Failure to adequately supervise, manage or train persons to whom nursing functions are delegated or assigned.
- 19) Personal use of unauthorized or illegal mood-altering drugs, substances, or medications.
- 20) Testing positive for unauthorized or illegal mood-altering drugs, substances, or medications.
- 21) Refusal or failure to submit to a reasonable suspicion or good cause drug screen.
- 22) Noncompliance with a treatment plan for substance use disorder.
- 23) Submission of a diluted, adulterated, or substituted specimen for drug screening.
- 24) Misappropriation, diversion, or attempted misappropriation or diversion of drugs, supplies, or equipment.
- 25) Possessing, obtaining, furnishing, or administering drugs to any person, including self, except as legally directed.
- 26) Passing or attempting to pass an unauthorized prescription or otherwise obtaining or attempting to obtain controlled drugs or substances without direction from a legally authorized prescriber or through fraudulent means.
- 27) Selling or attempting to sell a controlled substance.
- 28) Practicing, attempting to practice, or continuing to practice the profession while under the influence of or while impaired by alcohol or other mood altering substances as evidenced by any of the following:
 - (a) Positive screen for alcohol, an illegal substance, or unauthorized medication;
 - (b) Pattern of abuse or habitual abuse of authorized or unauthorized medications;
 - (c) Impairment while on duty while using authorized or unauthorized medications.
- 29) Willfully altering medications.
- 30) Practicing nursing while a physical, mental, or emotional condition renders the licensee unable to safely practice with reasonable skill and safety as demonstrated by any of the following:
 - (a) Conduct that poses a serious risk of harm to the licensed nurse or any other person;
 - (b) Cognitive deficits that render a licensee unable to exercise appropriate professional judgment;
 - (c) Impairment of functional capacity;
 - (d) Inappropriate or disruptive behavior in the workplace;
 - (e) A judicial finding of incompetence.
- 31) Failing to report to the Board any person who the licensee knows is in violation of any unprofessional conduct as defined in this Rule or of the Mississippi Nursing Practice Law; however, if the licensee verifies that such person is in need of or

seeking care and/or is participating in a Board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to the Board's alternative program consultant.

- 32) Failing to appropriately act in safeguarding the patient from incompetent healthcare practices or practitioners or failing to report illegal, substandard, unethical, unsafe, or incompetent nursing practice.
- 33) Having a license denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory, country, or other jurisdiction, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this State.
- 34) Violated any rule or provision contained within 30 Miss. Admin. Code Pt. 2840 relating to advanced practice.
- 35) Impersonating another licensed practitioner.
- 36) Inappropriately prescribing controlled substances by an advanced practice registered nurse.
- 37) Failure to comply with any stipulated terms and conditions of any Board order, agreement, or contract.
- 38) Continued violation of any statute or rule after notice by the Board.
- 39) Payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.
- 40) Any other reasons authorized by law.

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 in writing within thirty (30) days after a change in residence address.
- C. Failing to notify the Board in writing within thirty (30) days after a name change, including submission of evidence of name change.
- D. Failing to notify the Board immediately after a change in practice site of the APRN and collaborative physician of the APRN.
- E. Violating the provisions of Miss. Code Ann. Section 37-101-291.
- F. 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).

Title 30: Professions and Occupations

Part 2820: ~~DENIAL, REVOCATION, SUSPENSION OF LICENSE~~DISCIPLINARY ACTION

Part 2820, Chapter 1: ~~Denial, Revocation, Suspension of License~~ Board Authority to Discipline Licenses

Rule 1.1 Board Authority ~~to Deny, Revoke, Suspend License~~. The Board shall have power to deny an application for license in this state; the Board shall have power to ~~deny~~, revoke, suspend, ~~or~~ refuse to renew, place on probation, fine and/or otherwise discipline any license ~~or~~ permit to practice nursing issued by the Board and/or any ~~or~~ privilege to practice in this state in any manner specified in Miss. Code Ann. § 73-15-29 and Miss. Code Ann. § 73-15-101 (3)(g).

- A. The Board shall have authority to impose disciplinary action upon any licensed practical nurse (LPN) license, registered nurse (RN) license, advanced practice registered nurse (APRN) privilege to practice, and certified clinical hemodialysis technician (CCHT) license, regardless of the status of the license, save for a license in revoked status.
- B. Varying statuses of a license for which the Board may impose disciplinary action include, but are not limited to: active, inactive, lapsed, restricted, suspended.

~~—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.~~

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.~~

~~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 in writing within thirty days after a change in residence address.~~
- ~~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.~~

A. The following is unprofessional conduct and may be grounds for denial of an application for initial licensure, reinstatement by examination or endorsement.

- 1) Failure to meet any requirement or standard established by law or by rules adopted by the Board;
- 2) Engaging in fraud, misrepresentation, deception, or concealment of a material fact, whether willfully, negligently, or otherwise) in applying for or securing licensure or taking any examination required for licensure;
- 3) Having disciplinary action pending or having had a license denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory, or country;
- 4) Having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline in this State under Rule 1.2;
- 5) Having engaged in conduct that is inconsistent with good moral character
 - (a) In determining whether the applicant has engaged in conduct that is inconsistent with good moral character, the Board may consider the applicant's criminal history, pattern of illegal conduct or disregard for the law, history of use or abuse of or dependency on legal or illegal substances, or other evidence bearing on the applicant's fitness for practice as a licensed nurse;
 - (b) The decision as to whether the applicant has engaged in conduct that is inconsistent with good moral character is within the discretion of the Board.
- 6) Being subject to criminal probation, whether supervised or unsupervised, or a pre-trial intervention, non-adjudication, drug court, or other similar agreement in

which the applicant is subject to court-ordered conditions at the time the applicant submits his application for licensure;

7) A course of conduct that is grounds for discipline under Rule 1.2 (B);

8) Any other reasons authorized by law.

B. The following is unprofessional conduct and may be grounds for the Board to reprimand, fine, probate, suspend, revoke, and/or otherwise discipline any licensee under its jurisdiction upon proof that the person:

1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:

(a) Filing false, forged, or altered documents when applying for a license;

(b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reinstatement, or restoration of a license;

(c) Having another person appear for a licensing or certification examination.

2) Has been convicted of a felony or has entered a plea of guilty, no contest, nolo contendere, not guilty by reason of insanity, or other similar plea to a felony, or has stipulated that a prima facie case exists that would support conviction of a felony.

3) Is guilty of a crime involving moral turpitude.

(c) For purposes of this rule, a person is guilty of a crime if the person

1. Has been convicted of the crime; or

2. Regardless of court disposition, has entered a plea of guilty, no contest, nolo contendere, not guilty by reason of insanity, or other similar plea, or has stipulated that a prima facie case exists that would support conviction.

(d) For purposes of this rule, a crime involving moral turpitude is any crime, whether felony or misdemeanor that involves:

1. Drugs;

2. Theft;

3. Lewdness;

4. Any sexual offense;

5. Abuse;

6. Violence;

7. Fraud;

8. Any other conduct detrimental to the public's health, safety, or welfare.

4) Has been convicted of any violation of a federal or state law relating to controlled substances, including misdemeanor and felony offenses.

5) Practicing nursing beyond the authorized scope of the license or directing others to practice beyond their authorized scope

6) 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.

7) Failure to:

(a) use appropriate nursing judgment;

- (b) administer medications and treatments in a responsible manner;
 - (c) demonstrate competence in administering or carrying out patient care;
- 8) Failure to maintain patient or medical records in a professional manner, including but not limited to the following:
 - (a) Altering entries or destroying or attempting to destroy patient or medical records;
 - (b) Failure to make intelligible essential entries;
 - (c) Recording entries prior to the provision of patient care, including but not limited to medication administration;
 - (d) Making false entries in patient or medical records.
- 9) Falsifying, altering, destroying, or attempting to destroy employer or employee records.
- 10) Abandoning or neglecting patients.
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- 12) Failure to maintain professional boundaries of the nurse-patient relationship including but not limited to:
 - (a) Engaging in conduct that is sexual, or reasonably interpreted as sexual, with a patient, patient's immediate family or patient's significant other;
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 - (c) Emotional abuse;
 - (d) Verbal abuse;
 - (e) Willful harassment or intimidation;
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- 14) Intentionally or negligently misrepresenting or falsifying facts in billing a patient or any public or private third party payor.
- 15) Permitting, aiding, abetting, directing, or assisting:
 - (a) An unlicensed person to perform activities requiring a license;
 - (b) An individual to violate or circumvent any law or rule intended to guide the conduct of a licensed nurse or any other licensed healthcare provider.
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- 17) 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.
- 18) Failure to adequately supervise, manage or train persons to whom nursing functions are delegated or assigned.

- 19) Personal use of unauthorized or illegal mood-altering drugs, substances, or medications.
- 20) Testing positive for unauthorized or illegal mood-altering drugs, substances, or medications.
- 21) Refusal or failure to submit to a reasonable suspicion or good cause drug screen.
- 22) Noncompliance with a treatment plan for substance use disorder.
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- 25) Possessing, obtaining, furnishing, or administering drugs to any person, including self, except as legally directed.
- 26) Passing or attempting to pass an unauthorized prescription or otherwise obtaining or attempting to obtain controlled drugs or substances without direction from a legally authorized prescriber or through fraudulent means.
- 27) Selling or attempting to sell a controlled substance.
- 28) Practicing, attempting to practice, or continuing to practice the profession while under the influence of or while impaired by alcohol or other mood altering substances as evidenced by any of the following:
 - (a) Positive screen for alcohol, an illegal substance, or unauthorized medication;
 - (b) Pattern of abuse or habitual abuse of authorized or unauthorized medications;
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 - (b) Cognitive deficits that render a licensee unable to exercise appropriate professional judgment;
 - (c) Impairment of functional capacity;
 - (d) Inappropriate or disruptive behavior in the workplace;
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- 31) Failing to report to the Board any person who the licensee knows is in violation of any unprofessional conduct as defined in this Rule or of the Mississippi Nursing Practice Law; however, if the licensee verifies that such person is in need of or seeking care and/or is participating in a Board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to the Board's alternative program consultant.

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- 34) Violated any rule or provision contained within 30 Miss. Admin. Code Pt. 2840 relating to advanced practice.
- 35) Impersonating another licensed practitioner.
- 36) Inappropriately prescribing controlled substances by an advanced practice registered nurse.
- 37) Failure to comply with any stipulated terms and conditions of any Board order, agreement, or contract.
- 38) Continued violation of any statute or rule after notice by the Board.
- 39) Payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.
- 40) Any other reasons authorized by law.

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.
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- C. Failing to notify the Board in writing within thirty (30) days after a name change, including submission of evidence of name change.
- D. Failing to notify the Board immediately after a change in practice site of the APRN and collaborative physician of the APRN.
- E. Violating the provisions of Miss. Code Ann. Section 37-101-291.
- F. 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.